GAS1.11/1879

COLORADO STATE PUBLICATIONS LIBRARY
GAS1.11 local
Colorado. General A/Senate journal of th
3 1799 00006 1002

Accession Number.
28115

Class Number.
328
C279

INDIANA

STATE LIBRARY.

Obtained By exchange
from Colorado
Received Nov. 22. 1897

WITHDRAWN
State Library

Wm. B. Burford, Lith. Ind.

SENATE JOURNAL

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF COLORADO,

SECOND SESSION,

Convened at the City of Denver, January 1, 1879.

STATE LIBRARY

PRINTED BY AUTHORITY.

DENVER:
TIMES STEAM PRINTING HOUSE.
1879.

82
328
Colo.79

INDIANA STATE LIBRARY

28115

STATE OF COLORADO, }
SECRETARY'S OFFICE. } ss.

I, NORMAN H. MELDRUM, Secretary of State of the State of Colorado, do hereby certify that the following is a full, true and correct copy of the Senate Journal of the Second General Assembly of the State of Colorado, the original of which is on file in this office.

In testimony whereof, I have hereunto set my hand and affixed the great seal of State, at the City of Denver, this twenty-fourth day of April, A. D., 1879.

N. H. MELDRUM,

Secretary of State.

SENATE JOURNAL

OF THE

General Assembly of the State of Colorado.

SECOND SESSION.

Begun according to law, at Denver, Colorado, on Wednesday, the first day of January, A. D. 1879, at 12 o'clock M.

The Senate was called to order by Mr. Alfred Butters.

On motion S. B. A. Haynes, Esq., was elected temporary president.

On motion Mr. Frank Church was elected temporary secretary.

Mr. ——— moved that a committee of five on credentials be appointed by the president *pro tem.*

Motion carried, and the president *pro tem.* appointed as such committee on credentials, Messrs. Maxwell, Hall, Hill, Butters and Helm.

The committee on credentials by J. P. Maxwell, Esq., chairman, reported as follows:

Mr. President:

Your committee to whom was referred the matter of the credentials of the members of the Senate, to the General Assembly of Colorado, find the members to be as named in the accompanying report of the Secretary of State, to wit:

First District—Silas B. A. Haynes.

Second District—Ledrue R. Rhodes.

Third District—James P. Maxwell, Henry Neikirk.

Fourth District—Henry R. Wolcott.

Fifth District—William W. Webster.

Sixth District—Albert Johnson, Edward O. Wolcott, Allison H. DeFrance.

Eighth District—Lewis C. Ellsworth, Alfred Butters, Merrick A. Rogers.

Ninth District—Engene Gaussoin.

Tenth District—Joseph C. Helm.

Eleventh District—James F. Gardner.

Twelfth District—Assyria Hall.

Thirteenth District—Jason B. Hall.

Fourteenth District—Thomas C. Parrish.

Fifteenth District—Isaac W. Hill.

Sixteenth District—Clemente Trujillo.

Seventeenth District—James M. John, Casimiro Barela.

Eighteenth District—Juan Antonia Baca.

Nineteenth District—Juan F. Chacon.

Twentieth District—Fred. C. Peck.

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

On motion, Judge V. A. Elliott, Judge of the Second Judicial District, was requested to administer the oath of office to the members present.

The oath of office was thereupon administered by the Hon. Judge Elliott to the following named members, to wit: Messrs. Church, Assyria Hall, Helm, Neikirk, Parrish, Peck, Rhodes, Rogers, and E. O. Wolcott.

On motion the Senate adjourned until to-morrow the second instant at 10 o'clock A. M.

SECOND DAY.

THURSDAY, JANUARY 2d, A. D. 1879.

Senate met at 10 o'clock A. M. pursuant to adjournment.

Mr. Haynes in the chair.

Roll called.

Quorum present.

Hon. W. W. Webster, president *pro tem.* appeared and took the chair.

The oath of office was administered by the president *pro tem.*, to the following members, to-wit: Messrs. H. R. Wolcott, Trujillo, John, and Baca.

On motion of Mr. Butters the Senate proceeded to the election of permanent officers.

Mr. Butters nominated Hon. James P. Maxwell for president *pro tem.*

On motion James P. Maxwell was elected president *pro tem.* by acclamation.

Senate proceeded to the election of secretary.

W. W. Orrick was placed in nomination, and unanimously elected secretary of the Senate.

Senate proceeded to the election of assistant secretary.

Mr. Haynes nominated W. J. Kram.

Mr. Trujillo nominated John C. Fitman.

The vote was taken *vive voce*, resulting as follows:

W. J. Kram received	18 votes.
John C. Fitman "	7 "

W. J. Kram having received a majority of all the votes cast, was declared elected.

Senate proceeded to the election of sergeant-at-arms.

Julius Levy and Henry Sturgis were placed in nomination.

On motion the vote was taken *vive voce*, resulting as follows:

Julius Levy received	18 votes.
Henry Sturgis "	7 "

Julius Levy having received a majority of all the votes cast, was declared elected.

Senate proceeded to the election of assistant sergeant-at-arms.

Aaron Carver was placed in nomination, and on motion was elected by acclamation.

Senate proceeded to election of enrolling clerk.

James R. Treadway was placed in nomination, and on motion was elected by acclamation.

Senate proceeded to election of assistant enrolling clerk.

Miss Lina Wisebert was placed in nomination, and on motion was elected by acclamation.

Senate proceeded to election of engrossing clerk.

Miss Lizzie Shumway was placed in nomination, and on motion was elected by acclamation.

Senate proceeded to election of assistant engrossing clerk.

Mr. O. J. Kennedy was placed in nomination, and on motion was elected by acclamation.

Senate proceeded to election of chaplain.

J. F. Graham was placed in nomination, and on motion was elected by acclamation.

Senate proceeded to election of interpreters.

A. T. Valdez and D. F. Wilkins were placed in nomination, and on motion were elected by acclamation.

Senate proceeded to election of doorkeeper.

William Updyke was placed in nomination, and on motion was elected by acclamation.

Senate proceeded to election of messenger.

John Frazier was placed in nomination, and on motion was elected by acclamation.

Senate proceeded to election of janitor.

Daniel Rollinson was placed in nomination, and on motion was elected by acclamation.

Senate proceeded to election of pages, and Frank Willoughby, Arthur Partridge and William Peck were placed in nomination, and on motion were elected by acclamation.

Senate proceeded to election of fireman, and J. P. Romeo being placed in nomination, was on motion elected by acclamation.

Mr. Barela moved that an assistant fireman be elected.

Motion lost.

The oath of office was administered by the president to the officers elect.

Messrs. Cantlon, Pease and Southworth, a committee from the House appeared and delivered the following communication:

Gentlemen of the Senate:

The undersigned, committee of the House of Representatives of the State of Colorado, do hereby respectfully inform the Senate of said State, that the House of Representatives is organized and ready for business.

THOS. J. CANTLON.
J. G. PEASE.
R. A. SOUTHWORTH.

Mr. Helm moved that a committee of three be appointed to inform the House of Representatives that the Senate is organized and ready to proceed to business.

Mr. Helm of above committee reported, that the committee had informed the House of Representatives of the organization of the Senate.

Mr. Butters moved that report be received and committee discharged.

Motion carried, and committee discharged.

Mr. Ellsworth presented the following, which was adopted and transmitted to the House for its action thereon:

Resolved, That the House concurring, a joint committee consisting of two from the Senate, and three from the House, be appointed to inform the Governor that the General Assembly is now fully organized, and ready to receive any communication which he man desire to present.

Mr. Butters moved that a committee of five be elected to report upon the standing committees of the Senate.

Mr. Neikirk moved that Messrs. Ellsworth, Maxwell, Haynes, Johnson and Butters be elected as such committee.

Motion carried.

Mr. Ellsworth, by unanimous consent, introduced the following:

S. B. No. 1, a bill for an act to regulate the practice, pleading and procedure in actions at law in the State of Colorado.

Read first time by title and placed on file.

The following communication was received from the House:

To the Honorable the President of the Senate:

I am instructed to inform your Honorable Body that the House has concurred in the Senate concurrent resolution No. 1 providing for a committee to wait upon the Governor, and has appointed as members of said committee on the part of the House of Representatives, Thomas P. Cantlon, H. P. H. Bromwell and Wm. J. Mann. I am further instructed to ask your Honorable Body to inform the House at what time it will be your pleasure to meet the House in joint session, for the purpose of canvassing the votes for the executive officers of the State.

Respectfully,
W. B. FELTON,
Chief Clerk.

Mr. Ellsworth moved that a committee of two be appointed to act with the committee from the House, to wait upon the Governor, to inform him that the General Assembly is now organized.

Messrs. Ellsworth and Hill appointed as such committee.

Mr. Peck moved that the Secretary inform the House that the members of the Senate will meet the House in joint session at 3 o'clock P. M., for the purpose of canvassing the vote for the executive officers of the State.

Mr. Neikirk moved that the Senate do adjourn until 2 o'clock P. M. Motion carried.

AFTERNOON.

Senate met at 2 o'clock P. M., pursuant to adjournment. President *pro tem.* in the chair.

Messrs. Butters and DeFrance were appointed a committee to conduct the president *pro tem.* to the chair.

Mr. Ellsworth from committee appointed to wait upon the Governor, reported that the committee had performed the duty assigned them, and presented the following communication from the Governor:

EXECUTIVE DEPARTMENT,
DENVER, January 2, 1879.

To the Honorable the General Assembly:

Gentlemen:—I have the honor to state that your joint committee have informed me of the organization of your body. I will, therefore, be ready to communicate with you when notified of your readiness to receive such communication. Very respectfully, your obedient servant,

JOHN L. ROUTT, *Governor.*

Mr. Neikirk moved that the report of the committee be recelved, adopted, and the committee discharged.

Motion carried.

Mr. Butters presented the following resolution, which was unanimously adopted:

Resolved, That the thanks of the Senate be extended to the Hon. W. W. Webster, the retiring president *pro tem.* of the Senate, for the able, impartial, and courteous manner in which he has, during his occupancy of the chair, discharged the duties of his office.

The following message was received from the House:

To the Honorable the Senate of the State of Colorado:

I am instructed to inform your Honorable Body, that the House has adopted the Senate resolution for a joint convention at 3 o'clock P. M., of this, the 2d day of January, for the purpose of canvassing the vote for executive officers, and that the House will be ready to receive your Honorable Body at the hour named.

Mr. Ellsworth introduced the following resolution, which was adopted, to-wit:

Resolved, That, the House concurring, a committee of one member of the Senate, and one member of the House, be appointed to inform the Governor that the General Assembly will be in joint session at 10 o'clock, Friday, the 3d inst., to receive any message he may have to communicate.

John Frazer appeared, and was sworn in as messenger by the President *pro tem.*

Mr. Neikirk moved that the Senate proceed to the Hall of Representatives, to meet the members of that body in

joint convention, for the purpose of canvassing the vote for State officers. Motion carried.

JOINT SESSION OF THE LEGISLATIVE ASSEMBLY OF THE STATE OF COLORADO.

The joint session of the Legislative Assembly, met in the Hall of Representatives at 3 o'clock P. M.

President in the chair. Roll called of the Senators.

Were present—Messrs. Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, Wolcott of Gilpin, Webster, Mr. President.

Absent—Messrs. Baca and Gardner.

On the part of the House there were present—Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovate, Luthe, Maez, Mann, Joseph, Mann, W. J., Martinez, McCandlass, McLaughlin, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhees, Mr. Speaker.

Absent—Messrs. Gotthelf, Gunnell, and Spruance.

The joint session proceeded to canvass the votes for State officers as returned by the various counties of the State.

Mr. Wolcott of Clear Creek, moved that the reading of the affidavits and certificates of the canvassers of the various counties be dispensed with. Motion carried.

The votes from the different counties having been read, it was moved that the joint session adjourn until to-morrow, the 3d inst., at 10 o'clock A. M. Motion carried.

The Senate having returned to the Senate Chamber, Mr. Ellsworth from the committee on standing committees, reported as follows:

Mr. President:

Your committee appointed on standing committees, would respectfully report, that they have completed the duties

assigned them, and have arranged the standing committees, as follows:

Judiciary—Mr. Haynes, chairman, and Messrs. E. O. Wolcott, Peck, Rogers, Helm, Church, DeFrance, Rhodes, and John.

Finance, Ways and Means—Mr. Butters, chairman, and Messrs. H. R. Wolcott, Peck, Webster, Neikirk, Hill, Rhodes, and Barela.

Mines and Mining—Mr. E. O. Wolcott, chairman, and Messrs. Peck, Johnson, A. Hall, Neikirk, J. B. Hall, and Gaussoin.

Education, School and University Lands—Mr. H. R. Wolcott, chairman, and Messrs. Church, Haynes, Helm, and Hill.

Incorporations and Railroads—Mr. Ellsworth, chairman, and Messrs. Peck, J. B. Hall, H. R. Wolcott, Parrish, Barela, and Gaussoin.

Public Lands—Mr. Webster, chairman, and Messrs. Ellsworth, Haynes, Helm, Neikirk, DeFrance, and Hill.

Agriculture and Manufactures—Mr. Gardner, chairman, and Messrs. Chacon, J. B. Hall, Rhodes, and John.

Stock—Mr. Butters, chairman, and Messrs. Webster, J. B. Hall, Baca, and Trujillo.

Fees and Salaries—Mr. Neikirk, chairman, and Messrs. E. O. Wolcott, Parrish, A. Hall, Peck, John, and Hill.

Irrigation—Mr. Neikirk, chairman, and Messrs. Gardner, J. B. Hall, Haynes, Baca, Gaussoin, and Barela.

Immigration—Mr. Peck, chairman, and Messrs. Church, Johnson, Peck, and John.

Elections—Mr. A. Hall, chairman, and Messrs. Church, Gardner, Helm, and Trujillo.

State Institutions and Public Buildings—Mr. Helm, chairman, and Messrs. Haynes, Maxwell, Rogers, and Rhodes.

Counties and County Lines—Mr. J. B. Hall, chairman, and Messrs. Johnson, A. Hall, Baca, and DeFrance.

Roads and Bridges—Mr. Chacon, chairman, and Messrs. Church, Parrish, Webster, and Rhodes.

Military Affairs—Mr. Church, chairman, and Messrs. Ellsworth, H. R. Wolcott, A. Hall, and Barela.

Indian Affairs—Mr. Rogers, chairman, and Messrs. Peck, Baca, Gaussoin, and John.

Penitentiary—Mr. Parrish, chairman, and Messrs. Rogers, Gardner, DeFrance, and Barela.

Federal Relations—Mr. Rogers, chairman, and Messrs. Maxwell, and Trujillo.

Engrossment—Mr. Johnson, chairman, and Messrs. I. B. Hall, and John.

Enrollment—Mr. Peck, chairman, and Messrs. Gardner, Neikirk, Hill, and Gaussoin.

Printing—Mr. Johnson, chairman, and Messrs. Parrish, and Rhodes.

Rules—Mr. Webster, chairman, and Messrs. E. O. Wolcott, Butters, DeFrance, and the president *pro tem.*

Mr. Helm moved that the report be received, adopted, and the committee discharged. Motion carried.

Mr. Butters moved that the Senate adjourn until to-morrow, the 3d inst., at 9 o'clock and forty-five minutes.

Motion carried.

THIRD DAY.

FRIDAY, JANUARY 3d, 1879.

Senate met at 9 o'clock and forty-five minutes.

President *pro tem.* in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Barela, Chacon, Church, Ellsworth, Gaussoin, Hall of Park, Haynes, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, Wolcott of Gilpin, Mr. President.

Absent—Messrs. Baca, Butters, DeFrance, Gardner, Hall of Lake, Helm, Hill, John, Johnson, and Neikirk.

Journal of preceding two days read and approved.

Mr. Helm introduced S. B. No. 2, an act to establish and maintain a hospital for the insane.

Read first time by title and placed on file.

Mr. Ellsworth introduced S. B. No. 3, an act concurring in the abatement of actions and the parties thereto.

Read by title and placed on file.

Miss Lina Wisebert, assistant enrolling clerk; Miss Lizzie Shumway, engrossing clerk, and O. J. Kennedy, assistant engrossing clerk, appeared, and the oath of office was administered to them by the president *pro tem.*

On motion of Mr. Ellsworth, Messrs. E. O. Wolcott and Butters were excused.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body, that the House has concurred in the resolution appointing a committee of one member of each House to inform the Governor that the General Assembly will be in joint session at 10 o'clock and fifteen minutes A. M., to receive any communication that he may have to make. And I am further instructed to inform you that Mr. Southworth has been appointed on the part of the House on such committee.

The president *pro tem.* appointed W. W. Webster to act with committee in accordance with the above message.

The Senate then proceeded to the Legislative Hall for the purpose of completing the canvassing of the votes for State officers.

JOINT SESSION.

Met at 10 o'clock A. M. pursuant to adjournment.

Roll called.

Absent—Messrs. Butters, DeFrance, and Wolcott of Clear Creek, Bingham, Brush, Chilcott, Gebhard, Gird, Kimberly, Mann, Joseph, Southworth, Spruance, and Thomas.

Quorum present of each House.

The secretary read the result of the canvass of the vote for State officers, and the result of the vote for each office was announced, and the candidate having the largest number of votes for each office, was by the president declared elected.

The following is the result of the canvass:

LEGISLATIVE CANVASS OF THE VOTE FOR STATE OFFICERS.

THE FOLLOWING IS THE RESULT OF THE CANVASS OF THE VOTE FOR STATE OFFICERS, MADE IN JOINT SESSION OF THE LEGISLATURE.

Counties.	Governor.			Lieutenant Governor.			Secretary of State.			Treasurer.			Attorney General.			Auditor.			Superintendent of Public Instruction.		
	F. W. Pitkin.	W. A. H. Loveland.	R. G. Buckingham.	H. A. W. Tabor.	T. M. Field.	P. A. Simmons.	N. H. Meldrum.	John S. Wheeler.	J. E. Washburn.	N. S. Culver.	Nelson Hallock.	W. D. Arnett.	Charles W. Wright.	C. Yeaman.	Alpheus Wright.	E. K. Stimson.	John H. Harrison.	G. W. King.	J. C. Shattuck.	O. J. Goldrick.	A. J. Chittenden.
Arapahoe	2,218	1,450	328	2,190	1,495	297	2,251	1,433	309	2,278	1,431	300	2,353	1,339	310	2,313	1,383	310	2,180	1,508	282
Bent	193	221	6	178	232	6	178	237	6	179	236	6	177	236	6	178	236	6	185	230	6
Boulder	989	627	653	992	644	642	1,006	596	667	1,021	612	648	998	592	683	1,024	611	648	1,015	618	649
Conejos	400	478	14	235	549	11	410	473	14	409	471	14	408	463	14	417	474	14	406	478	12
Costilla	339	240	. .	302	267	. .	318	238	. .	336	243	. .	337	243	. .	337	242	. .	338	243	. .
Clear Creek . . .	1,062	815	269	1,079	835	243	1,070	841	243	1,072	835	244	1,085	828	243	1,069	027	245	1,083	834	240
Custer	239	218	19	234	227	16	237	225	16	236	225	17	236	225	16	230	230	19	234	228	16
Douglas	248	205	30	223	229	21	233	222	23	241	224	22	241	220	24	241	222	24	238	225	23
Elbert	153	160	22	147	168	19	150	165	29	150	167	19	161	156	18	150	194	21	151	166	19
El Paso	884	340	22	858	360	17	871	357	15	921	307	18	866	359	19	867	359	19	822	357	18

Fremont	339	222	85	321	238	79	334	238	75	337	235	76	333	233	79	281	291	77	336	230	80
Gilpin	1,037	633	280	1,070	646	233	1,057	660	231	1,072	647	232	1,073	644	231	1,073	645	232	1,067	650	232
Grand	33	42	1	33	42	1	33	42	1	33	42	1	33	42	1	33	42	1	33	42	1
Gunnison	52	40	. .	45	47	. .	47	44	. .	39	51	. .	46	45	. .	45	46	. .	45	46	. .
Hinsdale	319	283	56	275	300	76	307	291	59	307	292	59	308	289	58	307	290	59	299	298	60
Huerfano	438	496	4	440	493	4	442	492	4	442	493	5	444	491	5	444	491	5	347	467	5
Jefferson	425	614	210	490	551	219	492	536	219	497	549	204	497	533	222	496	535	221	504	532	216
La Plata	136	135	. .	124	139	. .	135	133	. .	134	136	. .	135	135	. .	134	136	. .	128	136	6
Lake	977	953	169	1,028	883	153	942	972	164	842	1,074	162	969	955	162	930	977	171	949	980	162
Las Animas	641	977	32	623	1,032	31	622	1,051	91	622	1,022	41	707	1,016	7	622	1,020	58	591	1,023	42
Larimer	362	354	133	374	353	126	406	292	135	377	354	126	378	354	126	373	357	125	380	363	121
Ouray	413	258	31	326	334	39	333	330	38	331	331	38	336	326	38	334	326	38	323	342	37
Park	311	242	7	330	245	4	317	243	4	309	250	4	318	241	5	316	243	4	317	242	4
Pueblo	507	534	21	484	605	21	505	584	24	504	584	25	505	584	22	503	579	23	481	609	24
Rio Grande	255	151	6	249	157	2	246	158	4	243	159	4	247	156	4	244	159	4	241	164	3
Routt	23	27	1	21	29	. .	20	30	. .	21	30	. .	20	30	. .	20	30	. .	19	31	. .
Saguache	198	124	2	179	143	2	184	139	2	182	141	2	183	140	2	182	140	2	179	144	2
San Juan	308	249	63	262	297	62	277	271	72	275	276	70	278	271	72	275	276	72	278	272	71
Summit	191	106	10	179	114	18	192	110	8	118	113	8	188	110	8	192	109	8	179	121	8
Weld	618	291	309	600	315	299	550	331	326	613	313	290	601	315	301	610	312	297	624	315	265
Total	14,308	11,535	2,783	13,891	11,968	2,641	14,165	11,734	2,770	14,141	11,843	2,635	14,461	11,571	2,676	14,240	11,752	2,703	13,972	11,984	2,604

Mr. Webster, from joint committee appointed to wait upon his Excellency Governor Routt, and notify him of the meeting of the joint session, appeared and reported that the committee had waited upon the Governor and notified him, and also reported that the message of the Governor would be read by the private secretary of the Governor.

The private secretary of the Governor appeared and read the following:

Gentlemen of the Senate and House of Representatives:

It again becomes my duty under the constitution to inform you in regard to the affairs of the State, and make such recommendations as I may deem expedient. In view of the fact that I shall in a few days surrender the executive office to the gentleman whom the people of Colorado have wisely chosen as their chief magistrate, I will, therefore, recommend only subjects for your consideration as seem necessary to be called to your attention early in the session.

FINANCE.

The reports of the auditor and treasurer show in detail the financial transactions of the past two years and the present condition of the State. They have been prepared with great care, and are very clear and explicit.

The following statement, made up from both reports, is a summary of the State indebtedness November 30, 1878:

Warrants outstanding		$191,948 99
Certificates of indebtedness issued		29,361 36
Total debt		$221,310 35
Deduct cash in treasury		68,145 89
		$153,164 46
Add interest on warrants		19,836 51
Estimated interest on certificates indebtedness		1,500 00
Approved penitentiary vouchers outstanding November 30		12,125 33
Total		$186,626 30
Deduct amount of warrants outstanding, which will be met by special taxes now due	$4,565 60	

Estimated amount of fines and penalties, and receipts from sales of laws and fees of secretary's office	10,000 00	
		14,565 60
Total outstanding debt		$172,060 70
The amount of revenue due for general purposes, including tax of 1878		$247,619 58
Deduct old delinquent tax		71,090 06
Amount due to meet present debt		$176,529 52

When the tax of 1878 is collected, which will be by July 1st, or at farthest the close of the fiscal year, the State will be out of debt. The debt of this year is, of course, to be paid out of the tax of 1879. For a new State this is unprecedented, and that its credit is good is shown by the fact that State warrants, which less than two years ago were selling for seventy-five cents on the dollar, are now one per cent. above par. The officers in charge of our finances have been careful and conscientious in the performance of their duties, and to their good management the result is largely due.

Among the recommendations of the auditor is one made by his predecessor, that counties be relieved of the burden of old delinquent taxes, which can never be collected, but are still charged against them on his books from year to year. This, as he terms it, is a "deception," being a "dead asset and a useless encumbrance."

I have from time to time examined the bank account of the treasurer, and always found the balance in the treasury to agree with the balance stated in his quarterly reports. This I found to be correct on November 30.

TAXATION.

The question of an equitable distribution of the burdens of taxation interests every citizen more, perhaps, than any other one problem in political economy.

The moral obliquity of some men is such that, while honest in business and punctual in meeting their pecuniary obligations, they seek to avoid paying their indebtedness to the government which protects them, not seeming to real-

ize that a willful misrepresentation of the value of their property is dishonest and foolish, as it does not lessen the burden of taxation.

The law distinctly requires that "all property shall be assessed at its full cash value," and the duty of adjusting the rates of assessment in the different counties according to this standard devolves upon the State board of equalization.

From the assessors' returns, we find in one county five times as many acres assessed in 1877 as in 1878, and the average value per acre in 1877 one-third as much as in 1876; in another county one-half as much in 1878 as in 1877. Send that statement abroad, for it is published in a table of statistics by the auditor, and what must those who read it think of Colorado? Would they not at once say, "That State is going backward?" Then take the item of live stock, and we find cattle returned at from $4 to $20 per head, horses from $20 to $90, and other stock in the same manner.

As it now stands the law is inoperative, and these assessments cannot be adjusted to cash values. In order, however that all property may bear its due proportion of tax, the assessors' returns should be so complete and specific in their details that the opportunities for evasion and misrepresentation will be reduced to the minimum. The character and location of land should be shown, and the age, whether one, two or three years old, and kind of cattle whether Texas, American, half-breed or thoroughbred. So also of other kinds of live stock. All property should be carefully classified, and then the equalization could be readily and intelligently made by the board.

The total assessment of all property for 1878 is $43,072,648, nearly $400,000 less than for 1877, when, as will be seen by an examination of the table referred to, nearly all the items of which it is composed have increased in number. We thus present the sorry spectacle of growing poorer every year, when every one in Colorado knows that the State never was so prosperous.

The property of the city of Denver alone could not be purchased for the assessed valuation of the State.

The present assessment is about one-third of what it should be, and the State is, therefore, placed in a false light abroad, as the rate of taxation is just three times what it should be. The city and county tax of Denver is about 3½ per cent. Under a proper assessment it would be about one. The honest man is thus oppressed, and the dishonest pays less than his share.

EDUCATION.

The superintendent of public instruction exhibits in his report the condition of our educational system for the biennial term closing August 31. It is unnecessary for me to dwell upon its details, as he is better acquainted with the workings of our school system and needed changes than any one else can be.

The applications for the printed report of the superintendent are very numerous, and not less than three thousand copies should be published. Containing, as it does, facts and suggestions important to our citizens and of especial interest to those intending to become such, a sufficient number should be printed to meet the demand. Our educational facilities are frequently the one remaining inducement to bring in strangers having families, for, being assured of the high character of our schools, they do not feel that they are sacrificing the welfare of their children, in this respect, by making Colorado their home.

I would also recommend that a special appropriation be made for the traveling expenses of the superintendent, to be drawn upon regularly itemized vouchers, as now provided by law. It should not, as heretofore, be contained in the general contingent fund, as that was exhausted last year before he could avail himself of it to visit the schools of our State.

I would further suggest that the reports of all our educational institutions should be made to the State superintendent, so that they may be embodied in whole or in part in his biennial report.

The high character of our schools has excited great surprise and admiration among educators who have visited us and examined them. The *New England Journal of Education* of December 19, contains an article on "The Schools of Colorado," written by an eminent educator who recently visited this State, expressing surprise at the excellent character of our schools, especially those of Denver, which he examined more particularly. He writes: "Their physical eminence is five thousand three hundred and seventeen feet above the sea level, and in point of excellence and high standard they are on a plane with their altitude—in the front rank with the best of those in our New England cities."

Of the State University the superintendent says: "Its success has more than realized the dream of its most enthusiastic friend." That language is so strong that I quote and adopt it without any other adjectives.

The faculty now consists of four members, and if they are all as full of enthusiasm in and love for their work as their president, the people of the State need not lessen in the slightest degree the pride which they have had in that institution.

It is but proper that I give my testimony in regard to Prof. Shattuck's untiring efforts, promptitude, care and thoroughness in the discharge of his duties, and also of his sound practical sense. The people of Colorado have done well in making him his own successor.

AGRICULTURAL COLLEGE.

The report of the board of agriculture contains a full description of the new college building and an account of all the circumstances attending its construction.

Having visited it at different times during its erection, I can testify that the work has been thoroughly and faithfully executed, and the State is now in possession of a well built, commodious, and handsome edifice, at an exceptionally small cost—only $7,000.

The farmers of Colorado have shown unusual interest in the success of this institution, established, as it has been for the promotion of agricultural science, and, paying, with

our stock-raisers, more than one-half of the taxes of the State, their claims are entitled to consideration.

The board asks an appropriation sufficient to properly furnish the college, so that it can be opened to students, and also for its expenses during the present year. The fund which will arise from the tax of 1878 has been exhausted in completing the building, and, as the tax for 1879 will not be immediately available, an appropriation will therefore be necessary, but after this year the tax will probably suffice for its support, especially if raised, as the board desires, from 1-10 to 1-5 mill. This increase should by all means be made.

The report contains facts of interest and value regarding the culture of forest and fruit trees. The statements given prove conclusively that the fruits of this latitude can be as profitably and successfully raised as our other agricultural products.

A draft of a bill prepared by the board is herewith transmitted, entitled, "An act authorizing the county assessor to collect statistical information, and make proper returns thereof."

The State officers are constantly receiving applications for reports giving reliable statistics of our agricultural, mining and other interests, but not having any State reports the queries must be replied to by letter, and the information is consequently meagre and unreliable.

I hope this bill, which is decidedly practical, may receive your favorable consideration.

INSTITUTE FOR MUTE AND BLIND.

The reports of the officers of this institute show continued growth and improvement. I invite your attention especially to the report of the president, Dr. R. G. Buckingham, who has labored diligently since its organization to make it efficient. The demand for more room for the accommodation of the present inmates and also for those who may apply is strongly presented. The crowding of the dormitories should be remedied as quickly as possible, as there are few things in the economy of such institutions

more prejudicial to health. The matron's report details in a manner, which every housekeeper who reads it will fully appreciate, the inconveniences to which they are subjected for want of sufficient room.

The general management has been careful and economical, and all the officers are entitled to great credit for their efforts to make this institution successful in educating the class of unfortunates for whose benefit it was established, and fitting them for positions of usefulness.

SCHOOL OF MINES.

From this report we note commendable progress. Twenty-two students have been enrolled during the year, some of them from other States.

The especial advantages which Colorado offers for the study of certain branches of natural science ought to attract students from all parts of the country, and an especial effort has lately been made to direct the attention of the Eastern States to this institution, with, as I am informed, very encouraging prospects.

The office of commissioner of mines was created two years since, but no appointment has been made for the following reason: the law directs the appointment of a deputy and also an assistant commissioner. The aggregate salaries of the three officers would be $4,900, which sum, together with their contingent expenses, is required to be paid out of the fund for the support of the school of mines. As this fund is less than $4,500 the appointment of these officers would have closed this institution. I would, therefore, recommend that the office of commissioner of mines be made entirely separate from the school of mines, and other provision be made for salary than out of the fund for its support.

An appropriation is recommended, to be expended in adding to the library and laboratory of the school, the necessity for which is presented by Professor Moss.

PENITENTIARY.

The reports of the commissioners and warden are complete in every detail, and while showing a deficiency to be

provided for by appropriation, yet the management has been economical in every respect.

The total expenditures were		$65,917 01
Value of improvements.	$36,996 09	
Earnings from convict labor	8,522 26	
Balance of inventory	4,412 67	
		49,931 02
Actual expense to State		$15,985 99

The deficiency is $26,463.92.

The appropriation asked for the coming two years is $89,425, which with the deficiency, $26,463.92, makes the sum total required $115,888.92.

The earnings from convict labor have been turned into the treasury, and placed to the credit of the general fund. It would be well, however, to provide that all earnings could be again drawn out upon proper vouchers of the board of commissioners, and used for necessary expenses, in the same manner as a regular appropriation.

You will be called upon to consider and take action upon the question of hiring out the labor of the penitentiary. The law at present permits the commissioners to do this, but the plan has its opponents as well as its advocates.

It is very desirable that the penitentiary should be partially, if not wholly, self-sustaining, but bringing convict labor into competition with free labor works oftentimes grievous injury to industrious, law-abiding citizens and their families.

Can the State better afford to do this than to pay all the expenses of sustaining the convicted criminals? This question should receive great deliberation, and patient examination in all its bearings.

The government of the penitentiary is vested in a board of commissioners, who hold their office for the term of two years. The law in this respect should be changed, making the term three years, so that one commissioner may retire annually, thus always leaving two members of the board who have had some experience in the management of its affairs.

A BOARD OF PARDONS.

It is obvious that no general rules can be adopted, nor principles established, upon which applications for pardons shall be granted or refused.

The constitution places the pardoning power in the hands of the Governor. While it may with propriety so remain, yet there is an urgent necessity for an advisory tribunal to examine all applications for pardon and make recommendation to the Governor, in accordance with the results of such examination. At present the whole responsibility rests upon the executive, at least in the eyes of the public, who are, of course, ignorant of the reasons governing his action, and sharp and unfair criticism assails him in cases of reprieve or pardon.

Where the offence committed has been a grave one, as a rule, no action has been taken without the recommendation of the judiciary, so that the official record will show good and sufficient reason for the exercise of clemency. But the applications are so numerous, so frequent, and so persistent, gaining fresh vigor with each change of administration, that the creation of a board of pardons, as in some other States, seems to be imperative.

Justice, rather than mercy, demands that in many cases a prisoner shall be set free, by reason of new evidence affecting his degree of criminality coming to light, or extenuating circumstances are shown which lessen his guilt, or even his complete innocence is established.

Nor is it improbable that a judicial blunder may need correction, so that while the power to pardon should be vested in some one, the responsibility of it ought not to be imposed wholly upon a single individual.

A REFORM SCHOOL.

In this connection it is appropriate that I call your attention to the want of a reform school for youthful offenders.

It is the duty of the State to reform, if possible, rather than render more hardened those who have broken her laws.

The history of such schools in other States shows that a large per centage of the youth who have been placed

INDIANA STATE LIBRARY

there have become good and useful citizens, and have in many instances risen to positions of honor and trust.

It is unnecessary to make a comparison between the one method of incarcerating young offenders among criminals older and more hardened, only to become more vicious, desperate, and shameless, and the other plan of placing them in a school, where, while subject to wholesome restraint, they are taught useful occupations, trained to habits of industry and instructed in the great principles of morality and religion.

That many have been rescued by these means from a downward career and saved to lives of honor and usefulness, the history of such institutions conclusively proves, and no mistaken economy should prevent the establishment of such an one in our own State.

By an act of the last General Assembly, the State board of education is required to collect facts and statistics in regard to reform schools in other States and make report upon the same. Their report is herewith transmitted.

STATE LANDS.

The report of the secretary of State, who has acted as secretary of the land board, shows that of the entries made by the State, 29,146.33 acres have been approved by the president of the United States for the public building fund —25,226.83 acres for the penitentiary, and 44,844.43 for the university. It will be seen that there is a deficiency in the number of acres confirmed to the State, and the number donated by the enabling act. The full number was selected, but some of the sections being fractional, and the land office disallowing others on account of mineral restrictions, or other cause, and the president approving such as were allowed only two days before the expiration of the time prescribed by said act, there was no time for the State to make other selections in lieu of those disallowed.

An act of Congress will be necessary to secure to the State her full quota.

In accordance with the law passed by the last General

Assembly, the State lands will be subject to sale after March 1, 1879. Many applications for the purchase of land have already been received, and when these lands are placed upon the market, the labors of the board will be increased ten-fold. In a short time this department of our State government will develop into a separate bureau, and while it is by the constitution under the management of the State board, and must and should so remain, yet the work in its details will of necessity be committed to others. The members of this board, by reason of the duties of their respective offices and those devolving upon them as members of other State boards, cannot do more than exercise a general supervision of the land business. It has already been necessary to engage from time to time clerical assistance to keep the records of sales and leases of school lands, and prepare the bonds and other papers necessary in these transactions. At the outset, therefore, provision should be made for the payment of a secretary or chief clerk, to be appointed by the board, and also for such other clerical assistance as the work may demand.

The salary should be sufficient to secure the services of a man of strict integrity and recognized ability, so that the work may be properly organized at the beginning, and the land records carefully systemized.

This secretary might also be made *ex-officio* superintendent of immigration, and a contingent fund appropriated for the printing of circulars and statistics for distribution. The inquiries about our lands, climate, resources, etc., are many and frequent, and there is no way of answering them except by letter, which it is impossible for the State officers to do. The lack of such an officer, and the means of disseminating reliable and exact information in regard to our State, places us far behind others of the Western States, which have made every effort to encourge immigration.

I would suggest that the school lands should all be taken from the market and not sold for a term of years. The lease of these lands will yield a larger revenue to the school fund than the interest derived from the purchase money.

In this connection I have the honor to report that I have received from the United States Treasury the sum of $1,723.90, being five per cent. of the sales of agricultural lands within the State from August 1, 1876, to June 30, 1877. This I have paid over to the State treasurer, who has credited the same to the internal improvement fund.

ARID LANDS.

A bill "To provide for indemnity due to the several States under the acts of Congress approved March 2, 1855, and March 3, 1857, relating to swamp and overflowed lands," has been introduced into the United States Senate. The object of this bill is to indemnify the purchasers and locators of swamp and overflowed lands, and the States which have located or entered swamp lands by warrant or scrip.

We have vast tracts which, without irrigation, or a total change of climate, can never be made available for agricultural purposes. It would seem, therefore, that Colorado ought to have donated to it the greater portion, if not all these lands, so that they may be sold in large sections at a fair price for grazing purposes, and the proceeds applied to irrigating such portions as can be brought under water. This would be simply doing for our State what has been done for those containing swamp lands, which have been reclaimed, and are now in some instances the most valuable in those States.

Some action should be taken by your Honorable Body to bring the matter before Congress, through our Senators and Representative.

FISH CULTURE.

Many of the States fully appreciate the importance of increasing the supply of fish for food, realizing that whatever tends to cheapen the expense of living is of the utmost importance.

The appointment of a fish commissioner, in accordance with an act of the last General Assembly, has already been productive of benefit, although the appropriation for carrying into effect the provisions of that act was, of necessity, very small.

The commissioner in his report, acknowledges the uniform courtesy of the commissioners of other States in promptly giving him the information which they had in regard to the artificial propagation of fish, and the varieties best adapted to our waters.

Your especial attention is called to his recommendations, that the owners of saw mills be prevented from depositing the dust from their mills in streams, on account of its destroying the fish, and also that an appropriation be made sufficient to build a hatching house for the artificial propagation of fish from the ova—a method less expensive than the purchase and transportation of young fish.

Prof. S. F. Baird, United States commissioner of fish and fisheries, has promised a supply of German carp for our waters. These will be distributed as soon as received.

IRRIGATION.

The proper distribution of water for the purpose of irrigation is one of the most important subjects which will occupy your attention. The solution of the many questions involved is only rendered more difficult by delay. Every one is interested in it, as it affects the interests not only of our agricultural and pastoral population, but also our cities and towns, our mines and manufactories. All our industries to a greater or less extent are dependent upon water in their operations, and agriculture cannot be successfully carried on without irrigation.

A number of our citizens directly interested in the subject held a convention a few weeks since to consider it, and the result of their deliberation is, I understand, embodied in a bill to be submitted for your consideration. I have no recommendation to make in regard to its details, except the general one that it may receive immediate and careful attention.

The volume of water in our streams should be as accurately ascertained as scientific skill can determine it, and the law framed to secure a safe, equitable and economical distribution according to these data, and the vested right of each individual.

I renew the suggestion contained in a former message that reservoirs for the storage of water be constructed with due regard to the safety of the persons and property of the inhabitants under the same, from which the necessary supplies can be drawn during seasons of drought.

MILITIA.

The able report of the adjutant-general merits careful consideration.

The necessity for a thoroughly organized and equipped military force is not an open question.

Indian murders just beyond, and in two instances within our borders, effectually disposes of any argument upon it.

Since my last message, pressing applications have been received from the northern, eastern, southeastern and southwestern parts of the State for aid, to protect our citizens from threatened outbreaks of the Indians. Such demands must be met promptly, if at all, and how to do it has been a perplexing problem. As the adjutant-general states "whenever a call has been made upon any of the companies to be ready for service, the responses have been prompt, hearty, and eager," but the necessary funds have been wanting for subsistence, transportation, and payment of services.

A radical and thorough change is necessary in our militia law, and as the adjutant-general is now a member of your body, he has drawn a bill which will, if enacted, make the "Colorado National Guard" effective and readily available.

The railroad riots through some of the eastern States show, too, that it is cheaper to have a strong power to prevent violence and the destruction of property, than to indemnify the owners of property which may be destroyed by lawless mobs.

We have had, on several occasions since the last General Assembly, grave apprehensions of riot and bloodshed, and the executive was censured for not at once ordering troops to the scene of danger; but the moving of even a small force is attended with considerable expense, and I have therefore been very cautious to avoid involving the State

in debt. Emergencies, however, are inevitable, even among a law-abiding people, and to meet them men and money should be always at command.

A STATE MUSEUM.

Colorado is wonderfully rich in objects of interest to the scientist, which are being constantly carried away to enrich collections in distant States and foreign lands. The most valuable and easiest to obtain are fast disappearing. Certainly a share of them should be retained at our State capitol for the use of our students and the gratification of the curious. A small appropriation for suitable cases and for their proper care in the State library, for instance, would form the nucleus of what will grow into a large and and valuable collection. Many of our citizens will be glad to contribute to this home museum articles which would otherwise be sent to similar institutions elsewhere.

It would be well to forbid by law the conveying away of fossil remains and geological specimens when discovered upon State lands.

Measures ought also be taken to preserve as far as possible the ancient ruins in Southwestern Colorado from total obliteration, and the school land upon which they are situated should never be sold, but be retained as the property of the State for the benefit of archæology.

MISCELLANEOUS REPORTS.

The secretary of State, although not required to do so by law, has prepared a detailed statement of all the business of his office from November 4, 1876, to November 30, 1878, the close of the fiscal year. This contains a list of all persons to whom commissions were issued, and of articles of incorporation, brands, trade marks, etc., filed, together with items of interest in regard to State printing and the receipts and disbursements of his office.

His suggestions in regard to the publication of laws and reports, to the work and clerical force of his office, and to the fees on certain commissions, are especially called to your attention.

It would be well to make it by law his duty to prepare such a report biennially.

The State board of health presents the most extensive report since its organization. The medical gentlemen comprising the board have taken great pains, without any remuneration, to collect statistics and prepare papers upon subjects of vital importance to our own citizens and those of other States as well.

I cannot take up its recommendations separately, but earnestly recommend to your consideration the suggestions contained in the "Summary of Secretary's Report," page 145, as they are highly practical, and, if enacted by law, will prove to be of utility in preserving the public health, and I have no doubt give general satisfaction.

You will find in the report of the attorney-general some valuable suggestions relative to the necessity of amending certain existing laws.

Although it is not his duty under the law to give legal advice to county officers, yet he is frequently applied to from all parts of the State for opinions as to the duties of some of these officers, when not clearly defined by the law. In this way he has brought to his knowledge many defects in our laws, and it should be his duty to make report of the same to each General Assembly, so that they may be properly amended.

In accordance with the requirement of section 27, article 6 of the constitution, the honorable judges of the supreme court present a report upon the code, together with a bill for "An act to regulate the practice, pleading and procedure in actions at law in the State of Colorado." Four additional bills, covering the entire range of practice embraced by the present code, will be drafted and transmitted for your action.

It is a matter of vital importance to the people of Colorado, that our statutes be simplified as much as possible, and that our system of practice should be complete and harmonious. We have too many complex, incongruous, and conflicting laws, and I therefore earnestly urge upon

you the necessity for immediate and careful consideration of the suggestions of these gentlemen. Emanating as they do, from the highest judicial authority in our State, their source entitles them to especial notice. I trust you will not delay giving them proper attention early in your session, so as to prevent hasty and careless legislation.

CONCLUSION.

Since the session of the last General Assembly the State has been steadily increasing in prosperity. At that time the prospect was not the most cheering. The plague of grasshoppers had laid waste gardens and fields, bringing want, and in some instances even loss of home to the farmer. All branches of business were suffering from depression, the industries of the country were almost at a stand-still, and a vague feeling of uncertainty was apparent in all circles of commerce. The general financial embarrassment was shared by the State, for the treasury showed but a small balance, and the whole machinery of our new State government was to be set in motion upon credit. With a proper appreciation of the situation the General Assembly was prudent and economical, and our present financial status shows the wisdom of their course. Now, however, the retrospect should fill us with gladness and hope. The history of the past two years points to a glorious future for our State. The earth has yielded her increase, not only in the products of her fields, but also of her deeply hidden treasures.

Agriculture has succeeded beyond our most sanguine expectations, so that we can now export a part of our products. Our flocks and herds show a large increase, with but a very slight decrease in their market values. New discoveries of rich mines are constantly being made, and busy, bustling towns are springing up in localities where a few months since there was scarcely an inhabitant. The increased production of ore creates a demand for the construction of furnaces and smelting and reduction works, thus increasing the facilities for the manufacture of bullion, and consequently the profits of the miner. The shipments of

bullion and ore will this year exceed $12,000,000 in value. The devouring pestilence which desolated a portion of the land has not come nigh our dwellings. We have been in the full enjoyment of peace and order, of civil and religious liberty, and we can indulge with an honest pride in the steady advancement of our educational and other institutions. The school, the press, and the pulpit have all been doing their work, and knowledge, morality and religion have kept pace with the devolopment of our material interests. We have, therefore, abundant cause for thankfulness and rejoicing, and it is with great pleasure that I congratulate you upon the auspicious circumstances under which you have met.

In closing my connection with the executive department, it is proper that I should express to you, and through you to the people of Colorado, my hearty thanks for the honor they have conferred in selecting me to occupy the office which I am about to deliver to my worthy and honorable successor, and thanks, too, for their confidence and support while discharging its duties.

My thanks are also due to my associates in office for their hearty co-operation and support in State affairs. Their record has been honorable, and my relations with them especially harmonious.

In conclusion, gentlemen, whatever may be the future of our State, her welfare during the period of your service is in large measure in your hands. The powers with which you are vested should be used for the benefit of all your constituents without regard to locality of political affiliation, and I feel well assured that your legislation will be wise and cordial, and that it will merit the gratitude of the people you have the honor to represent.

JNO. L. ROUTT.

The Governor's message having been read, the joint session, on motion, was dissolved. And the Senate having returned to the Senate chamber, on motion of Mr. Webster the Senate adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President in the chair.

Roll called.

Senators present—Messrs. Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Gilpin, Mr. President.

Absent by leave—Senator Wolcott of Clear Creek.

The following communication was received from the secretary of State:

STATE OF COLORADO,
SECRETARY'S OFFICE,
DENVER, January 2, 1879.

To the Honorable Senate and House of Representatives, Second General Assembly of Colorado:

Gentlemen:—I have the honor to inform you, that in pursuance of the several provisions of chapter 85 of the general laws of the State of Colorado, I advertised for bids for doing the public printing, and did heretofore, to-wit: on the 11th day of December, 1878, after examining the several bids received, make and award, and let the contract for all the printing required and designated in section 2 of said chapter, to R. W. Woodbury, who has filed his bond for the performance of the work, which said bond has been approved by the Governor.

Having learned that some criticisms have been made upon the said award for printing, intimating that the same has not been let to the lowest bidder as required by law, and as but little printing has as yet been done under the same, and having all of the bids now on file, I respectfully ask your Honorable Bodies to appoint a joint committee, to make a full and complete examination of my doings in the premises, to the end that the State may be protected, and all parties in interest satisfied.

Most respectfully, your obedient servant,

WM. M. CLARK, *Secretary of State.*

Senator Helm offered the following:

Be it Resolved by the Senate, the House of Representatives concurring therein, That in accordance with the request of the secretary of State, a committee of two thereon from each House be appointed to examine the bids for public printing now on file in his office, and report to their respective Houses.

Resolution adopted.

Senator DeFrance requested to be excused.

Request granted.

Senator Neikirk asked to be excused from acting as one of the committee on enrollment.

Senator Ellsworth moved that the request of Senator Neikirk be granted, and that he be excused from acting on the committee on enrollment.

Motion carried.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body, that the House has adopted the following resolution:

"*Resolved, the Senate concurring*, That a joint committee to consist of two members of each House be appointed for the purpose of framing joint rules for the government of both Houses, said committee to report to their respective Houses," and has appointed Representatives Roe and Gunnell on said committee on the part of the House.

W. B. FELTON,
Chief Clerk.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body, that the House has adopted H. C. R. No. 1 in relation to printing biennial reports of certain State officers, which is herewith transmitted.

W. B. FELTON,
Chief Clerk.

S. B. No. 1 read first time, and on motion of Senator

Ellsworth, the rules were dispensed with, and S. B. No. 1 referred to the committee on printing, for the purpose of having two hundred and fifty copies thereof printed.

H. C. R. No. 1 was read, as follows:

Resolved, the Senate concurring herein, That the biennial reports of the treasurer, auditor, secretary of State, adjutant-general, superintendent of public instruction, and attorney-general, be ordered printed for the use of the General Assembly.

Mr. Butters moved to amend by inserting after the word "that" in the above resolution, the words "three hundred copies of."

Mr. Peck moved to amend the amendment by inserting after the word "Assembly" the words, "and that seventy-five copies thereof be printed in the Spanish language."

The question then being upon the amendment to the amendment, and the vote of the Senate being equally divided, the president voted in the negative. And the motion for the amendment to the amendment was declared lost.

The question then being upon the amendment offered by Senator Butters, the amendment was adopted.

The question then being upon the concurrent resolution as amended, the same was adopted.

S. B. Nos. 2 and 3 were read first time.

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

Resolved by the Senate, the House concurring, That the joint rules of the first General Assembly be and are hereby adopted as the joint rules of the present General Assembly.

Mr. Peck introduced the following resolution which was laid over until to-morrow for consideration:

Resolved by the Senate of the State of Colorado, the House concurring herein, That there be printed, for distribution, fifteen hundred copies of the Governor's message—one thousand copies to be printed in the English—and five hundred copies in the Spanish language.

Mr. Hill introduced the following resolution:

Resolved, That the several subjects contained in the message of his Excellency, Governor John L. Routt, be referred by the president to the respective appropriate committees of the Senate.

And on motion the resolution was adopted.

Mr. Hill, from joint committee of the Senate and House, appointed by the honorable secretary of State, reported that they had performed the duty assigned them, and presented their report.

Mr. Rhodes moved that the report as presented by Mr. Hill be spread upon the record.

Motion carried.

Report of Joint Committee of the Senate and House, appointed by the Honorable Secretary of State:

The joint committee of the Senate and House of Representatives, appointed by the honorable secretary of State, in accordance with section 1139 of the general laws of Colorado for the purpose of examining and verifying the accounts of the auditor and treasurer, beg leave to make the following report:

Your committee have made a careful and thorough examination of the vouchers, warrants, books, and accounts of the auditor of State and State treasurer, from the 1st day of November A. D. 1876, (the date of the last examination), to the 30th day of November A. D. 1878, (the end of the last fiscal year), and find the same to be correct in every particular, so far as it was possible to ascertain in the limited time which was allowed your committee. The books show a cash balance on hand November 30, 1878, of $68,145.89, which amount agrees with the treasurer's cash in the banks and in his safe. For the full understanding of the operations of these departments of State, your committee would respectfully refer you to the reports of the auditor of State and State treasurer, made to the Governor, and referred to by him in his message to you.

Your committee desire to express their admiration of the

faithful and efficient manner in which the auditor of State and State treasurer have performed the duties of their offices.

All of which is respectfully submitted,

ISAAC W. HILL,
Member of the Senate.
ROBERT S. ROE,
W. R. BARTLETT,
Members of the House.

DENVER, COL., Jan. 3, 1879.

Mr. Helm moved to adjourn until to-morrow, the 4th inst., at 10 o'clock A. M.

Motion carried, and the Senate adjourned until to-morrow, the 4th inst., at 10 o'clock A. M.

FOURTH DAY.

JANUARY 4th, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

The roll was called, and the following Senators were present and answered to their names:

Messrs. Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, Wolcott of Gilpin.

Senator Hall of Lake, asked that Mr. Gardner be excused.

Request granted.

Senator Johnson from committee on printing reported as follows:

STATE OF COLORADO,
SENATE CHAMBER,
January 4, 1879.

To the President of the Senate:

Your committee, to whom was referred S. B. No. 1, beg

leave to report the same back to the Senate, correctly printed.

Respectfully,

ALBERT JOHNSON,

Chairman.

Senator Peck offered the following resolution:

Resolved by the Senate, the House concurring, That one hundred copies each of the reports of the State treasurer, auditor, and superintendent of public instruction be printed in the Spanish language.

Senator Rhodes moved that the rules be suspended, and the resolution be taken up for action.

The question being upon a suspension of the rules, the yeas and nays were had, with the following result:

Gentleman voting in the affimative were:

Messrs. Baca, Butters, Chacon, Church, Ellsworth, Gaussoin, Hall of Park, Hill, John, Johnson, Maxwell, Parrish, Peck, Rhodes, Trujillo, Wolcott of Clear Creek, Wolcott of Gilpin—17.

Gentlemen voting in the negative were:

Messrs. Haynes, Neikirk, Rogers, Webster—4.

Gentlemen absent and not voting were:

Messrs. Barela, DeFrance, Gardner, Helm, and Hall of Lake.

Motion carried, and rules suspended.

Senators Hall of Lake, Helm, and Barela, appeared and took their seats.

The question being upon the adoption of the resolution, the yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Baca, Barela, Chacon, Gaussoin, Hall of Lake, Helm, Hill, John, Peck, Rhodes, and Trujillo—11.

Gentlemen voting in the negative were:

Messrs. Butters, Church, Ellsworth, Hall of Park, Haynes, Johnson, Maxwell, Neikirk, Parrish, Rogers, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin—13.

Gentlemen absent and not voting were:

Messrs. DeFrance and Gardner.

So the resolution was not adopted.

Senator Rhodes introduced:

S. B. No. 4, a bill for an act to amend chapter 12 of the general laws of the State of Colorado, entitled chattel mortgages.

Read first time in full, and placed on file for second reading.

Senator Rogers introduced:

S. B. No. 5, a bill for an act giving consent to the acquisition by the United States of lands for public uses in the State of Colorado.

Read first time in full, and placed on file for second reading.

Senator John introduced:

S. B. No. 6, a bill for an act relating to attachments issued by justices of the peace.

Read first time in full, and placed on file for second reading.

Senator Church introduced:

S. B. No. 7, an act regulating proceedings in replevin.

Read first time in full, and placed on file for second reading.

Senator H. R. Wolcott introduced:

S. B. No. 8, a bill concerning practice in chancery.

Was read first time, and on motion of Senator Ellsworth the rules were suspended, and S. B. No. 8 was referred to the committee on printing.

Senator E. O. Wolcott introduced:

S. B. No. 9, a bill for an act to further define the duties of clerks of the district and county courts.

Read first time in full, and placed on file for second reading.

Senator H. R. Wolcott introduced:

S. B. No. 10, a bill for an act concerning masters in chancery, their appointment and duties.

Read first time and placed on file for second reading.

Senator E. O. Wolcott introduced:

S. B. No. 11, a bill for an act concerning the action of ejectment, and the pleading and practice therein.

Read first time in full, and placed on file for second reading.

Senator Johnson introduced:

S. B. No. 12, a bill for an act to further define the duties of sheriffs and coroners.

Read first time in full, and placed on file for second reading.

Senator Wolcott of Clear Creek, asked that Senators Hall of Park, and Wolcott of Gilpin, be excused, and request granted.

On motion of Senator Ellsworth, Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President in the chair.

S. B. No. 1 was read second time, and on motion was referred to committee of the whole House.

S. B. Nos. 2 and 3 were read second time, and on motion of Mr. Ellsworth were referred to the committee on printing.

S. C. R. No. 5 was read a second time, and on motion of Senator Ellsworth the rules were suspended, and the resolution passed to its third reading.

On motion of Senator Ellsworth, Senate adjourned until Monday, the 6th inst., at 10 o'clock A. M.

FIFTH DAY.

JANUARY 6th, A. D. 1879.

Senate met at 10 o'clock a. m.

President *pro tem.* in the chair.

The roll was called and the following Senators were present:

Messrs. Baca, Barela, Butters, Chacon, Church, Ellsworth,

Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Parrish, Peck, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, Wolcott of Gilpin.

Senators absent:

Messrs. DeFrance, Neikirk and Webster.

Quorum present.

Prayer by the chaplain.

A communication was received from Hon. J. C. Shattuck, president State board of education, in regard to the establishing of a "State industrial school, and for the maintenance and government of the same," which was read and on motion of Senator Haynes was received and referred to the committee on State institutions and public buildings.

The following communication from Geo. O. Scott was then read:

To the Honorable the President of the Senate of Colorado:

Sir:—The communication addressed to the Honorable, the Senate and House of Representatives, by Hon. Wm. M. Clark, secretary of State, requesting the appointment of a committee to investigate the award made by him, of the printing contracts for the next two years, has come to my notice.

The reason given by the honorable secretary of State for the appointment of such a committee applies with equal force to the printing contracts awarded in November, 1876. They also have been the subject of reiterated and severe criticism, and if opportunity be given for investigation by your Honorable Body, I believe it will appear to your satisfaction that such criticism has been deserved.

I, therefore, suggest to you, sir, and through you to the Senate, that any committee which may be named in answer to the request of the secretary of State, have power, also, to investigate the printing contracts of November, 1876.

Respectfully submitted,

DENVER, COL., Jan. 4, 1879. GEO. O. SCOTT.

Senator Peck moved that the communication be laid on the table, and motion carried.

Senator Johnson from committee on printing reported as follows:

STATE OF COLORADO,
SENATE CHAMBER,
January 6, 1879.

To the President of the Senate:

Your committee to whom was referred S. B. Nos. 2, 3 and 8, beg leave to report the same back to the Senate, correctly printed, except in No. 2, third page, section 12, fifth line, the word "warrant" should be "warrants."

Respectfully,
ALBERT JOHNSON,
Chairman.

Report received.

Senator Barela offered the following resolution:

Resolved, That the secretary of the Senate be instructed to furnish to each member of the Senate daily, during the session, one copy of each of the Denver daily papers, and also, daily, postage stamps and wrappers, to an amount not to exceed twenty-five cents, if the same shall be called for, and that the cost of the same be paid for in like manner as other expenses of the Senate.

On motion of Senator Wolcott of Clear Creek, the rules were suspended, and resolution taken up.

Senator Butters moved to amend said resolution, by saying "any two of the daily papers, to be selected by the members respectively."

Amendment lost.

Senator Wolcott of Clear Creek, offered the following as a substitute to the resolution, to-wit:

That the sergeant-at-arms be instructed to affix the requisite postage stamps to such bills introduced in this body, as members shall desire to mail, the expense therefor to be paid in like manner as other expenses of the Senate.

The question being upon the substitute to the original resolution, the yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Chacon, Johnson, and Peck—4.

Those voting in the negative were:

Senators Barela, Butters, Church, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Parrish, Rhodes, Rogers, Trujillo, Wolcott of Gilpin, and Mr. President *pro tem.*—17.

Those absent and not voting were:

Senators DeFrance, Neikirk, Webster, Gardner, and Wolcott of Clear Creek—5.

So the substitute was not adopted.

The question then being upon the adoption of the original resolution, and, the yeas and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Barela, Chacon, Gaussoin, Helm, John, Parrish, Peck, Rhodes, Trujillo, and the president *pro tem.* —11.

Those voting in the negative were:

Senators Butters, Church, Ellsworth, Hall of Lake, Hall of Park, Haynes, Hill, Johnson, Rogers, Wolcott of Clear Creek, and Wolcott of Gilpin—11.

Senators absent and not voting were:

Senators DeFrance, Gardner, Neikirk, and Webster—4.

So the resolution was not adopted.

Senator Helm offered the following resolution, No. 6, which was read first time.

Be it Resolved by the Senate, the House concurring therein, That, whereas, the present body of statutes, entitled, "General laws of the State of Colorado" is in some respects unsatisfactory; many of the provisions therein being conflicting and ambiguous, and their construction doubtful and uncertain;

And, whereas, the limited time fixed by law for the sessions of the General Assembly, renders it impossible for this Legislature to make a proper revision of said statutes, including the code of civil procedure;

It is the sense of the members of this General Assembly, that the labors of the present session should be confined to

the election of a United States senator, the passage of such laws and amendments as are deemed to be of imperative and immediate necessity, and the performance of such additional duties as are devolved upon it by law;

And that a commission consisting of not less than three men learned in the law, and otherwise qualified, should be appointed for the purpose of altering, amending, and perfecting the present laws of Colorado, and digesting the same into a complete and harmonious code. Said commission to receive reasonable compensation for their labor, and report the result thereof at a called session of the General Assembly in January, 1880.

Senator Parrish introduced:

S. B. No. 13, an act to protect natural scenery from defacement by advertisement, etc., and to define the penalty for so doing.

Senator Rhodes introduced:

S. B. No. 14, an act to provide for the expenses of judges and district attorneys when absent from the counties of their residence.

Senator John introduced:

S. B. No. 15, a bill for an act relating to official bonds and to obligations given to boards of county commissioners.

Senator Barela introduced:

S. B. No. 16, a bill for an act to regulate the practice of medicine.

All of which were read first time and placed on file for second reading.

S. B. Nos. 4, 5, 6, 7, 9, 10, 11 and 12 were read a second time and referred to committee on printing.

S. B. No. 8 was read second time, and on motion of Senator Ellsworth was referred to committee on judiciary.

S. C. R. No. 5 was read a third time.

On motion of Senator Ellsworth, Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President *pro tem.* in the chair.

Senator Butters moved that the report presented by Senator Hill, from joint committee appointed by the honorable secretary of State, for the purpose of examining and verifying the accounts of the auditor and treasurer be received and adopted.

Motion carried.

Senator Ellsworth requested that Senator Rhodes be excused for the afternoon.

Request granted.

Senators DeFrance and Neikirk appeared and took their seats.

Senator Peck moved that the rules be suspended, and S. C. R. No. 5 be taken up and put upon its final passage.

The ayes and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Hall of Lake, Hall of Park, Haynes, Helm, Hill, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin—21.

Voting in the negative, none.

Senators absent and not voting were:

Senators Gardner, Gaussoin, John, Rhodes, Webster—5.

So the motion was carried.

The question then being upon the passage of the resolution.

The ayes and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, Wolcott of Gilpin, and the president *pro tem.*

None voting in the negative.

So the resolution was adopted.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted H. C. R. No. 2, in relation to commit-

tee to visit State institutions; H. C. R. No. 3, in relation to committee on inauguration; H. C. R. No. 4, in relation to printing report of superintendent of public instruction; all of which are herewith transmitted, and the concurrence of your Honorable Body solicited.

The House has also amended, and adopted as amended, S. C. R. No. 4, adopting joint rules of First General Assembly, and S. C. R. No. 3, appointing a committee on printing contract; which resolutions are herewith returned for concurrence in the House amendments.

Respectfully,

W. B. FELTON,

Chief Clerk.

Senator Helm moved that the rules be suspended, and that the Senate proceed to the consideration of the concurrent resolutions reported from the House.

Motion prevailed.

S. C. R. No. 4 was then read as amended by the House, and on motion was referred to the committee on rules.

S. C. R. No. 3, was then read as amended by the House, and on motion of Senator Butters the amendment was concurred in.

The president *pro tem.*, in accordance with the above resolution, appointed as such committee, Senators Helm and DeFrance.

H. C. R. No. 2, in relation to appointment of committee to visit State penitentiary, etc., was then read, and on motion of Senator Ellsworth the resolution was not concurred in.

H. C. R. No. 4, relating to the printing of twenty-five hundred copies of the report of the State superintendent of public instruction, was then read.

Senator Neikirk moved to amend said resolution, by striking out the figures "2,500," and inserting in lieu thereof, the figures "2,000;" and the motion prevailed.

Senator DeFrance moved to amend, by adding to said resolution the words, "and that three hundred copies thereof be printed in the Spanish language."

Motion prevailed.

The question then being upon the adoption of the resolution, the yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Neikirk, Parrish, Peck, Rogers, Trujillo, Wolcott of Clear Creek, Wolcott of Gilpin, and the president *pro tem.*—23.

None voting in the negative.

So the resolution was adopted.

H. C. R. No. 3, in relation to committee on inauguration, was then read, and on motion of Senator Peck the resolution was adopted.

DENVER, COLO., January 6, 1879.

To the President and Members of the Senate:

Gentlemen: I visit your capitol for the purpose of bringing before the Legislature, certain bills upon industrial, moral, and social science, that I have had the honor to present before Congress, and before many other legislative assemblies, both North and South.

I have never been refused a hearing, and I trust you will be equally generous.

Wednesday evening of this week will be the most agreeable date, though, for the advancement of so important a work, I shall be willing to accept any time designated by your Honorable Body.

Respectfully,

MATILDA FLETCHER.

Senator Wolcott of Clear Creek, moved that the use of the Senate hall be tendered Matilda Fletcher, on the evening of Wednesday, the 8th inst.

Motion carried.

At the suggestion of the president *pro tem.*, Senator Neikirk moved that a committee of five members of the Senate be appointed on public health.

President *pro tem.* appointed as such committee, Senators Neikirk, Helm, Rogers, I. B. Hall, and Hill.

By unanimous consent the following bills were introduced:

By Senator Parrish, S. B. No. 17, a bill for an act to amend an act, entitled "An act to create and establish the county of Custer, and to provide for holding an annual term of court therein."

By Senator Church, S. B. No. 18, a bill for an act to enable school districts to refund their bonds.

By Senator Helm, S. B. No. 19, a bill for an act changing the boundaries of certain judicial districts.

All of which said bills were read first time and placed on file for second reading.

S. B. No. 2 was read by title, and, on motion of Senator Helm, was referred to the committee on State institutions.

S. B. No. 3 was read by title and referred to committee of the whole.

On motion of Senator Ellsworth, the Senate adjourned until to-morrow, the 7th inst.

SEVENTH DAY.

TUESDAY, JANUARY 7th, 1879.

Senate met at 10 o'clock A. M., pursuant to adjournment.

President *pro tem.* in the chair.

Roll called.

Present:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Neikirk, Parrish, Peck, Rogers, Trujillo, Wolcott of Clear Creek, Wolcott of Gilpin.

Being a quorum of the Senate.

Absent:

Senators Gardner, Rhodes, and Webster.

Prayer by the chaplain.

Journal read and approved.

Senator Rhodes was excused for the day, on request.

Senator Helm from committee on State institutions reported as follows:

Mr. President:

Your committee on State institutions, to whom was referred the report of the State board of education, together with a bill providing for the establishment of a reform school, have had the same under consideration, and instruct me to report said documents back to the Senate, with the recommendation that two hundred copies of the report be printed for the use of the Assembly, and the bill be introduced and placed upon its first reading.

J. C. HELM.
Chairman.

Which report was on motion of Senator Ellsworth received and adopted.

The following is the report of the State board of education.

His Excellency, John L. Routt, Governor of the State of Colorado:

Sir:—In obedience to section 1889, general laws of Colorado, 1877, the State board of education has collected facts concerning the organization and working of reform schools now in operation in various States.

It is found that the institutions most successful in reforming incorrigible and criminal youth are those which are managed upon what is known as the family plan, and from which is banished all that resembles a jail in discipline or appearance. Twenty years ago such institutions were prisons—differing from other prisons only in the age of their inmates—now they are homes and industrial schools. Among the pioneers in this work of reforming reform

schools in this country is Mr. G. E. Howe, now superintendent of the Connecticut State reform school, but for nearly twenty years superintendent of the State reform school for boys at Lancaster, Ohio, where his signal success gave him a national reputation.

To a letter of inquiry addressed to him by this board, he replied cordially and fully, and as we desire to make his letter a part of this report, we copy it almost entire. "It is well known in this country that I am an advocate of the family system for reformatories, having assisted in establishing seven or eight institutions on that plan. No walled or prison school has been established in this country since it has been demonstrated that the strongest wall is *no* wall. For reformatory purposes we should hold the key to the heart instead of the cell, and the family plan dispenses with all prison appliances and appeals to the highest and noblest qualities of the mind and heart. In establishing a reformatory school, many matters of importance must claim your attention, and if you can call experience to your aid, it will be well. The matter of location is of great importance. Health must be looked after. The *best* of water, and *plenty* of it must be considered. Proximity to good gravel is a great advantage. Then good soil, good market, high moral tone of the surrounding community, etc., are all worthy of consideration. An institution can be started much more cheaply on the family, than on the congregate plan. On the family plan a house can be added from time to time as the wants of the State demand. Your State being new, there would be but little call for room for girls, and while this state of things exists you could arrange to have them provided for in the same institution, but no *permanent* arrangement of this kind should be made. It will lead to trouble if there is. While it is eminently proper for good boys and good girls to associate together, all experience shows that it is fatal to reform to have bad girls associated with bad boys. No institution within my knowledge where they have both sexes, but would be glad of a separation."

The business of a reform school is not to punish crime or restrain criminals, but to enter upon the more beneficent work of lifting from the depths of crime and degredation the misguided, uncared-for children and youth of our State, who, from evil associations or want of proper parental care, have fallen into practices and habits for which the discipline of the olden time would have consigned them to the jail or penitentiary to emerge again from their portals, with their sense of honor and manhood blunted, if not destroyed, to prey again on society. To rescue this class from this deplorable condition, and train them to lives of honesty and usefulness; this is the mission of the reform school.

In 1855 Michigan established what was called a "House of correction for juvenile offenders," and following the example of the older States, a prison was built with iron doors and grated windows, the yard surrounded by a fence over twenty feet high, and one of the most important officers was a "turnkey." But soon a more enlightened policy prevailed. In 1859 the Legislature changed its name to "reform school," and it was determined to make it what its name implied—a reformatory. In 1868 the management inaugurated the family plan, to which they have since adhered. In their report for 1876 the "board of control" speak of their success as follows: "In 1874 the present board having heard much of the working of this family system in the management of the far-famed reform school at Lancaster, Ohio, which has been constantly under the management of G. E. Howe, Esq., from its commencement, we determined to visit and examine for ourselves the system and its practical workings. We were so fully impressed with the importance and value of the mode of discipline, that with our advanced condition, we determined to put it on trial as soon as practicable. We engaged at once, the services of our present superintendent, Frank M. Howe, a son of the gentleman before mentioned. The old fence around the yard, which, although more than twenty feet high, and two or three feet below the surface, the boys had

often found means to get over or under and escape, came down, and its place was supplied by a neat picket fence, and although more than a year and a half has elapsed since its erection, we can point to it as a barrier, over which no escape has been attempted. Following up this idea of removing all prison appearances, the old iron doors and window grates have been removed.

"Some advocates of the old lock and bolt system ask, 'how do you keep your boys from running away?' We answer, by treating them so they have no desire to leave. They are well fed, clothed and lodged. A large portion of them find here a more comfortable home than has ever been their lot before to enjoy. They appreciate these privileges, and become attached to the school."

In their report for 1878, the board write as follows: "We believe the elements of true progress for the institution, are to be reached by cultivating in our boys, self-respect and true manliness, and in maintaining, by precept and example, a family government, builded and cemented by mutual confidence and esteem. To this end all bars and bolts, cells and whips, have been abandoned. No unsightly fence shuts away the beautiful world without, and the love of home keeps our boys within its sheltering arms."

In a letter from Superintendent Howe, of the Michigan school, dated September 18, 1878, he writes as follows: "In starting an institution of this kind, my advice would be to start on the family plan, that is, to build cottage buildings, to accommodate fifty boys each, with school room, dormitories, and bath rooms, also, shop buildings and main building for boys and officers, dining rooms, chapel room, and officers' and superintendent's apartments. This plan has been adopted by Ohio, Pennsylvania, Indiana, and Washington, D. C.

"We also are adopting it as fast as possible. We have now two cottage buildings, and will build two more this coming year, costing about $7,500 each. The main thing in starting an institution, is to have an experienced man at the head."

It is the testimony of the managers of the Michigan school, and of others, that the question of employment, has ever been one of the most difficult to solve. How to employ the surplus labor, after what is required for necessary work of the house and farm, at something remunerative, by which the boys would acquire a useful trade, by which they could earn a living after their discharge. The stay of the majority is so short, and their age so tender, that simple trades which require little practice or strength are not easily found, and those more difficult cannot be successfully undertaken. Habits of industry are, after all, about all the real results that we can expect.

The board of managers of the Minnesota reform school, in their eleventh annual report (1877), speaking of the results accomplished by the institution, say: "We have sent back to their friends, and to the State, two hundred and forty who have passed under the training of this institution they are scattered over the State, a part of its population, and identified with its interests. And while we are compelled to acknowledge that in a few cases our work seems to have been fruitless of good, the proportion of those who have done badly is so small, as to excite our wonder that there are not more of them."

So far, "facts and statistics," which we were directed by law to collect, "relative to the plan of organization and practical workings of reform schools, now in operation in different States."

These facts indicate: *First*, that to be successful a reform school must be organized upon the "family system," so called. No other plan will justify itself by good results, and no other will be tolerated by an enlightened public opinion. *Second*, that a skillful and experienced superintendent and a suitable location, with plenty of land, not less than twenty acres, are also indispensable, if we are to attain the end society has in view in the establishment of reformatory institutions for vicious or neglected youth.

After careful consideration of the laws of several different States, establishing and governing such institutions, we

have, as directed by the law cited at the beginning of this report, prepared the following bill, which, in our opinion, "is such legislation as is necessary," and which we recommend to the consideration of the General Assembly.

Respectfully submitted,

JOS. C. SHATTUCK, *President*,
A. J. SAMPSON, *Secretary*,
WM. M. CLARK,
State Board of Education.

Senator Butters introduced the following resolution, which was adopted:

Resolved, That the judiciary committee be instructed to take into consideration the propriety of submitting to the people, at the next general election, the question of the repeal or modification of the first clause of section 22 of article 5 of the constitution, in relation to the reading of bills, and to report a proposition for submission in proper form, or in opposition to such submission, as, in their opinion, shall be advisable.

Introduction and first reading of bills.

Senator Helm, from committee on State institutions, introduced:

S. B. No, 20, a bill for an act to establish a State industrial school, and for the maintenance and government of the same.

Read first time, and referred to committee on education.

Senator Butters introduced:

S. B. No. 21, a bill for an act to provide for the branding, herding and care of stock, and to repeal certain acts in relation thereto.

Senator Helm introduced:

S. B. No. 22, a bill for an act to amend an act entitled an act to provide for and regulate the holding of the district courts in the several judicial districts of this State, and for other purposes.

Senator Hall of Park, introduced:

S. B. No. 23, a bill for an act entitled an act to amend an act to provide for the protection, preservation and propagation of fish, etc., approved March 10th, 1877.

Senator Parrish introduced:

S. B. No. 24, a bill for an act to regulate the foreclosure of mortgages and trust deeds.

All of which were read a first time and placed on file for second reading.

Second reading of bills.

S. B. Nos. 13, 14, 15, 16, 17 and 18 were read a second time and referred to the committee on printing.

S. B. No. 19 was read a second time, and, on motion of Senator Helm, was referred to the committee on judiciary.

H. C. R. No. 1, relating to the adoption of the old rules of the General Assembly, was read a second time, and, on motion of Senator Butters, was laid on the table.

Senator Parrish offered the following resolution:

WHEREAS, Valuable deposits of mineral have been discovered and worked in Custer county, Colorado, near the town of Silver Cliff, on land known as agricultural land previous to such discovery; and

WHEREAS, The discoverers and claimants of said mineral deposits now find upon survey that they have innocently entered and located upon school land belonging to the State;

Resolved, That the judiciary committee be hereby instructed to inquire into the title to said school land, and if they find it necessary for the protection of said discoverers and claimants, and consistent with the best interests of the State, to prepare and report to the Senate, a bill for the relief and protection of said discoverers and claimants.

On motion of Senator Parrish, the rules were suspended and the resolution was adopted.

By unanimous consent, Senator Johnson, from committee on printing, reported S. B. Nos. 4, 6 and 7 correctly printed, and, on motion of Senator Ellsworth, they were referred to the committee on judiciary.

By unanimous consent Senator DeFrance introduced a memorial signed by M. R. Leverson, which was referred to the committee on judiciary.

By consent of the Senate, Senator John introduced:

S. B. No. 25, an act to amend chapter 87 of the general laws of Colorado.

Senator Webster introduced:

S. B. No. 26, a bill for an act to prescribe an educational qualification for electors, in accordance with the provisions of section 3 of article 7 of the constitution of the State of Colorado.

Which was read first time and placed on file for second reading.

On motion of Senator Helm, Senate adjourned until to-morrow the 8th inst., at 10 o'clock A. M.

EIGHTH DAY.

JANUARY 8th, 1879.

Senate met at 10 o'clock A. M.

President *pro tem.* in the chair.

Roll called.

Present:

Senators Baca, Barela, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Neikirk, Parrish, Peck, Rogers, Trujillo, and Wolcott of Gilpin.

Absent:

Senators Rhodes, Webster and Wolcott of Clear Creek.

Quorum present.

Senator Wolcott of Clear Creek, was excused for the day, on request.

Journal read, corrected and approved.

The following communication was received from the House:

Mr. President:

I am instructed to inform your Honorable Body, that the House has concurred in the Senate amendments to H. C.

R. No. 4, relative to printing reports of the superintendent of public instruction.

Also, that the House has adopted H. C. R. No. 5, relative to printing reports of the supreme, district and county courts; said resolution and the reports referred to are herewith transmitted.

Respectfully,
W. B. FELTON,
Chief Clerk.

The following communication from the State board of agriculture:

FORT COLLINS, COLO.,
January 6th, 1879.

To the President and members of the Senate:

Gentlemen:—The State board of agriculture extend a cordial invitation to your Honorable Body, to visit the agricultural college at Fort Collins, and respectfully request that you designate a day, and notify the secretary of the board.

We would suggest that on or about the 15th inst., be the time agreed upon. We also extend the invitation to the State officers and representatives of the press.

Your obedient servant,
H. STRATTON,
Secretary of the State Board of Agriculture.

The following communication was received from Matilda Fletcher:

DENVER, COLO.,
January 7th, 1879.

To the President and members of the Senate:

Gentlemen:—Your communication tendering the use of the Senate chamber, Wednesday evening, January 8th is received. Please accept thanks for the courtesy extended, and permit me to inform you, that I have accepted an invitation to occupy the hall of the House upon the evening specified. My address will be upon the duty of the State,

in forming the character of the citizens, or methods of inculcating moral, social and industrial science. I earnestly desire the co-operation of the Senate, and cordially invite its members to be present.

Respectfully,

MATILDA FLETCHER.

Under the head of introduction of bills, Senator Neikirk introduced:

S. B. No. 27, a bill for an act in relation to trust deeds.

Which was read first time and placed on file for second reading.

Also, S. B. No. 28, an act to promote uniformity in certain instruments of record, and to provide books for the same, and on motion of Senator Neikirk was referred to committee on engrossment.

Senator Ellsworth introduced:

S. B. No. 29, a bill for an act concerning joint stock companies, formed for religious, educational and benevolent purposes, and on motion of Senator Ellsworth was referred to committee on corporations and railroads.

Second reading of bills.

S. B. Nos. 20, 21, 23, 24, 25 and 26 were read a second time, and referred to committee on printing.

S. B. No. 22, was read a second time, and on motion of Senator Ellsworth was referred to the committee on judiciary.

Under the head of unfinished business, H. C. R. No. 5, relative to printing two hundred copies of the reports of the judges of the supreme court, was taken up, and on motion of Senator Ellsworth was concurred in.

By consent of the Senate, Senator Parrish introduced:

S. B. No. 30, a bill for an act to amend an act entitled an act to prevent fires on the prairies.

Which was read first time and placed on file for second reading.

By consent of the Senate, Senator Johnson from the committee on printing reported as follows:

STATE OF COLORADO,
SENATE CHAMBER,
January 8, 1879.

To the President of the Senate:

Your committee to whom was referred S. B. Nos. 5, 10, 11, 14, 15 and 17, beg leave to report the same back to the Senate, correctly printed.

Respectfully,
ALBERT JOHNSON,
Chairman.

Report received.

S. B. No. 5, was then on motion of Senator Rogers referred to the committee on federal relations.

S. B. Nos. 10, 11 and 17, were referred to the committee on judiciary, on motion of Senator Rogers.

S. B. No. 14, was on motion of Senator John referred to the committee on fees and salaries.

S. B. No. 15, was on motion of Senator John referred to committee on counties and county lines.

Senator Ellsworth moved that S. B. Nos. 1 and 3, be taken from the general files, and be referred to the committee on judiciary.

Motion carried, and bills so referred.

The various subjects contained in the message of his Excellency, Governor John L. Routt, were referred by the president *pro tem.* as follows:

Finance and taxation—To the committee on education.

Agricultural college, institute for mute and blind, and school of mines—To the committee on State institutions.

Penitentiary—To the committee on penitentiary.

Reform school—To the committee on education.

State and arid lands—To the committee on public lands.

Fish culture—To the committee on elections.

Irrigation—To the committee on irrigation.

Militia—To the committee on military affairs.

State museum—To the committee on federal relations.

State board of public health—To the committee on public health.

On motion of Senator Webster, S. B. No. 26, was recalled from committee on printing, and referred to the committee on education.

On motion of Senator Peck, Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President *pro tem.* in the chair.

The following communication was received from W. N. Babcock, general passenger agent of the Colorado central railroad:

GOLDEN,
January 7, 1879.

To the Honorable the President and Members of the Senate of the State of Colorado:

Gentlemen:—You are respectfully invited by the officers of the Colorado central railroad to participate with the Honorable House of Representatives in excursions to Fort Collins to visit the agricultural college of the State, and to Boulder to visit the State university, and for this purpose a special train has been ordered to be in readiness subject to your order.

If your Honorable Body will confer the favor of notifying me of the acceptance of this invitation, and will kindly name the dates it will please you to designate for each excursion, the officers of this company will take great pleasure in holding themselves in readiness.

I am, gentlemen, your humble servant,

W. N. BABCOCK.

Approved, A. A. EGBERT, *Supt.*

Senator Rogers, from committee on federal relations, by the unanimous consent of the Senate, reported as follows:

Mr. President:

Your committee on federal relations to whom was referred S. B. No. 5, entitled, "a bill for an act giving consent to the acquisition by the United States of land for public uses in the State of Colorado," have had the same under consider-

ation, and instruct me to report said bill back to the Senate with the recommendation that it do pass.

M. A. ROGERS,
Chairman.

Report received.

On motion of Senator Butters, S. B. No. 5, entitled, "a bill for an act giving consent to the acquisition by the United States of land for public uses in the State of Colorado" was then taken up, read a third time and placed upon its final passage.

The question being upon the passage of the bill, the ayes and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Rogers, Trujillo, Wolcott of Gilpin—22.

Gentlemen voting in the negative were none.

Gentlemen absent and not voting were:

Senators Peck, Rhodes, Trujillo, Webster, and Wolcott of Clear Creek.

A constitutional majority having voted in favor of the bill, the bill passed and the title was agreed to.

Senator Butters, from committee on rules, reported as follows:

Mr. President:

Your committee on rules to whom was referred S. C. R. No. 4, in relation to joint rules, have had the same under consideration, and instruct me to report said resolution back to the Senate, with the recommendation that it be adopted.

ALFRED BUTTERS,
Acting Chairman.

Report received.

Resolution adopted.

By unanimous consent of the Senate, Senator Ellsworth introduced:

S. B. No. 31, entitled a bill for an act to amend chapter

88 of the general laws, entitled an act concerning roads and public highways.

And was read first time and placed on file for second reading.

On motion of Senator Ellsworth, Senate adjourned until to-morrow, the 9th inst., at 10 o'clock A. M.

NINTH DAY.

JANUARY 9th, 1879.

Senate met at 10 o'clock A. M.

President *pro tem.* in the chair.

Roll called.

Present:

Senators Baca, Barela, Butters, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, and Wolcott of Clear Creek.

Absent:

Senators Rhodes, and Wolcott of Gilpin.

Quorum present.

Prayer by the chaplain.

Journal read and approved.

Senator Johnson from committee on printing reported as follows:

STATE OF COLORADO,
SENATE CHAMBER,
January 8, 1879.

To the President of the Senate:

Your committee to whom was referred S. B. Nos. 9, 12, 13 and 18, beg leave to report the same back to the Senate, correctly printed.

Respectfully,
ALBERT JOHNSON,
Chairman.

Report received.

Senator Johnson, from committee on engrossment, reported as follows:

STATE OF COLORADO,
SENATE CHAMBER,
January 9, 1879.

To the President of the Senate:

Your committee to whom was referred S. B. No. 28, beg leave to report the same back to the Senate, engrossed.

Respectfully,
ALBERT JOHNSON,
Chairman.

Report received.

On motion of Senator Church, S. B. No. 18, was referred to committee on education.

S. B. Nos. 9 and 12, were on motion of Senator Rogers, referred to the committee on judiciary.

S. B. No. 13, was placed on general file.

On motion of Senator Neikirk, S. B. No. 28, was referred to the committee on printing.

Senator Haynes introduced the following resolution:

Resolved, That the committee on judiciary be authorized and empowered to employ a clerk, and that when not engaged in work for said committee, he be subject to the control of the secretary, and be required to perform such duties as the secretary may direct, and that such clerk shall be entitled to the same compensation as other clerks of the Senate.

On motion of Senator Rogers, the rules were suspended and the resolution was adopted.

Senator Wolcott of Clear Creek, introduced the following:

Resolved, That the printing committee be requested to procure not less than fifty additional copies of S. B. No. 1, to be printed for the use of the Senate.

On motion of Senator Wolcott of Clear Creek, the rules were suspended and the resolution adopted.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has amended and adopted:

S. C. R. No. 5, relative to printing Governor's message.

Also, that the House has passed H. B. No. 8, by a two-thirds vote.

S. C. R. No. 5, and H. B. No. 8 are herewith transmitted.

By order of the House, I also herewith transmit to your Honorable Body the petition of S. S. Woodbury and R. H. Stewart, relative to unadjusted claims in the Boyd-De-France election contest.

Respectfully,

W. B. FELTON,

Chief Clerk.

Senator Butters introduced the following:

Resolved, That we thank the management of the Colorado Central R. R. for their courtesy in offering this body the use of a special train to visit the agricultural college at Fort Collins, and the State university at Boulder, and that we are sorry to be compelled to decline the same on account of the shortness of our session, and the amount of other business demanding our attention.

Introduction and first reading of bills.

Senator Peck introduced:

S. B. No. 32, a bill for an act submitting an amendment to the constitution of the State, providing a substitute for section 9 of article 14.

Read first time and placed on file for second reading.

S. B. Nos. 27, 30 and 31 were read a second time and referred to the committee on printing.

By consent of the Senate, Senator Wolcott of Clear Creek introduced the following:

Resolved, That the sergeant-at-arms of the Senate be instructed to prevent the distribution of circulars, posters, advertisements and other printed matter, upon the desks of members of this body.

Senator Barela moved that the resolution be laid upon the table.

Motion carried.

Senator Ellsworth, from joint committee appointed by the two Houses on inauguration, reported as follows:

To the President of the Senate:

The joint committee appointed by the two Houses to consider such arrangements as may be proper to be observed in the inauguration of the Governor elect, beg leave to report:

That said committee have waited upon the Governor elect, and after conferring with him, recommend the following programme of arrangements:

The Governor elect will meet the General Assembly in joint session in the hall of the House of Representatives on Tuesday, the 14th inst., at 10:30 A. M., and at that time will take the oath of office and deliver his inaugural address.

L. C. ELLSWORTH,
JAMES M. JOHN,
Committee on the part of the Senate.

Senator Butters moved that the report of the committee be received, adopted and the committee discharged.

Motion carried and committee discharged.

The communication from the State board of agriculture, extending an invitation to this body to visit the agricultural college at Fort Collins was read, and on motion of Senator Wolcott of Clear Creek, the invitation was declined, with the thanks of this body for the courtesy extended.

S. C. R. No. 5, relative to printing fifteen hundred copies of the Governor's message, was read as amended by the House, and on motion of Senator Neikirk, the amendments of the House were concurred in.

H. B. No. 8, a bill for an act authorizing the State treasurer to apply certain money to payment of interest.

Was read first time and placed on file for second reading.

The communication of Messrs. Woodbury and Stewart, relative to their attendance before a committee on the Boyd-DeFrance contested election case, was referred to the committee on elections.

On motion of Senator Peck, the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President *pro tem.* in the chair.

There being no business before the Senate, the Senate on motion of Senator Neikirk, adjourned until to-morrow, the 10th inst., at 10 o'clock A. M.

TENTH DAY.

FRIDAY, JANUARY 10th, 1879.

Senate met at 10 o'clock A. M.

President *pro tem.* in the chair.

The roll was called and the following named gentlemen were present and answered to their names:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, Wolcott of Gilpin, and the president *pro tem.*

Senators absent, none.

Prayer by the chaplain.

Journal read and approved.

Senator Johnson from printing committee reported as follows:

STATE OF COLORADO,
SENATE CHAMBER,
January 10, 1879.

To the President of the Senate:

Your committee to whom was referred 16, 23, 24 and 25, beg leave to report the same back to the Senate, correctly printed.

Respectfully,

ALBERT JOHNSON,
Chairman.

On motion of Senator Barela, S. B. No. 16 was referred to a special committee.

The president *pro tem.* appointed as such committee Senators Barela, Rogers, and Butters.

S. B. No. 23, was on motion of Senator Wolcott of Clear Creek, referred to the committee on elections.

S. B. No. 24, was on motion of Senator Parrish, referred to the committee on judiciary.

S. B. No. 25, was on motion of Senator John, referred to the committee on finance, ways and means.

Under the head of introduction of bills Senator Neikirk introduced:

S. B. No. 33, a bill for an act in relation to the payment of fees and salaries.

Senator DeFrance introduced:

S. B. No. 34, a bill for an act to amend section 112 of chapter 103, revised statutes, entitled, wills, executors and administrators.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted H. C. R. No. 7, relative to joint convention of General Assembly for inauguration of Governor, which is herewith transmitted.

Respectfully,

W. B. FELTON,

Chief Clerk.

Second reading of bills.

S. B. No. 32, was read second time and referred to committee on printing.

S. B. No. 8, was read a second time, and on motion of Senator Butters was referred to the committee on finance, ways and means.

H. C. R. No. 7, relative to the joint committee of the General Assembly for inauguration of Governor was read, and on motion of Senator Ellsworth was concurred in.

Senate went into committee of the whole, with Senator Butters in the chair.

The committee rose and reported as follows:

Mr. President:

Your committee of the whole have had under consideration, S. B. No. 13, and report the same back to the Senate with the following amendments:

That the words "or upon" between the words "rock" and "or" in the second line of section 1, and the words, "fence or" between the words "bridge" and "tree," same line and section, and the words "or structure upon the ground," in the third line of said section 1, be stricken out, and that the words "section contains," in the first line of the second clause of section 2, be stricken out, and the word "it" inserted between the words "nothing" and, "this," in said first line of second clause of section 2.

Your committee would respectfully recommend that the amendments be agreed to.

On motion of Senator Webster the report of the committee was received and the amendments agreed to, and on motion of Senator Butters the bill was referred to the committee on engrossment.

Senator Haynes from the committee on judiciary reported as follows:

Mr. President:

Your committee on judiciary to whom was referred S. B. Nos. 19 and 22, have had the same under consideration and instruct me to report said bills back to the Senate with the recommendation that they lie on the table, and that the amended bills herewith transmitted be placed on the calendar in lieu thereof, and be passed.

S. B. A. HAYNES,
Chairman.

On motion of Senator Helm the report was received and adopted.

On motion of Senator Helm the substitutes to S. B. Nos. 19 and 22 were referred to the committee on printing.

Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

Senator Rhodes, by unanimous consent of the Senate, introduced:

S. B. No. 35, a bill for an act to amend chapter 7 of the general laws, entitled, an act to established a State board of agriculture and define its duties.

Was read first time and placed on file for second reading.

Senator Hall of Park, from committee on elections, reported as follows:

Mr. President:

Your committee on elections to whom was referred petitions of S. S. Woodbury, R. H. Stewart, *et al.*, have had the same under consideration, and instruct me to report that they find the claims therein made just and legal, and recommend that the bill herewith transmitted, providing for the payment of the same be passed.

A. HALL,
Chairman.

S. B. No. 38, a bill for an act to provide for the payment of witnesses in the contested election case of J. T. Boyd against A. H. DeFrance, etc., as recommended by the committee on elections, was, on motion of Senator Helm, read first time and placed on file for second reading.

Senator Johnson, from committee on printing, reported as follows:

STATE OF COLORADO,
SENATE CHAMBER,
January 10, 1879.

To the President of the Senate:

Your committee to whom was referred S. B. Nos. 21, 27, 30, 31, 19, beg leave to report the same back to the Senate, correctly printed, except in No. 21, section 9, 4th line, the word "steam" should be "stream."

Respectfully,
ALBERT JOHNSON,
Chairman.

Report received.

S. B. No. 27 was placed on general file.

S. B. No. 30, on motion of Senator Parrish, was referred to the committee on corporations and railroads.

On motion of Senator Webster, S. B. No. 31 was referred to committee on roads and bridges.

On motion of Senator Butters, S. B. No. 21 was referred to the committee on stock.

On motion of Senator Wolcott, S. B. No. 19 was placed on the general file.

Senator Johnson, from the committee on engrossment, reported as follows:

STATE OF COLORADO,
SENATE CHAMBER,
January 10, 1879.

To the President of the Senate:

Your committee to whom was referred S. B. No. 13, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,
ALBERT JOHNSON,
Chairman.

Report received.

S. B. No. 13 was placed on general file.

By consent of the Senate, Senator Butters, from the committee on finance, ways and means, reported as follows:

Mr. President:

Your committee on finance, ways and means, to whom was referred H. B. No. 8, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it be placed on file for third reading and final passage.

ALFRED BUTTERS,
Chairman.

Report received and adopted.

Senator A. Hall, from the committee on elections, reported as follows:

Mr. President:

Your committee on elections, to whom was referred S. B. No. 23, have had the same under consideration,

and instruct me to report said bill back to the Senate, with the recommendation that it be passed, with the amendments thereto, which are herewith transmitted.

A. HALL,
Chairman.

On motion of Senator Butters, the report was recived and adopted.

S. B. No. 23 placed on the general file.

Senator Butters, from the committee on finance, ways and means, reported as follows:

Mr. President:

Your committee on finance, ways and means, to whom was referred S. B. No. 25, have had the same under consideration, and instruct me to report the same back to the Senate with an amended bill, and recommend that the amended bill be printed.

Report received.

On motion of Senator Helm, the Senate went into committee of the whole, on S. B. No. 19, Senator Neikirk in the chair:

The committee arose and reported as follows:

Mr. President:

Your committee of the whole to whom was referred Senate bill No. 19, have had the same under consideration, and instruct me to report said bill back to the Senate with the recommendation that it do not pass.

HENRY NEIKIRK,
Chairman.

Report received and on motion of Senator Helm, Senate bill No. 19 was made the special order of the day for Monday, the 13th instant, at 2 o'clock P. M.

Senator Wolcott of Gilpin, by consent of the Senate, introduced:

S. B. No. 36, a bill to introduce industrial expositions into the public schools of Colorado.

S. B. No. 37, a bill to introduce moral and social science into the public schools of the State of Colorado.

Which were read first time and placed on file for second reading.

Senator Johnson, from printing committee, reported as follows:

STATE OF COLORADO,
SENATE CHAMBER,
January 10, 1879.

To the President of the Senate:

Your committee, to whom was referred S. B. No. 22, beg leave to report the same back to the Senate, and have no doubt the same is correctly printed.

Respectfully,
ALBERT JOHNSON,
Chairman.

Report received.

Senate bill No. 22 was placed on the general file.

On motion of Senator Butters, the Senate adjourned until to-morrow, the 11th instant, at 10 o'clock A. M.

ELEVENTH DAY.

SATURDAY, JANUARY 11, 1879.

Senate met at 10 o'clock A. M.

President *pro tem.* in the chair.

Roll called.

Present:

Senators Baca, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, Wolcott of Gilpin.

Absent:

Senators Barela, Haynes, Helm, Johnson.

Quorum present.

By consent of the Senate, Senator Johnson was excused until Tuesday, and Senator Haynes, Helm and Barela were excused for the day.

Senator Parrish, from the committee on printing, reported as follows:

To the President of the Senate:

Your committee to whom was referred S. B. 28, beg leave to report the same back to the Senate correctly printed. THOS. C. PARRISH,

Chairman pro tem.

Report received.

Senator Gaussoin introduced:

S. C. R. No. 7, of thanks to Dr. F. V. Hayden, United States geologist in charge of the surveys of the territories:

WHEREAS, The geological and geographical surveys of the territories of the United States under authority of the general government has been completed for the area embracing the State of Colorado;

WHEREAS, The publication of the reports, views, maps, and atlas of that part of the surveys form a collection invaluable alike for the advancement of science and the development of the mining and agricultural interests of our State;

Be it Resolved by the Senate, the House concurring, That the thanks of this Assembly are hereby tendered to Dr. F. V. Hayden, United States geologist, in charge of this survey, and his assistants, for the merit of their contributions to successful achievement of this great work;

Resolved, That a copy of this resolution, engrossed on parchment, shall be presented to Dr. F. V. Hayden.

Read first time and placed on file for second reading.

Senator Wolcott of Clear Creek, introduced:

S. B. No. 39, a bill for an act to amend an act entitled an act to fix and regulate the fees chargeable by county, precinct and other officers.

Senator John introduced:

S. B. No. 40, a bill for an act giving justices of the peace jurisdiction in replevin, and in relation to the practice in such cases.

Also, S. B. No. 41, a bill for an act to repeal section 65 of chapter 19 of the general laws of Colorado.

S. B. No. 42, a bill for an act to provide for preliminary criminal examinations was introduced by Senator Rhodes.

All of which were read first time and placed on file for second reading.

Second reading of bills.

S. B. Nos. 33, 34, 35, 36 and 37 were read a second time and referred to committee on printing.

S. B. No. 28 was read a second time, and, on motion of Senator Neikirk, was referred to the committee on judiciary.

By consent of the Senate, Senator Wolcott of Gilpin introduced:

S. B. No. 43, an act to submit to the qualified electors of the State of Colorado, an amendment to section 3 of article 10 of the constitution of the State concerning revenue.

H. B. No. 8, a bill for an act to authorize the State treasurer to apply certain moneys belonging to the general revenue fund to the payment of interest on State warrants, was read a third time and placed upon its final passage.

The question being upon the passage of the bill, the ayes and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, Wolcott of Gilpin—21.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Senators Baca, Barela, Haynes, Helm, and Johnson—5.

A constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title was agreed to.

S. B. No. 13, was read a third time, and on motion of Senator John was referred to the committee on public lands.

The following communication was received and read:

DENVER, COL., January 11, 1879.

Hon. J. P. Maxwell, President of the Senate:

Sir: I have the honor, on behalf of the board of regents, to invite your Honorable Body to visit the State university at Boulder, at such time as you may see proper to designate.

Very respectfully,

JOSEPH A. SEWALL,

President.

Senator Wolcott of Clear Creek, moved that the invitation be declined with the thanks of the Senate.

Motion prevailed.

Senator Rogers intoduced the following:

S. C. R. No. 8.

Be it Resolved by the Senate of the State of Colorado, the House of Representatives concurring herein, That the General Assembly meet in joint assembly in the hall of the House of Representatives at 12 o'clock M., on Wednesday, the 15th inst., for the purposes required by the laws of the United States concerning the election of United States senators.

On motion of Senator Rogers, the rules were suspended and the resolution adopted.

S. B. No. 43, was read first time and placed on file for second reading.

Senate went into committee of the whole, with Senator Peck in the chair.

The committee arose and reported as follows:

Mr. President:

Your committee of the whole have had under consideration the following bills:

S. B. No. 22, and recommend that action thereon be deferred until 2 o'clock on Monday the 13th instant.

Also, S. B. No. 23, upon which we desire to report progress and ask leave to sit again.

F. C. PECK,

Chairman.

On motion of Senator Rogers, the Senate adjourned until Monday, the 13th instant, at 10 o'clock A. M.

THIRTEENTH DAY.

MONDAY, JANUARY 13th, 1879.

Senate met at 10 o'clock A. M.

President *pro tem.* in the chair.

The roll was called and the following named gentlemen were present and answered to their names:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Quorum present.

Senator Haynes moved that Senator Baca be excused for one week.

Motion carried.

Senator Chacon, by consent, was excused for the day.

Senator Barela, by consent, was excused for the morning.

Senator Chacon, from the committee on roads and bridges, reported as follows:

To the President of the Senate:

Your committee to whom was referred S. B. No. 31, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it be passed.

J. F. CHACON.

Report received and adopted, and S. B. No. 31, referred to the general file.

Senator H. R. Wolcott, from the committee on education, reported as follows:

To the President of the Senate:

Your committee to whom was referred S. B. No. 18, beg leave to report the same back to the Senate with the recommendation that it pass.

H. R. WOLCOTT,
Chairman.

Report received and adopted, and on motion of Senator Church, S. B. No. 18, was referred to the committee on engrossment.

Senator Haynes introduced:

S. C. R. No. 9, as follows:

Resolved by the Senate, the House of Representatives concurring, That a committee of one from the Senate and two from the House, be appointed to wait upon the Governor elect, on Tuesday, the 14th inst., at 10:30 o'clock A. M., and escort him to the hall of the House of Representatives, to meet the General Assembly in joint session, for the purpose of observing the ceremonies of his inauguration.

On motion of Senator Rhodes the resolution was adopted.

S. C. R. No. 7, relative to vote of thanks to Professor Hayden, *et al.*, was read a second time, and on motion of Senator Butters was adopted.

Introduction and first reading of bills.

Senator Wolcott of Clear Creek, introduced:

S. B. No. 46, a bill for an act to prevent future discrimination of railroad companies against each other, and to the injury of the people.

Senator Rhodes introduced:

S. B. No. 44, a bill for an act to provide method of collecting and keeping accounts of moneys collected for State institutions.

Also, S. B. No. 45, a bill for an act accepting the provisions of an act of the Congress of the United States, approved July 2, 1862.

Senator Ellsworth introduced:

S. B. No. 47, a bill for an act for the protection of game and insectiverous birds.

Senator Peck introduced:

S. B. No. 48, a bill for an act to amend an act entitled, an act to provide for the maintenance, government, and police of the penitentiary, and also the mode of appointing officers and fixing their salaries.

All of which were read a first time and placed on file for second reading.

S. B. Nos. 39, 40, 41, 42, and 43, were read a second time, and referred to the committee on printing.

Senator DeFrance moved that S. B. No. 31, be recalled from the general file and re-referred to the committee on roads and bridges.

Motion prevailed.

Senator Wolcott of Gilpin, by consent of Senate, introduced:

S. B. No. 49, a bill for an act to amend an act, entitled, conveyances, chapter 18, general laws of Colorado.

Was read first time and placed on file for second reading.

Senator Wolcott of Clear Creek, moved that the Senate go into committee of the whole upon S. B. No. 23.

Motion carried, and Senate went into committee of the whole, with Senator Wolcott in the chair.

Committee of the whole arose and reported as follows:

Mr. President:

Your committee have had under consideration S. B. No. 23, and instruct me to report the same back to the Senate with the recommendation that said bill be referred to the committee on finance, ways and means.

Report received and adopted, and the bill was so referred.

On motion of Senator Butters, the Senate went into committee of the whole on the general file, with Senator Butters in the chair.

The committee arose and reported as follows:

Mr. President:

Your committee have had under consideration the following bills:

S. B. No. 22, and instruct me to recommend that said bill remain on the general file.

Also, S. B. No. 27, and instruct me to report said bill back with the recommendation that the bill be referred to the committee on judiciary.

ALFRED BUTTERS,
Chairman.

Report received and adopted.

By consent of the Senate, Senator Church introduced:

S. B. 50, a bill for an act concerning the enrollment and organization of the militia of the State, prescribing the duties, number and rank of the officers thereof, and defining the duties of said officers.

Read first time and placed on file for second reading.

Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President *pro tem.* in the chair.

S. B. No. 19, having been made the special order for 2 o'clock P. M., was taken up, and on motion of Senator Peck, the consideration of the bill was deferred until to-morrow, the 14th inst., at 2 o'clock P. M.

The following communications were received from his Excellency, Governor John L. Routt:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 11, 1879.

Hon. J. P. Maxwell, President of the Senate:

Sir: In accordance with the requirements of section 7, article 4, of the constitution, I have the honor to transmit herewith a statement of pardons issued from January 1, 1877, to December 31, 1878, and the reasons for executive action.

Very respectfully,
JOHN L. ROUTT,
Governor.

STATEMENT OF PARDONS

ISSUED FROM JANUARY 1, 1877, TO DECEMBER 31, 1878.

NAME.	Crime.	Date of Sentence.	Term.	Date of Pardon.	REASONS.
Lewis C. B. Hartson .	Obtaining money under false pretenses. .	Dec. 24, '75	Six months $10 fine and costs	Jan. 5, 1877	Kept in prison for fine and costs which he could not pay.
Francis M. Green . . .	Larceny	June 19, '76	Two years	Jan. 20, 1877	Recommended by Justice Jno. P. Post, Dist. Attorney G. G. White, six of the jurors and other citizens. Doubt as to his guilt expressed.
Frederick Dowling . .	Robbery	June 5, '74	Ten years	Mar. 29, '77	Lost a leg by a blast at the penitentiary quarry, May 7, 1875. Recommended by Hon. L. C. Rockwell.
Juana Maria Gonzales .	Larceny	January, '77	One year	May 1, 1877	Recommended by Dist. Attorney Jno. M. Waldron and numerous citizens, urged on account of her family of little children entirely destitute.
Henry Breach	Larceny	April 29, '75	Three years . . .	July 23, 1877	Recommended by prominent citizens of Boulder county.
Edward W. Cody . . .	Larceny	April, 1877	One year	Sept. 20, '77	Recommended by Judge Henry, Dist. Attorney Waldron, Hon. G. M. Chilcott, *et al.* Strong doubts of his guilt.
John Williams	Riot	Sept., 1877	Six months . . .	Nov. 3, '77	Recommended by Judge Henry, Dist. Attorney Waldron, Hon. D. P. Wilson, *et al.* Suffering from dangerous pistol shot wound. Doubts of his guilt.
Felix Hughes	Manslaughter	June 19, '76	Ten years	Dec. 14, '77	Recommended by Judges Brazee, Eyster and Browne, and many good citizens of Colorado and Wyoming. Evidence circumstantial, general belief in his innocence.

STATEMENT OF PARDONS—Continued.

Name.	Crime.	Date of Sentence.	Term.	Date of Pardon.	Reasons.
Alfred Robinson . . .	Assault with attempt to kill	March, 1878	Four years	July 2, 1878	Recommended by Judge Hayt. Hon. Wm. Meyer, and numerous citizens. Only one witness in the case and she considered unreliable.
J. B. Johnson	Embezzlement	March, 1876	Four years	July 2, 1878	Recommended by Judge A. W. Stone, G. G. White, Esq., and all the prosecutors in the case.
Hugh Lambert	Murder	Sept., 1876	Life	July 19, '78	Recommended by Judge T. M. Bowen, ten of the jurors in the case, and very large petitions from this State and Iowa.
Arthur E. Annabel . .	Grand Larceny . . .	May, 1877	Six years	Aug. 2, 1878	Recommended by stockmen, *et al.*, of Weld county, commissioners of the penitentiary and warden. Dying with consumption, since deceased.
Torribio Archuletta . .	Larceny	May, 1878	One year	Sept. 20, '78	Recommended by Hons. G. M. Chilcott and J. B Belford, and many well known and reliable citizens.
Alfred Hardy	Burglary	Feb. 15, '78	Five years	Sept. 21, '78	Recommended by Judge Elliot and Dist. Attorney Graham, Gov. C. M. Crosswell and ex-Gov. Baldwin, and prominent citizens of Michigan. Youth of only 18, taken home to Michigan by his father.
Henry McMann . . .	Larceny	Feb. 2[illegible], '77	Three years . . .	Oct. 30, '78	Recommended by J. P. Van Wormer, J. B. Van Tuyle, Thos. Farrell. Crime committed while intoxicated. Also by Judge Elliott and Dist. Attorney Graham.
Joseph Pero	Larceny	Nov., 1877	Three years . . .	Nov. 12, '78	Recommended by jurors and the county officers of Weld. Penalty considered too severe. Family destitute.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 13, 1879.

Hon. J. P. Maxwell, President of the Senate:

Sir: Section 11 of the enabling act, grants to the State twelve salt springs with six sections of land adjoining, to be selected by the Governor within two years after the admission of the State.

I attended to this duty and selected five springs, the only ones then discovered upon surveyed lands. These, with 18,836.62 acres, have been confirmed by the general land office. The expense of making these selections was only $33.33, as I took advantage of the presence of the assistant land commissioner in the vicinity, and was thus enabled to make the selections with a very small outlay. There is one other salt spring upon land which has been surveyed since, but it is uncertain whether it will be granted by the general land office to the State, as the time has elapsed. The subject has been brought to the commissioner's attention, but I have not been informed of his decision.

Very respectfully,
JOHN L. ROUTT,
Governor.

On motion of Senator Peck, the Senate adjourned until to-morrow, the 14th inst., at 10 o'clock A. M.

FOURTEENTH DAY.

TUESDAY, JANUARY 14th, 1879.

Senate met at 10 o'clock A. M.
President *pro tem.* in the chair.
Roll called.
Present:
Senators Baca, Barela, Chacon, Church, DeFrance, Ells-

worth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Absent:

Senator Butters by consent.

Quorum present.

Prayer by the chaplain.

Journal read and approved.

The following communications were announced from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed S. B. No. 5, a bill for an act giving consent to the acquisition of the United States of lands for public uses in the State of Colorado, which is hereby returned.

Also, H. B. No. 6, a bill for an act providing what shall constitute a private seal.

H. B. No. 13, a bill for an act to repeal chapter 105 of the general laws of the State of Colorado and for other purposes.

H. B. No. 17, a bill for an act to amend the criminal code regarding the form of indictments.

The House has also adopted:

S. C. R. No. 9, in relation to the appointment of a committee to wait upon the Governor.

Messrs. Kimberly and Gunnell have been appointed as such committee on the part of the House.

H. B. Nos. 6, 13 and 17, and S. C. R. No. 9, are hereby transmitted. Respectfully,

W. B. FELTON,
Chief Clerk.

Mr. President:

I am instructed to inform your Honorable Body that the House has passed H. B. No. 14, a bill for an act to amend section 16 of article 7 of chapter 33, and section 4 of

chapter 49 of the general laws of Colorado, which is hereby transmitted.

Respectfully,
W. B. FELTON,
Chief Clerk.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted S. C. R. No. 8, in relation to joint session of the General Assembly, on Wednesday, January 15th, which is hereby returned.

Respectfully,
W. B. FELTON,
Chief Clerk.

Senator Neikirk, from committee on fees and salaries, reported as follows:

Mr. President:

I am instructed by your committee on fees and salaries to report back to the Senate, S. B. No. 14, with the recommendation that it do pass.

H. NEIKIRK,
Chairman.

Senators Neikirk and John non-concurring.

Senator Wolcott of Clear Creek, moved that the report be received, and S. B. No. 14 be placed on the general file.

Motion prevailed.

Senator Peck, from the committee on enrollment, presented the following communication.

To the President of the Senate:

Your committee to whom was referred H. B. No. 8, beg leave to report that they have carefully compared, enrolled H. B. No. 8, with the engrossed bill and find the same properly enrolled.

FRED. C. PECK,
Chairman on part of Senate.

Report received.

Introduction of bills.

Senator Barela introduced:

S. B. No. 57, a bill for an act to provide additional district judges for the State of Colorado.

Senator John introduced:

S. B. No. 52, a bill to authorize the appointment of deputy district attorneys.

Which were read first time and placed on file for second reading.

Senator Ellsworth moved that the Senate do now proceed to the hall of Representatives for the purpose of participating in joint session in the inauguration of the Governor elect.

Motion carried.

The Senate then proceeded to the hall of the House of Representatives.

JOINT SESSION.

The roll of each House being called, those present on the part of the Senate were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, Wolcott of Gilpin, and the president *pro tem.*

Absent, by consent:

Senator Johnson.

Those present on the part of the House were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Hutchinson, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlin, Mead, Moorehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, Mr. Speaker.

Absent:

Messrs. Chilcott, Gunnell, Kimberly, and Spruance.

Quorum of both Houses present.

The sergeant-at-arms announced the presence of the Governor elect.

The Governor elect was then escorted into the hall of the House of Representatives by the joint committee appointed for that purpose, who, through chairman Senator Haynes, reported as follows:

Mr. President:

The joint committee of the Senate and House of Representatives, appointed to escort the Governor elect of this State into this presence, beg leave to report that they have discharged their duties in that behalf, and that the Hon. Frederick W. Pitkin, the Governor elect of the State of Colorado, is now here, and ready to take his oath of office; and that thereupon he will make such communication to this General Assembly and the good people of the State of Colorado, here assembled, as may suit his pleasure.

Thereupon his Excellency, Governor John L. Routt, and the Governor elect were escorted to the speaker's stand by Senator Haynes.

And the oath of office was then administered by Hon. Henry C. Thatcher, chief justice of the supreme court of the State.

After which his Excellency, Governor Frederick W. Pitkin delivered the following inaugural address:

Gentlemen of the Senate and of the House of Representatives:

Under the peculiar provisions of the constitution of this State nearly one-third of the legislative session is completed before the time has arrived for the State officers recently elected to enter upon the discharge of their duties.

My predecessor, at the commencement of your session, submitted his message, in which he reviewed the condition of the State treasury and of the various institutions under the control of the State.

He has also recommended those measures which, during four years of faithful service at the head of our government, he has been led to believe will be for the best interest of the people. It gives me pleasure to be able to concur in the recommendations which he has made, and I am therefore relieved from the duty of discussing any of those sub-

jects which he has so carefully considered in his message. At this stage of your session numerous bills have been introduced and are now pending before your respective bodies, and before the different committees, which cover most of the ordinary subjects of legislation, and I deem it improper to refer to any of these matters, except by way of a few brief suggestions of a general nature.

I am unwilling, however, to enter upon the discharge of the duties of office without first expressing to the people of the State my feeling of sincere gratitude for the confidence which they have reposed in me in selecting me as their chief magistrate.

Regarding the office to which I have been chosen as a sacred trust, to be administered for the benefit of every class of the people and every section of the State, with no benefit to myself, except the good name which I hope to secure and maintain among my fellow-citizens, I shall bring to the discharge of its duties an honest endeavor to faithfully execute the laws without fear and without favor.

The responsibilities which devolve upon us who constitute the legislative and executive branches of the government are very great and cannot easily be comprehended. We are laying the foundations of what will become a great commonwealth.

Although the youngest State in the Union, Colorado is, with three exceptions, the largest in area. Its territory exceeds in extent the kingdom of Great Britain. Twenty years ago there was no organized community of civilized men within its limits. To-day it is covered with beautiful cities and flourishing towns which contain as many men and women of intelligence, education and culture in proportion to the population as any of the older States.

On our plains, where twenty years ago nothing but the antelope and buffalo roamed, are to-day thousands of herds of cattle, horses and sheep, bringing most profitable returns to their owners. Along the valleys agriculture is successfully pursued.

Scarcely ten years ago, and not a mile of railway had

been constructed within our limits. To-day more than twelve hundred miles are in successful operation, over two hundred miles of which have been built within the past year. Several rival corporations are now pushing foward their iron lines with all possible haste to secure for transportation the wealth of the central, western and southwestern sections of the State.

Where, a few years ago, long caravans were moving westward from the Missouri river to supply our settlements with the necessaries of life, we find to-day an endless succession of railway trains carrying to the east our surplus product of cattle, flour and grain.

MINING INTERESTS.

The most important facts in our history however relate to the present condition of the mining interests. We have become the third mineral producing State in the Union. The ore which has given Colorado rank next to Nevada and California has hitherto been taken almost entirely from the counties of Gilpin, Clear Creek, Boulder, Park, and Summit. In those counties the mines not only show no signs of exhaustion, but are improving as greater depth is attained. In very few of them has there been sufficient development to give the advantages which have attended deep mining in other parts of the world. New mines are being constantly discovered in these oldest settled counties. Their ore product the past year has exceeded that of any former year. The treasures of the San Juan country were unheard of until within the past few years, and the rich placer claims in that locality are of more recent discovery. For want of reduction works and proper markets for ores, and on account of the great distance from railroads and the enormous expense of transportation to and from this mining district, it has scarcely begun to contribute towards the mineral productions of the State. The past season has seen new works erected at various localities for the treatment of ores, railroads are pushing on towards the mines, toll roads are being rapidly constructed, and there can be no doubt that in a short time the broad, rich, and inexhaustible veins

of San Juan will attract world-wide attention, and add millions of dollars where they now add thousands to the annual ore product of the State.

Eighteen months ago Leadville was unknown, and the mines in that locality were undiscovered. To-day it is the most famous mining camp in the world.

It is believed that the mines already discovered in that locality will produce a greater amount of ore in 1879 than the entire State of Colorado has produced in any former year. No one can estimate at the present time the value of the discoveries now being made in the neighboring camps at Ten Mile and Elk mountains.

The mining interests at Rosita are quite as promising as in any former year, and with the preparations now being made for extensive workings, we may expect a large increase in the ore product over previous years.

The unusual fall of snow at Silver Cliff shortly after the discovery of the mines there late last fall, at once arrested prospecting, and on account of the inadequate preparations for winter in so new a camp, it has been difficult to continue work on the mines now discovered. It is known that some of the mines are of great value, but the extent and richness of the deposits can only be determined when work shall be resumed in the spring. There is reason to expect that the developments in the coming spring may justify the hopes of the miners in this district, and along the Sangre de Christo range, and bring prosperity to that important section of the State.

More significant than any of the recent discoveries themselves, is the fact that they have been made in localities which experienced miners have frequented for the past fifteen years without suspecting the presence of mineral in paying quantities. The surface indications, the nature of the formations, and the character of the ore deposits have borne no resemblance to the earlier discoveries in the State.

We are entering upon a new era in our mining history. Instead of our mines becoming exhausted as has been the case in other States, we have but just begun prospecting.

From Wyoming to New Mexico our mountains are filled with inexhaustible treasures of silver and gold. While trade languishes and manufacturing industries are paralyzed in other States, the steady returns from our mines bring prosperity and contentment to the people. Capital judiciously invested in any of the mining districts of the State, will bring better returns than if employed in most of the business ventures of the east. Within the next twenty years Colorado will become the largest mineral producing State in the Union. Here, as in California and Nevada, some of the colossal fortunes of the world will be made. The road to wealth is here open to the poor man and the poor man's children, as well as to the rich.

As the prosperity of the State depends to so great an extent upon our mining interests, they should receive the consideration at your hands which their importance deserves. If there are any defects or ambiguities in the laws in relation to acquiring title to mining property, they should be cured by legislation. The evils resulting from jumping and from prolonged litigation are sometimes very great, frequently affecting not only the mine owners, but the entire community in which the mine is located. So far as this can be remedied by legislation, I think it should be done. The interests of all classes of the community, and of the State itself, require that the owners of property shall be protected in its possession and enjoyment. The laws for the protection of the wages of miners as well as of all classes of mechanics and laboring men, should be plain, simple, easily understood, and capable of enforcement with the least possible expense and delay. I commend this subject to your most careful consideration.

AGRICULTURAL INTERESTS.

Our agricultural interests have been so overshadowed by the mining interests that their importance is but slightly understood beyond the boundaries of the State. Although but a small portion of the land of Colorado is susceptible of cultivation, the aggregate amount that can be put under ditch in the different sections would be more than sufficient

to constitute a respectable eastern State. In no portion of the country can more productive soil be found than along our various water courses. Not only in the quantity per acre, but in the quality of the grains raised here do they surpass the products of the eastern States.

The experience of the past fifteen years has demonstrated that crops can be raised with greater certainty of success under an organized system of irrigation than in regions dependent upon the uncertain fall of rains for watering the land. The ravages of grasshoppers which sometimes occur here inflict no more serious losses upon our crops than are sustained in other States from chinch bugs and other insects, and from frequent and prolonged droughts. Nowhere can more beautiful fields or more bountiful harvests be found than in those portions of Northern Colorado, in the San Luis valley, and in other localities in the southern part of the State were proper provisions have been made for irrigation. The steady increase in our mining population furnishes a constantly increasing home demand for the products of the soil. The farmers of Colorado should supply the miners of the State with the staple articles of food. In localities near the mountains and near the heads of the streams the necessity for economy in the use of water for purposes of irrigation is already being felt. It is evident that complications must sooner or later arise between conflicting claimants to water rights upon different streams. It is not so much upon the bounty of Heaven as upon the laws of Colorado that the farmers of the State must rely for the amount of water they can secure for the raising of crops. The questions connected with the subject of irrigation are of present importance, and they will become more serious in each succeeding year until some definite steps are taken for their determination. I concur with my worthy predecessor in the recommendation that this subject should receive your careful consideration, and I trust that you may agree upon some measures that will give satisfaction to our farming communities.

STOCK INTERESTS.

Among the causes which have contributed to the prosperity of the State, none have been more important than the stock interests. From the smallest beginnings they have increased year by year until now the proceeds from shipments to eastern markets amount to millions of dollars per annum. Probably no kind of investment in this country has proved more profitable, during the past ten years, than investment in the stock business in Colorado. During the entire year both cattle and sheep thrive upon the grasses of the valleys and the plains, the former requiring no hay or grain, and the latter only in cases of severe and unusual snow storms. The losses by death up to the present time have been very small, not usually exceeding two per cent. of the cattle and not a much larger percentage of sheep. As the expenses of herding and caring for the stock are very light, the natural increase in the herds and flocks is mostly profit. No counties in the State are in a more prosperous condition than those which are chiefly devoted to stock raising.

I am not fully advised as to the nature of the legislation which is desired in behalf of the stockmen. Their representation in the present legislature is large, and they thoroughly understand the wants of their respective counties. I shall be happy to co-operate with you in any measures which may be of benefit to such important interests.

CAPITAL REQUIRED.

While there is no scarcity of labor, there is in most of the newly settled portions of the State a great necessity for increased capital to open up valuable mines and to bring them to that stage of development in which they become remunerative, and to promote the interests of the farmers and stockmen. We should give capital such honest assurance of protection by just laws as will bring it from the money centers of the east to our midst for investment in legitimate enterprises. Such legislation as subjects it to the least burdens and at the same time gives adequate pro-

tection will most surely invite it here. We should keep the expenses of the State and municipal corporations at the lowest point consistent with efficient government. Many interests can ill afford the burdens of the least expensive government. No interests, however profitable, willingly submit to large taxation. If we can give the benefits of a stable and effective government with light taxation, it will be a fact which keen eyed capital of other States will be quick to discover. Economy can only be secured by reduced expenditures. To diminish the tax levies and let the expenses continue, only results in accumulated indebtedness which must sooner or latter be met. Our State is now comparatively free from debt, and it should be a matter of pride as it is a matter of interest to every citizen to keep it so. I can not, therefore, too strongly urge upon you the neccessity of keeping the expenses and thereby the taxation of the State at the lowest point possible.

INCREASE OF SALARIES.

Some discussion has recently taken place in relation to the propriety of increasing the salaries of certain classes of officials. It is claimed that in some cases the compensation now provided by law does not correspond with the style of living expected from officers of the State government, and that it is inadequate compensation for the ability required to fill the positions acceptably to the public. It has not, however, been observed that men of the highest ability have generally declined to serve the public by reason of the amount of the salaries, nor that there has been a scarcity of candidates for any of these positions of trust and honor.

No one would desire the salaries fixed at so low a figure as to preclude any citizen of moderate means, or without any private resources whatever, from accepting honorable public station. But there is no requirement by the people of the State that its servants should maintain expensive establishments. If the salaries are insufficient to maintain the officials in luxury, they can certainly live in comfort, and by imitating the simple and frugal habits of

our ancestors, may in some degree encourage habits of economy among the people. And until citizens without wealth are unable to live on the salaries now provided, and men of ability decline to serve the State on account of the inadequacy of the compensation, there would appear to be no special reason at the present time for increasing the expenses of the State by any general increase of salaries.

UNNECESSARY OFFICES.

Neither will it be expedient, in my opinion, to create new offices of any nature, unless the interests of the State imperatively demand that it should be done. During the late civil war the creation of new offices became to some extent a necessary evil, but the experience of that period showed that too many persons in authority, like the passage of unnecessary laws, were not only a source of annoyance to the people, but were prejudicial to the public interests. The public officers throughout the State are not now, as a general thing, overworked. If you shall find that legislation is necessary upon certain subjects of such a character as to require the performance of new duties in behalf of the State, it will, in my judgment, be better in most cases, to impose those duties upon persons holding offices already created, than to multiply offices, and thereby increase the expenses of the government. When the population and wealth of the State shall have increased, as they undoubtedly will, in the near future, and with great rapidity, we may then, if the people so desire, imitate the example of the older States, both in the dazzling array of officials, and in the gorgeous size of the tax rolls necessary to maintain them.

INDEBTEDNESS OF NEW COUNTIES.

The indebtedness of several counties has reached such an amount as to require relief of some kind by legislation. These counties, with a few exceptions, have been organized within the past few years. The ordinary county expenses began as soon as the counties were formed, and extraordinary expenses—arising from the construction of new roads and of county buildings, and in some cases in caring for

insane paupers, and cost of prolonged criminal proceedings —have been incurred to very large amounts before the first tax levy could be made.

The result has been that the warrants of these counties have very rapidly depreciated in value, and in some of them are now worth only twenty-five or thirty cents on the dollar. With warrants only worth twenty-five per cent. of their face, the indebtedness of the county is increased four dollars for every dollar of value that it receives. And as these warrants draw ten per cent. interest, the county must pay forty per cent. interest on the cash value of materials or services required for ordinary or extraordinary expenses. Under such a policy any county in the State would soon become bankrupt.

Some measures can doubtless be devised which will do justice to creditors, and at the same time afford relief to the counties. It is reasonable to suppose that as the present holders of the warrants received them at a very large discount, they can be purchased by the counties or for the counties, also at a large discount. To issue interest-bearing bonds for the warrants, dollar for dollar, would not diminish the indebtedness, and would not therefore relieve the counties, or make the bonds more valuable than the warrants. It has occurred to me that if certain officers of any embarrassed county, together with the treasurer of the State, or some officer especially appointed for that purpose, should be authorized to issue and sell bonds of the county, and with the proceeds be empowered to purchase warrants from the parties who would sell them at the lowest figure, after advertising for bids, the indebtedness of any county could gradually be adjusted on an equitable basis.

If any holder refused to sell his warrants for a sum which the re-adjusting board should deem reasonable he would be at liberty to retain them until the county should be able to meet its indebtedness. The re-adjusting board should also, I think, be authorized to exchange bonds for warrants whenever a satisfactory basis for exchange can be agreed upon. If one-half or two-thirds of

the warrants of a county could be retired at a large discount, the county would be benefitted to that extent.

Should you deem it proper to provide that warrants should not be hereafter receivable for taxes, the re-adjustment of this indebtedness could be more speedily effected.

By associating some State officer with the county officers, his experience and assistance would doubtless be valuable, and a greater uniformity would be secured in the efforts to relieve the counties concerned. The county officers entrusted with these responsible duties should be those who would be most likely to act with prudence. In my judgment, no authority to sell or issue bonds should be given until the question had been submitted to and been approved by the voters of the county where the re-adjustment is sought. The plan which I have briefly outlined may be, and doubtless is, imperfect. I have suggested it because it is the best one that has occurred to me. The subject deserves your serious consideration, and I shall be happy to co-operate with you in any measures that may relieve these counties from the burdens that now retard their growth and prosperity.

ELECTION LAWS.

I deem it proper to call your attention to the laws relating to the registration of voters and to the holding of elections. There is no question upon which good men of all parties are so fully agreed as that the purity of the ballot box must be preserved, and that the result of an election when declared shall be the honest expression of the will of a majority of the legal voters of the State. Any attempt to thwart the will of the majority by means of the colonization of voters from other States or territories, or by frauds in counting, returning, or canvassing the votes, is one of the greatest crimes against society, and should receive the punishment which it deserves.

There is very little danger that in the thinly settled portions of the State, frauds of this kind will be attempted. But in large cities, in populous mining camps, and at railroad centers, where the population is rapidly shifting, more

than the ordinary safeguards are required whenever large interests are at a stake, to insure a fair election. Power acquired by dishonest means is usually employed for dishonest purposes. With so many powerful corporations in our midst, whose interests may be hostile to the best interests of the State, it behooves us to provide against the possibility of frauds by which the will of the people may be defeated. The greatest danger to a fair election is in fraudulent registration.

I would suggest that the law be so amended that only the names of those voters who apply in person for registration, or whose names were on the list of persons who voted at the previous general election, be registered, unless some legal voter files an affidavit with the board of registration that he knows the person to be a legal voter of the precinct.

Such affidavits should be lodged with some county officer as a basis for criminal proceedings in case the registration is made for fraudulent purposes. I would also suggest that severe and summary punishment be provided for any justice of the peace or police magistrate, who, having jurisdiction in the matter, refuses to issue a warrant immediately for the arrest of any person against whom a complaint has been made in proper form for illegal voting. Unless a warrant can be procured and executed at once for the arrest of a person who has voted illegally, there is, in most cases, small probability that he can be subsequently apprehended.

The safety of our republican institutions must depend upon the fairness with which elections are conducted. I am sure that the good citizens of all parties will approve of any measures, however stringent, that may be necessary to insure and maintain honest and fair elections.

STATE BOARD OF HEALTH.

I would recommend that a small sum be appropriated for the publication of a circular or pamphlet to be prepared by the State board of health, setting forth the advantages which this climate affords as a sanitarium.

Such a circular could give, in a condensed form, accurate information in relation to the classes of invalids that might hope to be restored to health in Colorado. Aside from the benefit which would be derived by the afflicted, there are many localities in the State much frequented as health resorts that would be directly benefitted.

The proportion of our population brought here by reason of the ill-health of some member of a family, is very considerable. In our dry atmosphere and under our sunny skies, thousands of asthmatics and consumptives have found here not only restored health, but opportunities for the employment of the highest order of ability and the largest amount of capital in the various industries of the State.

I make the above recommendation, believing that a circular of the nature referred to, for general distribution, would be an effective agency for the promotion of immigration.

There are one or two matters which I deem of great importance to the State that are under the control of the general government, and, therefore, are not the subject of ordinary legislation by the General Assembly. But, as they are of direct interest to the people, it is proper for your honorable body to represent the wishes of our people by memorials or joint resolutions directed to Congress, or to the proper officials of the national government.

ARID LANDS.

The first relates to the arid lands in the State to which my predecessor alluded in his recent message. It is because I consider the matter of so much importance to the State that I will add a word to what he has said upon the subject. Congress has at different times donated to various States in the Union such portions of the public domain lying within their respective limits as were by reason of the great excess of water, unfit for cultivation and therefore not marketable. These lands have commonly been known as swamp lands and while of little or no value in their natural condition have by drainage or by the construction of levees been

rendered valuable and have become a source of revenue and profit to the States receiving the donations. There is a large amount of land in Colorado owned by the United States for which there is no market and which is now of no value to the government by reason of the entire absence of water. They are the arid plains scattered over various portions of the State. Like the swamp lands of other States these arid lands may be rendered valuable by certain improvements which the general government is unwilling to undertake.

Instead of ditches for drainage, these lands require ditches for irrigation. By the construction of ditches and artificial ponds and lakes the amount of agricultural and grazing lands can be very greatly increased and the State to the same extent be benefitted.

There is no reason why the same principle which has regulated the disposition of the swamp lands of other States should not be applied to the arid lands of Colorado. As long as the title remains in the general government, these lands must remain unimproved and of no value either to the State or the United States. If donated to the State they can, by the expenditure of a small amount of money be made a source of revenue to the State, and add both to its productive capacity and to its taxable wealth. A large proportion of the school sections are on the arid plains and are destitute of water. The value of the grant for school purposes is on this account very greatly diminished, and furnishes another reason why the State should be compensated by the donation of the arid lands. The rapid increase of population in the mining regions should be followed by a corresponding increase in the amount of land devoted to agricultural and grazing purposes. In the not distant future, when our population reaches and exceeds half a million in number, this necessity will be felt to a much greater extent than at the present time.

It cannot be hoped that the State can secure from the general government so large a grant of land immediately, for in matters of this magnitude agitation and discussion

are required before the necessary legislation can be accomplished. The distinguished gentlemen who represent the State in the National Congress fully appreciate the importance of this measure. I would suggest that the passage by the General Assembly of a memorial to Congress urging the donation of these arid lands as a matter of right and justice to Colorado, would assist our delegation in securing the desired legislation.

INDIAN RESERVATION.

Along the western borders of the State and on the Pacific slope lies a vast tract occupied by the tribe of Ute Indians as their reservation. It contains about twelve millions of acres, and is nearly three times as large as the State of Massachusetts. It is watered by large streams and rivers, and contains many rich valleys and a large number of fertile plains. The climate is milder than in most localities of the same latitude on the Atlantic slope. Grasses grow there in great luxuriance, and nearly every kind of grain and vegetables can be raised without difficulty. This tract contains nearly one-third of the arable land of Colorado, and no portion of the State is better adapted for agricultural and grazing purposes than many portions of this reservation. Within its limits are large mountains, from most of which explorers have been excluded by the Indians. Prospectors, however, have explored some portions of the country and found valuable lode and placer claims, and there is reason to believe that it contains great mineral wealth.

The number of Indians who occupy this reservation is about three thousand. If the land was divided up between the individual members of the tribe, it would give every man, woman and child between three and four thousand acres. It has been claimed that the entire tribe have had in cultivation about fifty acres of land. From some personal knowledge of the subject, I believe that one able-bodied white settler would cultivate more land than the whole tribe of Utes. These Indians are fed by the government, are allowed ponies without number and, except

when engaged in an occasional hunt, their most serious employment is horse racing. If this reservation can be extinguished and the land thrown open to settlers, it will furnish homes to thousands of the people of this State who desire homes, will furnish grazing for immense herds of cattle, horses and sheep, and may prove to be exceedingly rich in minerals. Large towns and cities will spring up rivalling those of eastern Colorado in size and wealth. The population and the taxable property of the State would be largely increased and railways would be speedily constructed through this reservation and to the adjacent mining camps. There is in my judgment no matter of such urgent importance to our people as the immediate extinguishment of the Indian title. The westward march of the white race and of civilization, begun over two centuries ago on the Atlantic coast, can not long be arrested at the boundaries of this immense tract of valuable land by the presence of a tribe of Indians too small in number to constitute a respectable village.

It has been necessary already to construct toll roads over portions of the reservation in order to transport supplies to the population at Ouray, Mt. Sneffles, San Miguel, and other prosperous mining camps in that vicinity, for the shipment of ores and the transportation of the mails. The Indians, although peaceable, look with jealousy upon any supposed encroachment upon their rights. An accidental quarrel between them and a party of whites would immediately stop all travel across the reservation, would cut off the supplies in these frontier settlements, and involve that whole country in great trouble.

I have thought it proper to call your attention to this question from the fact that there is reason to suppose that the land can be acquired by the government at the present time without serious difficulty. Major General Edward Hatch, commanding this military district, has recently made a treaty with the southern Utes, by which they are to cede to the government their interest in the southern portion of the reservation. The commission of which General Hatch

was president was unable to effect any treaty with the Utes at the Los Pinos agency; but it is understood that it was because the chiefs questioned the power of the commissioners to make any treaty. They desired to be taken to Washington in order that they might treat with the Commissioner of Indian Affairs, or with the President.

Their request has been granted, and the chiefs are now at the national capital.

In the report of the Commissioner of Indian Affairs submitted to Congress last month, the commissioner recommends that the Utes be removed to the Indian Territory. I understand that they are willing to go to a small reservation near Pagosa Springs. To whatever point they might be removed, they could be well supported by the interest on a small portion of the money which the government would receive from the sale of the lands. I therefore recommend the passage of a memorial by the General Assembly urging upon the general government the importance both to the Indians and the white people of the State of the removal of the Indians beyond the limits of the present reservation, and of throwing open this reservation to settlers. Such a memorial would doubtless assist our delegation in Congress in the zealous efforts which they are making in this direction.

If anything we can do shall contribute toward the acquisition of this territory for occupation and settlement by our people, I venture to predict that it will be of more substantial benefit to the State than most of the ordinary legislation of the session.

IN CONCLUSION,

permit me to express the hope that however much we may have differed in regard to the questions upon which parties are divided, we may now all be animated by a common purpose to do those acts and support those measures which will promote the best interests of the commonwealth. That the State will prosper under unwise legislation and in spite of it can not be doubted. But it is equally true that

by wise legislation and by good government, we may contribute in no small degree to the general prosperity.

We are no longer the representatives of parties, but are the representatives of the people, to whom they have committed the welfare of the State.

Parties may change and pass into oblivion, but the State will live, and under its beneficent government hundreds of generations yet unborn may enjoy the blessings of peace, prosperity and happiness within its limits. If in our blind devotion to party we neglect the highest and best interests of the State, we can only hope for that ephemeral notoriety which feeds upon the passions of the hour and with them perishes.

If however we may happily link our names with measures which shall be of enduring benefit to the State, they will be cherished in kindly remembrance long after we shall have ceased to mingle in the activities of life. I trust that under the protecting care of a kind Providence our lives may be spared and we may be enabled to discharge the duties devolving upon us to the satisfaction of our constituents.

The address of His Excellency, the Governor, having been delivered,

On motion of Senator Haynes the joint session was dissolved, and the members of the Senate having returned to the Senate Chamber, Senator Helm moved that the Senate take a recess until 12 o'clock M.

Motion carried.

NOON SESSION.

The Senate met at 12 o'clock M. pursuant to adjournment.

President *pro tem.* in the chair.

Senators all present.

Senator Helm moved that the Senate do now proceed to the election of United States Senator.

Motion prevailed.

The Chair stated that nominations were now in order.

On motion of Senator Haynes, seconded by Senator Butters, the name of Nathaniel P. Hill was placed in nomination.

On motion of Senator Barela, seconded by Senator Rhodes, W. A. H. Loveland was placed in nomination.

No other nominations being made, the Senate proceeded to an election.

The roll being called and the vote being taken *vive voce*, the following Senators as their names were called announced as their choice for United States Senator, Nathaniel P. Hill, to-wit:

Senators Baca, Butters, Chacon, Church, Ellsworth, Gardner, Hall of Lake, Hall of Park, Haynes, Helm, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Webster, Wolcott of Clear Creek, Wolcott of Gilpin. Total, 19.

And the following Senators, as their names were called, announced as their choice for United States Senator, W. A. H. Loveland, to-wit:

Senators Barela, DeFrance, Gaussoin, Hill, John, Rhodes and Trujillo. Total, 7.

Whereupon, the president *pro tem.* announced that Nathaniel P. Hill, having received a majority of the votes of the Senators elected to the second General Assembly, was the choice of the Senate for United States Senator from the State of Colorado, for the term of six years, from the 4th day of March, 1879.

Senator Neikirk moved that the Senate take a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President *pro tem.* in the chair.

First reading of bills was continued.

The following bills were read a first time:

H. B. No. 14, a bill for an act to amend section 16 of article 7 of chapter 33, and section 4 of chapter 49 of the general laws of Colorado.

H. B. No. 17, a bill for an act to amend the criminal code regarding the form of indictments.

H. B. No. 13, a bill for an act to repeal chapter 105 of the general laws of the State of Colorado, and for other purposes.

H. B. No. 6, a bill for an act providing what shall constitute a private seal.

Second reading of bills:

S. B. Nos. 44, 45, 46 and 47 were read a second time and referred to the committee on printing.

On motion of Senator Ellsworth, Senator Johnson was excused for the day.

S. B. No. 19, being the special order for to-day, on motion of Senator Helm was taken up.

Mr. Helm moved that the bill be placed on general file for the consideration of the committee of the whole.

Motion carried.

The Senate then went into committee of the whole on S. B. No. 19, on motion of Senator Helm, with Senator De France in the chair.

The committee rose and reported as follows:

Mr. President:

Your committee have had under consideration S. B. No. 19, and instruct me to report the same back to the Senate, with the following amendment:

That said bill be amended by transferring the name "Larimer" therein from counties of First District to counties of the Second District, and the name "El Paso" from counties of the Second District and "Park" from counties of the Third District to counties of the Fourth District.

Senator Helm moved the adoption of the report.

Motion carried.

And on motion of Senator Helm, the amendments were referred to the printing committee.

Second reading of bills continued:

S. B. No. 48 was read a second time, and on motion of Senator Parrish was referred to committee on penitentiary.

S. B. No. 49 was read a second time, and referred to the committee on printing.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted H. C. R. No. 10, amending joint rules, which is hereby transmitted.

W. B. FELTON,
Chief Clerk.

By consent of Senate, Senator Hall of Lake, from committee on engrossment, reported as follows:

To the President of the Senate:

Your committee, to whom was referred S. B. No. 18, beg leave to report the same back to the Senate, correctly engrossed. Respectfully,

I. B. HALL,
Acting Chairman.

By consent, Senator Parrish, from committee on printing, reported as follows:

To the President of the Senate:

Your committee, to whom was referred S. B. Nos. 20, 25, 32, 33, 34, 35, 36, 37, 41 and 43, beg leave to report the same back to the Senate correctly printed, except in bill 33 the fifth word of the second line should read "country" instead of "county."

Respectfully,
THOS. C. PARRISH,
Chairman pro tem.

On motion of Senator Rogers, S. B. No. 20 was referred to the committee on education.

Amended S. B. No. 25, was referred to the committee of the whole.

On motion of Senator Peck, S. B. No. 32 was referred to the committee on judiciary.

Also S. B. No. 34, to same committee.

On motion of Senator Wolcott of Clear Creek, S. B. No. 33 was referred to the committee on judiciary.

S. B. No. 35 was referred to the general file.

On motion of Senator Rogers, S. B. Nos. 36 and 37 were referred to the committee on education.

On motion of Senator Wolcott of Clear Creek, S. B. No. 41, was referred to the committee on corporations.

On motion of Senator Ellsworth, S. B. No. 43, was referred to the committee on finance, ways and means.

Senator Church, from committee on roads and bridges, reported as follows:

Mr. President:

Your committee on roads and bridges, to whom was referred S. B. No. 31, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it be passed as amended.

F. CHURCH,
Acting Chairman.

On motion of Senator Helm, the report of the committee was received and S. B. No. 31 placed on the general file.

On motion of Senator Church, S. B. No. 18 was taken up, read third time, and placed upon its final passage.

The question being upon the passage of the bill, the yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De France, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, Wolcott of Gilpin. Total, 24.

Gentlemen voting in the negative were, none.

A constitutional majority having voted in favor of the bill, the bill passed and the title was agreed to.

By consent of the Senate, Senator Peck introduced S. C. R. No. 10, relative to the appointment of a joint committee on enrollment.

Senator Butters moved that S. C. R. No. 10 and H. C. R. No. 10, be referred to committee on rules.

Motion prevailed.

By consent of the Senate, Senator Peck introduced S. B. No. 53, a bill for an act for the establishment of a board of

immigration, and defining their duties, and for the maintenance of the same.

Which was read first time.

Senator Webster, from committee on public lands, by consent of the Senate, reported as follows:

Mr. President:

Your committee on public lands, to whom was referred S. B. No. 13, beg leave to report that they have had the same under consideration, and recommend the following amendments, and the passage of the bill so amended:

Amend section 3 by striking out after the word "act" in second line, these words, "it shall be the duty of".

Also strike out the word "appear" in fifth line, and insert in lieu thereof the words, "shall be painted, printed, placed or affixed after the passage of this act, as hereby authorized."

W. W. WEBSTER,
Chairman.

On motion of Senator Parrish, the report was received and adopted, and the bill and amendments referred to committee on engrossment.

Senator Butters moved that the communication of His Excellency, Governor John L. Routt, relative to pardon of criminals heretofore confined in the State Penitentiary, be referred to committee on penitentiary.

Motion prevailed.

On motion of Senator Peck, the Senate went into committee of the whole on S. B. No. 14, with Senator Haynes in the chair.

The committee rose and reported as follows:

Mr. President:

Your committee have had under consideration S. B. No. 14, and instructed me to report the same back to the Senate, with the recommendation that it do pass.

S. B. A. HAYNES,
Chairman.

Senator Peck moved that the report of the committee be received and adopted.

The ayes and nays were called for.

The question being upon receiving and adopting the report of the committee of the whole.

The yeas and nays were had, with the following result:

Senators voting in the affirmative were:

Senators Baca, Chacon, Ellsworth, Gardner, Hall of Lake, Hall of Park, Helm, Parrish, Peck, Rogers, Wolcott of Clear Creek, Wolcott of Gilpin. Total, 12.

Those voting in the negative were:

Senators Barela, Butters, Church, DeFrance, Gaussoin, Haynes, Hill, John, Maxwell, Neikirk, Trujillo, Webster. Total, 12.

Gentlemen absent and not voting were:

Senators Johnson and Rhodes.

So the report of the committee was not received and adopted.

Senator DeFrance moved to refer the report of the committee, together with the bill, to the committee on judiciary.

Motion prevailed.

Senator Parrish, from the committee on printing, reported as follows:

Mr. President:

Your committee on printing, to whom was referred the amendment to amended S. B. Nos. 19, 42 and 38, beg leave to report the same back to the Senate, correctly printed.

Report received.

Senator Rogers moved to refer S. B. No. 19 to the committee on judiciary, to be considered in connection with S. B. No. 14.

Motion carried.

Senator Neikirk, by consent of the Senate, introduced the following:

S. C. R. No. 11.

Resolved by the Senate, the House concurring, That five hundred copies of the Governor's inaugural message be printed for the use of the General Assembly.

Which was read first time.

On motion of Senator Haynes, S. B. No. 42, was referred to the committee on judiciary.

On motion of Senator Rogers, S. B. No. 38, was referred to the committee on elections.

On motion of Senator Haynes, Senate adjourned until to-morrow, the 15th instant, at 10 o'clock A. M.

FIFTEENTH DAY.

WEDNESDAY, JANUARY 15th, 1879.

Senate met at 10 o'clock A. M.

Honorable H. A. W. Tabor, Lieut. Governor of the State of Colorado, appeared and took his seat as President of the Senate.

Roll called.

Present:

Senators Barela, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, Wolcott of Gilpin.—22.

Absent:

Senators Butters, Baca, Ellsworth and Johnson.

Quorum present.

Prayer by the chaplain.

By consent of the Senate, Senators Ellsworth and Gaussoin were excused for the day.

The sergeant-at-arms announced a message from the House as follows:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted H. C. R. No. 9, relative to a joint com-

mittee to inquire into the collection and disbursement of the military fund, which is hereby transmitted.

W. B. FELTON,
Chief Clerk.

Journal read and approved.

Senator A. Hall, from the committee on elections, reported as follows:

Mr. President:

Your committee on elections, to whom was referred S. B. No. 38, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it be passed.

A. HALL,
Chairman.

Senator Webster moved that the report be received and adopted, the bill ordered engrossed and placed on file for third reading.

Motion carried.

Senator Haynes, from committee on judiciary, reported as follows:

To the President of the Senate:

Your committee, to whom was referred S. B. No. 6, beg leave to report the same back to the Senate, with the recommendation that it pass as amended in committee, which amendments are herewith submitted.

Report received and the bill placed on general file.

Also a report from same committee as follows:

Your committee, to whom was referred Senate resolution, as to the modification of section 22 of article 5 of the constitution, the memorial of Montague R. Leverson, and Senate resolution No. 6, beg leave to report the same back to the Senate, with the recommendation that they lie on the table.

On motion of Senator Haynes, the report was received and adopted.

The same committee made the following report:

Mr. President:

Your committee to whom was referred S. B. No.

28, beg leave to report the same back to the Senate, with the recommendation that it do not pass.

Senator Wolcott of Clear Creek, moved that the report of the committee be received and adopted.

Senator Neikirk moved to amend by saying that the bill be re-committed to the committee on judiciary.

And the amendment prevailed and the bill was re-referred to the committee on judiciary.

The committee on judiciary made the further report:

Mr. President:

Your committee, to whom was referred S. B. No. 4, beg leave to report the same back to the Senate, with the recommendation that it pass as amended in committee, which amendments are herewith submitted.

Also S. B. No. 27, and recommend that it pass, as amended in committee, which amendments are herewith submitted.

On motion of Senator Haynes the report of the committee was received, and S. B. Nos. 4 and 27 were placed upon general file.

The committee on judiciary reported further as follows:

Mr. President:

Your committee, to whom was referred S. B. No. 24, beg leave to report the same back to the Senate with the recommendation that it pass.

S. B. A. HAYNES,
Chairman.

Report received and placed on general file.

Senator J. B. Hall, from committee on engrossment:

Your committee, to whom was referred S. B. No. 13, have had the same under consideration, and instruct me to report said bill back to the Senate correctly engrossed.

J. B. HALL,
Member of Committee.

On motion of Senator Peck, the report was received and the bill placed on file for a third reading and final passage.

The following communication was received from the Auditor of State:

STATE OF COLORADO,
AUDITOR'S OFFICE,
DENVER, January 14th, 1879.

To the Honorable, the General Assembly of the State of Colorado:

In accordance with the provisions of section 1131 of the general laws, I have the honor to submit hereto the total amount of the certificates of indebtedness issued to this date, and the several amounts to which they are properly chargeable, as follows, viz:

Fugitive apprehension fund	$ 2,882 05
Appraisement of school lands	5,032 34
Penitentiary	25,920 80
Copying, translating and indexing laws	902 46
Insane pauper	3,167 80
Legislative printing	2,481 10
General contingent	2,619 19
Incidental printing	1,316 83
Legislative expense	577 15
Total,	$44,900 12

There are vouchers on file in this office on account of "insane pauper" for which no certificates of indebtedness have as yet been issued.

They are as follows, viz:

Saguache county	$ 756 00
Pueblo county	533 50
Bent county	468 85
Lake county	574 33
Park county	800 00
Arapahoe county	1,317 70
Total,.	$4,692 03

This amount added to the amount of certificates of indebtedness issued on account of insane pauper is nearly $8,000. Several of the counties not having reported as yet,

it is evident that not less than $14,000 will be required to meet the deficit for the past two fiscal years.

Very respectfully, your ob't serv't,

D. C. CRAWFORD,

Auditor of State.

H. C. R. No. 9, relative to a joint committee to inquire into the collection and disbursement of military fund, was read first time.

Second reading of bills.

S. B. Nos. 52 and 53 were read a second time and referred to the committee on printing.

S. B. No. 51 was read a second time and referred to the committee on judiciary.

S. C. R. No. 11, authorizing the printing of 500 copies of the inaugural address of the Governor, was read a second time and, on motion of Senator Neikirk, was referred to the committee on finance, ways and means.

S. B. Nos. 6 and 17 were read second time, and on motion of Senator John, were referred to the committee on judiciary.

H. B. No. 13, was read a second time, and on motion of Senator Haynes was referred to committee on judiciary.

H. B. No. 14, was read second time, and on motion of Senator Webster, was referred to committee on finance, ways and means.

S. B. Nos. 42 and 45, were read a second time, and on motion of Senator Rhodes, S. B. No. 42 was referred to committee on judiciary, and S. B. No. 45 was referred to committee on agriculture.

Senator Helm moved that the Senate do now go into committee of the whole.

Motion carried.

And the Senate went into committee of the whole, with Senator Helm in the chair.

Committee rose and reported as follows:

Mr. President:

Your committee have had under consideration S. B. No. 25, and instruct me to report the same back to the Senate

with the recommendation that it pass as amended by the committee, which amendments are herewith submitted.

Also S. B. No. 31, and am instructed to report the same back to the Senate with the recommendation that it do pass.

J. C. HELM,
Chairman.

Report received and adopted, and S. B. No. 31 re-referred to committee on roads and bridges.

The following communication was announced from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted H. J. M. No. 4, relative to the extinguishment of the Indian title to the Ute reservation.

And H. J. M. No. 1, relative to donation of arid lands, which are hereby transmitted.

W. B. FELTON,
Chairman.

On motion of Senator Haynes, the Senate proceeded in a body to the hall of the House of Representatives, for the purpose of hearing read in joint session that portion of the journals of the Senate and House of Representatives, as relates to the votes of the respective Houses for United States Senator.

JOINT SESSION.

The Senate and House of Representatives met in joint session in the hall of the House of Representatives at 12 o'clock M.

President in the chair.

The roll was called, and the gentlemen present on the part of the Senate were:

Senators Barela, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Absent:

Senators Baca, Butters, Ellsworth, John, Johnson and Rhodes.

Quorum present on the part of the Senate.

Gentlemen present on the part of the House and answering to their names were :

Messrs. Bartlett, Bingham, Branch, Bromwell, Cantlon, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandless, McLaughlin, Mead, Moorehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Trujillo, and Mr. Speaker.

Members absent:

Messrs. Brush, Chilcott, Gebhard, Kimberly, Spruance, Toll, Valdez and Voorhies.

Quorum of the House present.

That portion of the journal of the Senate and House of Representatives relating to the vote of the respective Houses on the question of United States Senator, having been read, and it appearing from the journals so read that Nathaniel P. Hill had received in each House a majority of all the votes cast in each House, the president of the joint convention announced that Nathaniel P. Hill was the choice of the people of the State of Colorado for United States Senator from said State, to represent them in the Senate of the United States, for the term of six years, commencing March 4th, 1879.

On motion of Mr Todd, a committee of two, consisting of Messrs. Todd, and Wolcott of Clear Creek, were appointed to wait upon Honorable Nathaniel P. Hill, and notify him of the action of the General Assembly.

Senator Wolcott of Clear Creek, appeared and announced that the committee had performed the duty assigned them, and that the Honorable Nathaniel P. Hill was now present.

The president then presented to the joint assembly the Honorable Nathaniel P. Hill, who addressed the assembly.

After which, on motion of Mr. Todd, the joint assembly dissolved.

And the members of the Senate having returned to the

Senate chamber, Senator Parrish, from the committee on printing, reported as follows:

To the President of the Senate:

Your committee, to whom was referred S. B. Nos. 44, 45 and 46, beg leave to report the same back to the Senate, correctly printed.

Respectfully,

THOS. C. PARRISH,

Chairman pro tem.

S. B. Nos. 44 and 45 were placed on general file.

On motion of Senator Wolcott, S. B. No. 46 was referred to committee on incorporations and railroads.

Senator Peck moved that the rules be suspended, and H. J. M. No. 4 be taken up.

Motion lost.

Senator Hall of Lake, from committee on engrossment, reported as follows:

Mr. President:

Your committee on engrossment, to whom was referred S. B. No. 38, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,

J. B. HALL,

Chairman.

Report received.

Senator Haynes moved that S. B. No. 38 be read a third time and placed upon its final passage.

Motion prevailed.

The question then being upon the passage of the bill, the yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Chacon, Church, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, and Wolcott of Gilpin. Total, 19.

Those voting in the negative, none.

Excused from voting:

Senator DeFrance.—1.

Absent and not voting:

Senators Baca, Butters, Ellsworth, Johnson, Rhodes, and Wolcott of Clear Creek.—5.

A constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title was agreed to.

Senator Haynes, from the committee on judiciary, reported as follows:

Mr. President:

Your committee on judiciary, to whom was referred S. B. Nos. 14 and 19, have had the same under consideration, and instruct me to report said bills back to the Senate with the recommendation that they pass as agreed upon in committee of the whole.

S. B. A. HAYNES,
Chairman.

Senator Wolcott of Clear Creek, moved a call of the House.

Motion carried.

And the roll being called, the following Senators were found to be absent without consent:

Senators Webster and Rhodes.

The sergeant-at-arms having been dispatched after the absentees, returned with Senators Webster and Rhodes.

On motion of Senator Maxwell, Senator Webster was excused for his absence.

On motion of Senator Wolcott of Clear Creek, Senator Rhodes was excused for his absence.

Senator Haynes moved that the call of the House be dispensed with.

Motion carried.

Senator Peck moved that the report of the committee on judiciary on S. B. No. 14, be received and adopted.

Ayes and nays were called for.

The question being upon the receiving and adopting of the report on S. B. No. 14.

The yeas and nays were had with the following result:

Those voting in the affirmative were:

Senators Baca, Gardner, Hall of Lake, Hall of Park, Helm, Parrish, Peck, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—12.

Those voting in the negative were:

Senators Barela, Church, DeFrance, Gaussoin, Haynes, John, Maxwell, Neikirk, and Webster. Total, 9.

Senators absent were:

Baca, Butters, Ellsworth, Hill and Johnson.—5.

So the report on S. B. No. 14 was received and adopted, and the bill placed on the general file.

The report of the committee on S. B. No. 19 was then received and adopted, and the bill referred to the committee on engrossment.

Senator Wolcott of Clear Creek, moved that the Senate do now go into committee of the whole on S. B. No. 14.

Motion carried.

And Senate went into committee of the whole on S. B. No. 14, with Senator Wolcott of Clear Creek, in the chair.

The committee rose and reported as follows:

Mr. President:

Your committee have had under consideration S. B. No. 14, and instruct me to report the same back to the Senate with the recommendation that the bill do pass as amended, which amendments are herewith submitted.

E. O. WOLCOTT,
Chairman.

Senator Wolcott moved that the report of the committee be received and adopted.

Ayes and nays called for.

The question being upon receiving and adopting the report of the committee of the whole.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Chacon, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, Parrish, Peck, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—15.

Those voting in the negative were:

Senators Church, DeFrance, John, Maxwell, Neikirk, and Trujillo.—6.

Absent:

Senators Baca, Butters, Ellsworth, Haynes and Johnson. —5.

So the report of the committee was received and adopted.

Senator Wolcott of Clear Creek, moved that the bill be engrossed and placed on file for third reading.

Motion prevailed.

Senator Helm moved that S. B. No. 19 be engrossed and placed on file for third reading and final passage.

Senator DeFrance called for the ayes and nays.

The question being upon the motion to have engrossed and placed on file for third reading S. B. No. 19.

The yeas and nays were had with the following result:

Those voting in the affirmative were:

Senators Chacon, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Maxwell, Parrish, Peck, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—14.

Those voting in the negative were:

Senators Barela, Church, DeFrance, Gardner, Hill, John, Neikirk, and Webster.—8.

Absent and not voting:

Senators Baca, Butters, Ellsworth and Johnson.—4.

So the motion prevailed.

By consent of the Senate, Senator Peck introduced:

S. B. No. 54, a bill for an act to enable counties to fund their floating indebtedness.

Which was read first time, and by unanimous consent of the Senate was referred to the committee on printing.

By consent of Senate, H. J. M. No. 4, relative to the extinguishment of the Indian title to the Ute reservation was read first time and on motion of Senator Gaussoin was referred to committee on Indian affairs.

By consent of the Senate, Senator Haynes introduced:

S. B. No. 55, an act concerning corporations consolidated under the revised statutes of the State of Colorado.

Read first time and placed on file for second reading.

By consent of the Senate, Senator Hall of Lake, reported as follows:

Mr. President:

Your committee on engrossment to whom was referred amended S. B. No. 19, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,
J. B. HALL,
Chairman pro tem.

Report received.

Senator Helm moved that amended S. B. No. 19 be read a third time and placed upon its final passage.

Motion prevailed.

The question being upon the passage of amended S. B. No. 19.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Chacon, Church, DeFrance, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—21.

Gentlemen voting in the negative, none.

A constitutional majority having voted for the passage, the bill passed and the title was agreed to.

Senator Parrish, from the committee on printing, reported as follows:

To the President of the Senate:

Your committee to whom was referred S. B. Nos. 40, 47 and 49, beg leave to report the same back to the Senate, correctly printed.

Respectfully,
THOS. C. PARRISH,
Chairman pro tem.

On motion of Senator John, S. B. No. 40 was referred to committee on judiciary.

On motion of Senator Haynes, S. B. No. 47 was referred to committee on agriculture.

On motion of Senator Wolcott of Gilpin, S. B. No. 49 was referred to committee on judiciary.

By consent of the Senate, Senator Hall of Lake, reported as follows:

Mr. President:

Your committee on engrossment, to whom was referred S. B. No. 14, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,

J. B. HALL,

Acting Chairman.

Report received.

Senator Wolcott of Clear Creek, moved that S. B. No. 14 be read third time and placed upon its final passage.

Senator Church moved to adjourn.

Motion carried.

SIXTEENTH DAY.

THURSDAY, JANUARY 16, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Barela, Chacon, Church, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Maxwell, Neikirk, Peck, Rhodes, Trujillo, Webster, Wolcott of Clear Creek, Wolcott of Gilpin.

Absent:

Senators Baca, Butters, DeFrance, Ellsworth, Johnson, Parrish and Rogers.

Quorum present.

Senators Butters, DeFrance, Parrish and Rogers appeared and took their seats.

Prayer by the chaplain.

Journal read and approved.

Senator Gardner, from committee on agriculture, reported as follows:

Mr. President:

Your committee on agriculture, to whom was referred S. B. No. 45, have had the same under consideration, and instruct me to report said bill back to the Senate with the recommendation that it be passed.

J. F. GARDNER,
Chairman.

On motion of Senator Rhodes, the report of the committee was received, the bill considered, engrossed, and placed on file for third reading.

Senator Peck, from committee on enrollment, reported as follows:

To the President of the Senate:

Your committee, to whom was referred S. B. No. 5, beg leave to report the same back to the Senate, correctly enrolled.

Respectfully,
FRED. C. PECK,
Chairman.

Report received.

Senator Hill introduced:

S. C. R. No. 12, asking for an appropriation from Congress, to complete the military post near Pagosa Springs, also the military wagon road leading to it.

Read first time and placed on file for second reading.

Introduction and first reading of bills.

Senator Haynes introduced:

S. B. No. 56, a bill for an act to amend an act entitled an act providing a system of procedure in civil courts of justice of the State of Colorado, approved March 11, 1877.

Senator Hall of Lake, introduced:

S. B. No. 57, a bill to establish the county of Carbonate, and to provide for terms of court.

Senator Hall of Park, introduced:

S. B. No. 58, a bill for an act to repeal a portion of sections 121 and 127 of the code.

Also, S. B. No. 59, a bill for an act to amend an act entitled an act concerning mines, approved February 13, 1874.

All of which were read first time and placed on file for second reading.

Under head of second reading of bills, S. B. No. 55 was taken up, read a second time, and on motion of Senator Haynes was referred to committee on judiciary.

Senator Parrish, from committee on printing, reported as follows:

To the President of the Senate:

Your committee to whom was referred S. B. No. 39, beg leave to report the same back to the Senate, correctly printed, except in line 18, page 2, after the word possession, "one dollar" should be striken out, and "one dollar and twenty-five cents ($1.25)" substituted, and in line 46, page 3, "fifty (50) cents" should be striken out, and "seventy-five (75) cents" substituted.

THOS. C. PARRISH,
Chairman pro tem.

On motion of Senator Parrish, the report was received, and the bill referred to the committee on fees and salaries.

Under the head of third reading and final passage of bills, S. B. No. 14 was taken up and read a third time.

The question being upon the passage of the bill, the yeas and nays were had with the following result:

Those voting in the affirmative were:

Senators Barela, Chacon, Gardner, Gaussoin, Hall of Lake, Hall of Park, Hill, Johnson, Parrish, Peck, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, Wolcott of Gilpin.—15.

Those voting in the negative were:

Senators Butters, Church, DeFrance, John, Maxwell, Neikirk.—6.

Absent and not voting:

Senators Baca, Ellsworth, Haynes, Helm and Webster. —5.

A majority only having voted in favor of the passage, the bill passed without the emergency clause.

Title agreed.

S. B. No. 13 was read a third time, and being placed upon its final passage, the yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, Wolcott of Gilpin.—23.

Gentlemen absent and not voting, were:

Senators Baca, DeFrance and Ellsworth.—3.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the tittle was agreed to.

S. B. No. 45 was read a third time.

The question being upon the final passage of the bill, the yeas and nays were had, resulting as follows:

Those voting in the affirmative were:

Senators Butters, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, Wolcott of Gilpin.—21.

Those absent and not voting were:

Senators Baca, Barela, Chacon, Ellsworth and Peck.—5.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Senator Butters presented a communication relative to unadjusted claims for safes furnished the State.

Also, a communication for unadjusted claims for services performed in constitutional convention.

Senator John presented a communication relative to unadjusted claims for services performed in constitutional convention.

On motion of Senator Butters, the communications were referred to the committee on finance, ways and means.

On motion of Senator Neikirk, the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate me at 2 o'clock P. M.

President *pro tem.* in the chair.

Senator John was excused on request.

Senator Helm, by consent, introduced the following resolution:

Resolved, That one hundred copies of the reports of the district judges be printed for the use of the members of the Senate.

On motion of Senator Helm, the resolution was adopted.

Under the head of unfinished business, S. B. No. 25 was taken up, and on motion of Senator Peck, the bill was ordered engrossed and placed on file for third reading.

Senator Church, from committee on roads and bridges, reported as follows:

Mr. President:

Your committee on roads and bridges, to whom was referred S. B. No. 31, have had the same under consideration, and instruct me to report said bill back to the Senate with the recommendation that it be passed with the following amendment, to-wit:

Add after the word "payable" in the third line from the end of section 2, the words "provided such road overseer may proceed to collect such tax at any time before the 1st day of November in each year, as authorized in this act."

Also strike out the third section which relates to the repealing of sections 37, 38 and 39 of the old law.

F. CHURCH,
Chairman.

Senator DeFrance moved that the report be received and adopted.

Motion carried.

Senator Church moved that the bill as amended, be engrossed, and that the bill be placed on file for third reading.

Motion carried.

Senator Butters, from the committee on finance, ways and means, reported as follows:

Mr. President:

Your committee on finance, ways and means, to whom was referred S. C. R. No. 11, have had the said resolution under consideration, and instruct me to report the same back to the Senate with the following amendment:

Insert after the word "printed" in the sixth line, the words "in the English language, and two hundred copies in the Spanish language", and recommend, when so amended, that it be adopted.

ALFRED BUTTERS,
Chairman.

On motion of Senator Butters, the report of the committee was received and the amendments agreed to.

Senator Butters moved that the resolution as amended be ordered engrossed.

Motion carried.

On motion of Senator Wolcott of Gilpin, the Senate went into committee of the whole with Senator Wolcott of Gilpin in the chair.

A message from the House having been announced, the president *pro tem.* resumed the chair, when the following communication was read:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed H. B. No. 25, a bill for an act apportioning bulls and cows.

Which is hereby transmitted.

W. B. FELTON,
Chief Clerk.

The message having been read, Senator Wolcott of Gil-

pin took the chair, and the committee of the whole resumed its work.

The committee rose and reported as follows:

Mr. President:

Your committee have had under consideration S. B. No. 4, and instruct me to report the same back to the Senate with the recommendation that it do pass as amended by the committee on judiciary;

Also, S. B. No. 6, and am instructed to report the same back with the recommendation that the amendments, as recommended by the committee on judiciary, be agreed to, and the bill be referred to the committee on printing;

Also, S. B. No. 24, and am instructed to report said bill back, with the recommendation that the bill be referred to the committee on judiciary, with instructions to consider the feasibility of adding an appraisement clause;

Also, S. B. No. 27, and instruct me to report same back to the Senate with the recommendation that the bill do pass as amended.

H. R. WOLCOTT,
Chairman.

On motion of Senator Webster, Senators Church and Hill were appointed as joint committee on the part of the Senate on enrollment.

Senator Johnson, from committee on engrossment, reported as follows:

To the President of the Senate:

Your committee to whom was referred S. C. R. No. 11, beg leave to report the same back to the Senate, correctly engrossed.

ALBERT JOHNSON,
Chairman.

Report received and resolution placed on file.

Senator Peck, from committee on enrollment, reported as follows:

To the President of the Senate:

Your committee to whom was referred H. B. No. 8, beg

leave to report that they delivered the same to the Governor for his signature at 11:20 A. M., to-day.

FRED. C. PECK,
Chairman on part of Senate.

Senator J. B. Hall, from committee on counties and county lines, reported as follows:

Mr. President:

Your committee on counties and county lines, to whom was referred S. B. No. 15, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it be amended, by striking out of the first line, in printed bill, the words, "district clerk," and inserting in lieu thereof, the words, "district attorney."

Also, by inserting between the words "judge" and "county," in same line the words "county attorney or."

That all of section 1, after the word "clerk" in second line to the word "shall" in third line be stricken out and that the bill pass as amended.

J. B. HALL,
Chairman.

Report adopted.

On motion Senate adjourned until to-morrow, the 17th instant, at 10 o'clock A. M.

SEVENTEENTH DAY.

FRIDAY, JANUARY 17th, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park,

Haynes, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Gilpin.

Absent:

Senators Baca, Johnson, and Wolcott of Clear Creek.

Upon request, Senators Wolcott of Clear Creek, and Johnson, were excused for the day.

Senator Wolcott of Gilpin, from committee on education, reported as follows:

Mr. President:

Your committee on education, to whom was referred S. B. No. 26, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that it be printed and passed as amended.

H. R. WOLCOTT,
Chairman.

Senator Wolcott of Gilpin, moved that the report be received and adopted.

Motion carried, and S. B. No 26 referred to committee on printing.

Senator Ellsworth, from committee on corporations, reported as follows:

Mr. President:

Your committee on corporations, to whom was referred S. B. No. 29, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it be printed and passed.

L. C. ELLSWORTH,
Chairman.

Report received and adopted, and bill referred to committee on printing.

Senator Haynes, from judiciary committee, reported as follows:

Mr. President:

Your committee on judiciary, to whom was referred S. B. No. 32, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it lie on the table.

Report received and adopted.

Also the following:

Your committee have had under consideration S. B. No. 33, and instruct me to report said bill back to the Senate with the recommendation that it be referred to committee on fees and salaries.

Received and adopted.

Bill referred to committee on fees and salaries.

Also the following:

Your committee have had under consideration, S. B. No. 34, and instruct me to report the same back with the recommendation that it pass as amended in committee, which amendments are herewith submitted.

On motion of Senator Haynes, the report was received and adopted, and the bill placed on general file.

Also, the following report:

Your committee on judiciary, to whom was referred S. B. No. 28, are of the opinion that the bill should not pass, but have had the same under consideration and instruct me to report said bill back to the Senate with the recommendation that it be placed on general file for consideration of the committee of the whole.

S. B. A. HAYNES,
Chairman.

On motion of Senator Haynes, so much of the report as recommends placing the bill on general file was adopted.

Senator Webster, from the committee on rules, reported as follows:

Mr. President:

Your committee on rules to whom was referred H. C. R. No. 10, beg leave to report that they have had the same under consideration, and instruct me report it back to the Senate, with the recommendation that the Senate do not concur.

Also, have had under consideration S. C. R. No. 10, and recommend that it do lie on the table.

W. W. WEBSTER,
Chairman.

Senator Butters, from committee on finance, ways and means, to whom was referred certain claims for services in constitutional convention, have instructed me to report said claims back with the recommendation that they be not allowed, and that the papers in the matter be returned to the parties to whom they belong.

ALFRED BUTTERS,
Chairman.

Senator Neikirk moved that the report be received and adopted.

Motion prevailed.

Senator Barela, from special committee to whom was referred S. B. No. 16, have had the same under consideration and instruct me to report said bill back to the Senate, with the recommendation that it be not passed, and that the accompanying bill be passed as a substitute therefor.

CASIMIRO BARELA,
Chairman.

On motion of Senator Butters, the report of the committee was received and adopted, and substitute to S. B. No. 16 placed on file for first reading.

Senator Helm introduced the following:

S. C. R. No. 13, relative to passage of a bill by Congress in relation to Pagosa Hot Springs.

Read first time.

Introduction of bills.

Senator Rhodes introduced:

S. B. No. 60, a bill for an act in regard to barbed wire fences.

Senator Rogers introduced:

S. B. No. 61, a bill for an act to provide for the indictment and punishment of persons falsely swearing or affirming to depositions or other instruments without this State, to be used in the courts of this State.

Senator Ellsworth introduced:

S. B. No. 62, a bill for an act to amend chapter 19 of the general laws of the State of Colorado, entitled corporations.

Also S. B. No. 63, an act to enable the State to purchase

a certain number of reports of cases at law and chancery, determined in supreme court, by L. B. France, reporter.

All of which were read a first time and placed on file for second reading.

H. J. M. No. 1, memorializing Congress to donate arid lands to the State of Colorado, was read first time.

H. B. No. 25, a bill for an act apportioning bulls and cows, was read first time.

Substitute to S. B. No. 16, a bill for an act to regulate the practice of medicine, was read first time.

Second reading of bills and resolutions.

S. C. R. No. 12, was read second time, and referred to committee on printing.

S. C. R. No. 9 was read a second time, and on motion of Senator Haynes, was referred to committee on military affairs.

S. B. Nos. 56, 57, 58 and 59 were read a second time and referred to committee on printing.

S. C. R. No. 11 was read a third time.

The question being upon the passage of the resolution.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—21.

Those voting in the negative were, none.

Absent and not voting:

Senators Baca, John, Johnson, Maxwell and Wolcott of Gilpin.—5.

So the resolution was adopted.

On motion of Senator Neikirk, Senate went into committee of the whole.

Senator DeFrance in the chair.

Committee rose and reported as follows:

Mr. President:

Your committee have had under consideration S. B. No. 4, and instruct me to report the same back with the recom-

mendation that it be engrossed and placed on file for third reading.

Also, S. B. No. 22, and am instructed to report same back with amendments, with the recommendation that amendments be agreed to, and ordered printed, and the bill as amended be passed.

On motion of Senator Neikirk, the report of the committee was received and adopted.

On motion of Senator Webster, Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

President in the chair.

Senator Wolcott of Gilpin, moved that the vote by which the resolution asking that one hundred copies of the reports of the district judges of the State of Colorado be ordered printed, be reconsidered.

Motion prevailed.

And the question then being upon the adoption of the resolution.

The resolution was not adopted.

By consent, Senator Peck was excused for the day.

Senator Hall of Park, introduced:

S. B. No. 64, a bill for an act to license physicians and apothecaries, and to regulate the practice of medicine.

Which was read first time.

By consent, Senator Hall of Park was excused for the day.

Senator J. B. Hall, from committee on engrossment, reported as follows:

Mr. President:

Your committee on engrossment, to whom was referred S. B. Nos. 15, 25, 27 and 31, have had the same under consideration, and instruct me to report said bills back to the Senate, correctly engrossed.

J. B. HALL,
Acting Chairman.

By consent of the Senate, Senator Neikirk introduced a memorial in regard to the practice of medicine, which

was read and placed on file in connection with S. B. No. 16.

The following message was announced from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted H. C. R. No. 11, providing new joint rules, which is hereby transmitted.

S. B. No. 18, a bill for an act to enable school districts to refund their bonds, and has concurred in S. C. R. No. 7, tendering thanks to Dr. Hayden.

All of which is hereby submitted.

Respectfully,

W. B. FELTON,

Chief Clerk.

Senator Parrish, from the committee on printing, reported as follows:

To the President of the Senate:

Your committee, to whom was referred S. B. Nos. 52, 53 and 54, beg leave to report the same back to the Senate, correctly printed, except in S. B. No. 54 where, in section 7, line 2, after the word "each" the word "day" should be inserted.

THOS. C. PARRISH,

Chairman pro tem.

On motion of Senator Ellsworth, S. B. No. 52 was referred to the committee on judiciary, and S. B. No. 53 was referred to the committee on immigration, and S. B. No. 54 was referred to the committee on counties and county lines.

H. C. R. No. 11 was read first time and placed on file for second reading.

S. C. R. No. 7 and S. B. No. 18, were on motion referred to the committee on enrollment.

By consent of the Senate, Senator Ellsworth introduced:

S. B. No. 65, a bill for an act to amend sections 4 and 5 of chapter 64 of general laws, entitled married women.

Senator Rhodes introduced:

S. B. No. 66, a bill for an act in regard to the issuing of

license to vend or sell spirituous, vinous or malt liquors, and establishing the responsibility of vendors without license.

Senator Maxwell introduced:

S. B. No. 67, a bill for an act to provide an additional fund for the current expenses of the State university, and for the improvement of the buildings and grounds thereof.

Senator Barela introduced:

S. B. No. 68, an act requiring the secretary of State to collect together the laws of the Territory of Colorado, which may be in effect at the closing of the present session of the legislature, with all acts passed at the present session.

All of which were read a first time and placed on file for second reading.

On motion of Senator Neikirk, the Senate went into committee of the whole.

Senator Webster in the chair.

The committee having completed the work before it, rose and reported as follows:

Mr. President:

Your committee have had under consideration S. B. No. 28, and instruct me to report the same back to the Senate, with the recommendation that the bill be referred to a special committee of three, to be appointed by the president.

Also S. B. No. 35, and am instructed to report the same back, with the recommendation that the amendment reported by the committee on judiciary be agreed to.

On motion of Senator Neikirk, the report was received and adopted.

Senator Parrish, from the committee on printing, reported as follows:

To the President of the Senate:

Your committee on printing, to whom was referred S. B. No. 50, beg leave to report the same back to the Senate, correctly printed.

THOS. C. PARRISH.

On motion of Senator DeFrance, S. B. No. 34 was ordered engrossed and placed on file for third reading.

By consent of the Senate, Senator Neikirk was excused until Monday.

President *pro tem.* appointed as special committee on S. B. No. 28, Senators John, Butters and Hill.

Report of Senator Butters, from committee on stock:

Mr. President:

Your committee, to whom was referred S. B. No. 31, beg leave to report the same back to the Senate, with the recommendation that the amendments herewith submitted be agreed to by the Senate.

Report received, and on motion of Senator Butters, the amendments were agreed to, and the bill ordered engrossed and placed on file for third reading.

On motion of Blank, the Senate adjourned until to-morrow the 18th instant, at 10 o'clock A M.

EIGHTEENTH DAY.

SATURDAY, JANUARY 18th, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Barela, Butters, Chacon, Church, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Maxwell, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Absent:

Senators Baca, DeFrance, Haynes, Johnson and Neikirk.

Quorum present.

Prayer by the chaplain.

By consent of the Senate, Senators John and Haynes were excused for the day.

Journal read and approved.

Senator Church, from committee on military affairs, reported as follows:

Mr. President:

Your committee on military affairs, to whom was referred H. C. R. No. 9, have had the same under consideration, and instruct me to report said resolution back to the Senate with the recommendation that it be adopted.

F. CHURCH,
Chairman.

On motion of Senator Ellsworth, the report of the committee was received and adopted.

Senator Butters, from the committee on finance, ways and means, reported as follows:

Mr. President:

Your committee on finance, ways and means, to whom was referred H. B. No. 14, have had the same under consideration, instruct me to report the same back to the Senate with the recommendation that it pass, amended as follows: Insert after the word "State," in sixth line of section 1, the words "from and after the passage of this act."

ALFRED BUTTERS,
Chairman.

Report received and adopted.

Senator Hall of Lake, from committee on engrossment, reported as follows:

Mr. President:

Your committee on engrossment, to whom was referred S. B. Nos. 4 and 34, beg leave to report the same back, correctly engrossed.

Respectfully,
J. B. HALL,
Acting Chairman.

Introduction of bills.

Senator Church introduced:

S. B. No. 69, a bill for an act concerning masonic bodies.

Which was read first time, and placed on file for second reading.

Second reading of bills and resolutions.

S. C. R. No. 13, and S. B. Nos. 60, 61, 62, 63, 64, 65 and 66 were read a second time and referred to the committee on printing.

Substitute to S. B. No. 16 was read second time and referred to committee on printing.

H. J. M. No. 1 was read second time, and placed on general file for consideration of the committee of the whole.

H. C. R. No. 11 was read second time, and on motion of Senator Butters, was referred to committee on rules.

H. B. No. 25 was read a second time, and on motion of Senator Rogers, was referred to committee on stock.

Third reading and final passage of bills.

S. B. No. 4, an act to amend chapter 12 of the general laws of the State of Colorado, entitled chattel mortgages, was read third time.

The question being upon the passage of the bill.

The yeas and nays were had with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Hill, John, Maxwell, Parrish, Peck, Rhodes, Rogers, Trujillo, and Wolcott of Gilpin.—19.

Voting in the negative were, none.

Absent:

Senators Baca, Haynes, Helm, Johnson, Neikirk, Webster, and Wolcott of Clear Creek.—7.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and title agreed to.

S. B. No. 25, a bill for an act to amend chapter 87 of the general laws of Colorado, entitled, an act to provide for the assessment and collection of revenue, and repeal certain acts in relation thereto, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Maxwell, Peck, Rhodes, Rogers, and Trujillo.—18.

Voting in the negative, none.

Absent and not voting:

Senators Baca, Haynes, Johnson, Neikirk, Parrish, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—8.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and title agreed to.

S. B. No. 27, a bill for an act in relation to trust deeds, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, DeFrance, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Maxwell, Parrish, Rhodes, Trujillo, Webster, and Wolcott of Gilpin.—17.

Those voting in the negative were:

Senators Church, Gardner, and Rogers.—3.

Absent and not voting:

Senators Baca, Haynes, Johnson, Neikirk, Peck, and Wolcott of Clear Creek.—6.

A majority having voted in favor of the passage of the bill.

The bill passed, and title was agreed to.

S. B. No. 31, an act to amend chapter 88 of the general laws, entitled, an act concerning roads and public highways, was read third time.

The question being upon the final passage of the bill.

The yeas and nays were had with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance,

Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Hill, John, Maxwell, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Gilpin.—20.

Voting in the negative, none.

Absent and not voting:

Senators Baca, Barela, Haynes, Helm, Johnson, Neikirk, Wolcott of Gilpin.—6.

A majority having voted in favor of the passage of the bill.

The bill passed and title was agreed to.

S. B. No. 34, an act to amend section 112 of an act entitled wills, executors and administrators, chapter 503, revised statutes, was read third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Maxwell, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Gilpin.—20.

Absent and not voting:

Senators Baca, Butters, Haynes, Johnson, Webster, and Wolcott of Clear Creek.—6.

A constitutional majority having voted in favor of the bill.

The bill passed, and the title was agreed to.

By consent of the Senate, Senator Peck introduced:

S. B. No. 70, an act to create a marshall for the supreme court, and providing for the clerical work of the judges.

Read first time and placed on file for second reading.

Senator Rogers, from committee on judiciary, reported as follows:

Mr. President:

Your committee on judiciary, to whom was referred S. B. No. 40, have amended the same, which amendments are herewith submitted, and instruct me to report said bill back to the Senate with the recommendation that the amendments be adopted, and that the bill as amended be

placed on general file for consideration in committee of the whole.

On motion of Senator Rogers, the report was received and adopted.

Also the following report:

Your committee on judiciary, to whom was referred S. B. No. 17, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it lie on the table.

M. A. ROGERS,
Chairman pro tem.

On motion of Senator Butters, the report was received and adopted.

By consent of the Senate, Senator Hill introduced:

S. B. No. 71, a bill for an act to amend section 876 of the general laws, entitled, an act concerning indigent defendants in criminal cases.

Read first time and placed on file for second reading.

Senator Wolcott of Gilpin, moved that S. B. No. 26 be referred to the printing committee, with the amendments as reported by the committee on education, on the 17th instant.

Motion carried, and the bill so referred.

By consent of the Senate, Senator Wolcott of Gilpin introduced:

S. B. No. 72, a bill for an act to amend an act, entitled, an act to establish and maintain a system of free schools.

Read first time and placed on file for second reading.

Senator DeFrance moved that the vote by which S. B. No. 31 was passed, be reconsidered.

Motion carried.

Senator DeFrance offered the following amendments to S. B. No. 31:

That the words "this act" at the end of section 2 be stricken out, and the word "law" be inserted in lieu thereof, and add after the word "law," the words, "provided, the provisions of this section shall not apply to incorporated cities and towns."

The question then being upon the passage of the bill, as amended.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Hill, John, Maxwell, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster and Wolcott of Gilpin.—20.

Those voting in the negative were, none.

Absent and not voting:

Senators Baca, Haynes, Helm, Johnson, Webster and Wolcott of Clear Creek.—6.

So the bill passed and title agreed to.

Senator Parrish, from committee on printing, reported as follows:

To the President of the Senate:

Your committee, to whom was referred S. B. No. 56, beg leave to report the same back to the Senate, correctly printed, except in line 1, section 2, the word "same" should be changed to "name."

THOS. C. PARRISH,
Chairman pro tem.

Report received, and on motion of Senator Maxwell, S. B. No. 56 was referred to the committee on judiciary.

On motion of Senator DeFrance, the Senate adjourned until Monday, the 20th instant, at 10 o'clock A. M.

TWENTIETH DAY.

MONDAY, JANUARY 20th, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Barela, Butters, Chacon, Church, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, John, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, Wolcott of Gilpin.

Absent:

Senators Baca, De France, Helm, Johnson and Maxwell.

Quorum present.

Prayer by the chaplain.

On request, Senators Johnson, Helm and Baca were excused for the day.

Journal read and approved.

Senator Parrish, from printing committee, reported as follows:

To the President of the Senate:

Your committee, to whom was referred S. B. Nos. 57, 58, 59 and 29, S. C. R. No. 12, beg leave to report the same back to the Senate, correctly printed, except that in S. B. No. 57, section 13, line 11, the word "of" should be substituted for "or."

THOS. C. PARRISH,
Chairman pro tem.

On motion of Senator Ellsworth, S. B. No. 57 was referred to committee on counties and county lines.

S. B. No. 29, and S. C. R. No. 12, were placed on general file.

On motion of Senator Rogers, S. B. No. 58 was referred to committee on judiciary.

On motion of Senator Hall of Park, S. B. No. 59 was referred to committee on mines and mining.

Senator Peck, from committee on enrollment, reported as follows:

Mr. President:

Your committee on enrollment to whom was referred S. C. R. No. 7, have compared the same carefully with the engrossed bill, and find the same correctly enrolled.

FRED. C. PECK,
Chairman.

Senator Butters, from committee on stock, reported as follows :

Mr. President:

Your committee on stock, to whom was referred H. B. No. 25, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that the word "graded," in line 5 of section 1, be stricken out, and add to the title the words, "upon the public range," and the bill so amended, be placed on file for third reading.

ALFRED BUTTERS,
Chairman.

On motion of Senator Webster, the report of the committee was agreed to, and the bill placed on general file.

Senator Hall of Lake, from committee on engrossment, reported as follows :

Mr. President:

Your committee on engrossment, to whom was referred S. B. Nos. 21 and 22, beg leave to report the same back to the Senate, correctly engrossed.

J. B. HALL,
Acting Chairman.

Senator Rogers, from committee on judiciary, reported as follows:

Mr. President:

Your committee on judiciary, to whom was referred S. B. No. 42, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it pass as amended in committee, which amendments are herewith submitted.

Also S. B. Nos. 51 and 52, and instruct me to report the same back to the Senate, with the recommendation that they do not pass.

Also H. B. Nos. 6 and 17, and am instructed to report the same back to the Senate with the recommendation that they do pass.

M. A. ROGERS,
Chairman pro tem.

On motion of Senator Rogers, the report of the committee was received, and the bills placed on file for consideration of the committee of the whole.

Senator Butters, from committee on stock, reported as follows:

Mr. President:

Your committee on stock, to whom was referred H. B. No. 13, have had the same under consideration, and instruct me to report the same back to the Senate with the recommendation that it be amended as per amendments submitted herewith, and as so amended that the bill pass.

ALFRED BUTTERS,
Chairman.

Report received, and the amendments ordered engrossed, and the bill and amendments placed on file for consideration in committee of the whole.

Introduction of bills.

Senator Rhodes introduced:

S. B. No. 73, a bill for an act in regard to acknowledgments.

Senator John introduced:

S. B. No. 74, a bill for an act in relation to *habeas corpus*.

Senator Gaussoin introduced:

S. B. No. 75, a bill for an act concerning grand juries.

All of which were read first time.

Second reading of bills.

S. B. Nos. 69 and 27 were read a second time and referred to committee on printing.

S. B. No. 70 was read second time, and on motion of Senator Haynes, was referred to committee on judiciary.

S. B. No. 71 was read second time, and on motion of Senator Hill, was referred to committee on judiciary.

Under the head of third reading and final passage of bills:

S. B. No. 15, a bill for an act relating to official bonds, and also to obligations given to boards of county commissioners, was read third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Chacon, Church, Ellsworth, Gardner, Hall of Lake, Haynes, Hill, John, Neikirk, Peck, Rhodes, Rogers, Trujillo and Webster.—15.

Those voting in the negative were, none.

Absent and not voting:

Senators Baca, Butters, DeFrance, Gaussoin, Hall of Park, Helm, Johnson, Maxwell, Parrish, Wolcott of Clear Creek, and Wolcott of Gilpin.—11.

A majority having voted in favor of the passage of the bill.

The bill passed and title agreed to.

H. C. R. No. 9, relative to a joint committee to inquire into the collection and disbursement of the military fund, was read a third time.

The question being upon the adoption of the resolution.

The yeas and nays were had with the following result:

Those voting in the affirmative were:

Senators Barela, Chacon, Church, Ellsworth, Gardner, Hall of Lake, Hall of Park, Haynes, Hill, John, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Gilpin.

Those voting in the negative were, none.

Absent and not voting:

Senators Baca, Butters, DeFrance, Gaussoin, Helm, Johnson, Maxwell, and Wolcott of Gilpin.—8.

So the resolution was adopted.

H. B. No. 14, a bill for an act to amend section 16 of article 7 of chapter 33, and section 4 of chapter 49 of the general laws of Colorado, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes,

Hill, John, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—20.

Those voting in the negative, none.

Absent and not voting were:

Senators Baca, DeFrance, Helm, Johnson, Maxwell, and Wolcott of Clear Creek.—6.

A two-thirds majority having voted in favor of the passage of the bill.

The bill passed with the emergency clause and the title agreed to.

On motion of Senator Butters, S. B. No. 21 was called from the general file and placed on file for third reading.

Senator Parrish moved that S. B. No. 21 be made the special order of the day for Wednesday, the 22d instant, at 2 o'clock P. M.

Motion carried.

Senator Rogers, from committee on indian affairs, reported as follows:

Mr. President:

Your committee on indian affairs, to whom was referred H. J. M. No. 4, have had the same under consideration, and instruct me to report the same back to the Senate with the recommendation that it do pass.

M. A. ROGERS,
Chairman.

Report received and adopted, and the bill placed on file for second reading.

On motion of Senator Rogers, the eleventh order of business of the day, was recurred to.

And H. J. M. No. 4 was taken up, read a second time, and placed on file for third reading.

Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President in the chair.

Senator Wolcott of Gilpin introduced:

S. B. No. 76, a bill for an act to prevent future discrimi-

nation of railroad companies against persons or corporations, operating or working coal mines.

Which was read first time, and on motion of Senator Ellsworth, the rules were suspended and the bill ordered printed.

Message from the House.

The following message was announced:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted H. J. M. No. 2, relative to a measure pending in Congress, providing for additional terms of the United States district court in Colorado, which is herewith transmitted.

Respectfully,

W. B. FELTON.

On motion of Senator Ellsworth, the Senate went into committee of the whole, with Senator Butters in the chair.

The committee rose and reported as follows:

Mr. President:

Your committee have had under consideration S. B. No. 29, and instruct me to report the same back with the following amendments:

In line 8, section 1, strike out the words "and remain."

In line 2, section 2, strike out the words "within sixty days."

Also, S. C. R. No. 12, and am instructed to report the same back with the recommendation that it be considered, engrossed, and placed on file for third reading.

Also, S. B. No. 35, and am instructed to report the same back with the following amendments, to-wit:

Insert between the words "board" and "also" in the fourth line of section 4, the words "and the salary of the secretary," and recommend that the bill as amended be engrossed and placed on file for third reading.

Also, S. B. No. 42, and recommend that the same do not pass.

Also, S. B. No. 44, and recommend that the bill be engrossed and placed on file for third reading.

Also, S. B. No. 51, and am instructed to report the same back with the recommendation that the bill do not pass.

Also, S. B. No. 52, and am instructed to report the same back with the recommendation that it lie on the table.

Also, H. B. No. 6, and am instructed to report the same back with the recommendation that it do pass.

Also H. J. M. No. 1, and am instructed to report the same back, with the recommendation that it be adopted.

Also H. B. No. 25, and am instructed to report the same back, with the recommendation that it be referred to the committee on judiciary, with instructions that they report upon its constitutionality.

ALFRED BUTTERS,
Chairman.

On motion of Senator John, the report was received and adopted.

Senator Webster, from committee on rules, reported as follows:

Mr. President:

Your committee on rules, to whom was referred H. C. R. No. 11, beg leave to report the same back to the Senate with amendments, and recommend the concurrence of the Senate in the resolution as amended.

Respectfully,
W. W. WEBSTER.

Senator Neikirk moved that the report of the committee be received and adopted.

Motion carried.

On motion of Senator Wolcott of Gilpin, H. C. R. No. 11 was concurred in.

Senator Peck, from committee on enrollment, reported as follows:

Mr. President:

Your committee on enrollment, to whom was referred S. B. No. 18, beg leave to report that they have carefully compared the enrolled with the engrossed bill, and find the

same correctly enrolled, and the same is herewith submitted.

Respectfully,

F. C. PECK,

Chairman.

Report received, and the bill placed in the hands of joint enrollment committee.

On motion of Senator John, Senate adjourned until tomorrow, the 21st instant, at 10 o'clock A. M.

TWENTY-FIRST DAY.

TUESDAY, JANUARY 21ST, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Barela, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, John, Johnson, Maxwell, Parrish, Peck, Rogers, Trujillo and Webster.

Absent:

Senators Baca, Butters, Haynes, Helm, Hill, Neikirk, Wolcott of Clear Creek and Wolcott of Gilpin.

Quorum present.

On motion of Senator Hall, the members of the committee on education were excused for the morning.

On request, Senators Baca and Neikirk were excused for the day.

Journal read and approved.

Senator Hall of Lake reported as follows:

Mr. President:

Your committee on engrossment, to whom was referred

S. B. No. 29, and H. B. No. 13, beg leave to report the same back to the Senate, correctly engrossed.

J. B. HALL,
Acting Chairman.

On motion of Senator Butters, the report of the committee was received and adopted, and S. B. No. 29 was placed on file for second reading, and H. B. No. 13 was placed on file for third reading.

Senator Parrish, from printing committee, reported as follows:

To the President of the Senate:

Your committee, to whom was referred S. B. Nos. 62, 63 and 65, beg leave to report the same back to the Senate, correctly printed.

THOS. C. PARRISH,
Chairman pro tem.

On motion of Senator Ellsworth, S. B. No. 62 was referred to committee on corporations.

S. B. Nos. 63 and 65 were referred to the committee on judiciary.

The committee on judiciary reported as follows:

Mr. President:

Your committee on judiciary, to whom was referred S. B. No. 70, have had the same under consideration, and instruct me to report said bill back to the Senate with recommendation that it be printed and passed.

S. B. A. HAYNES,
Chairman.

On motion of Senator Rogers, the report was received and adopted, and the bill referred to printing committee.

Also the following report:

Your committee have had under consideration S. B. No. 49, and instruct me to report the bill back to the Senate, with the recommendation that it be passed as amended in the committee, which amendments are herewith submitted.

Report received and adopted, and the substitute ordered printed.

Also, the following report:

Your committee have had under consideration S. B. No. 71, and instruct me to report said bill back to the Senate with the recommendation that it do not pass.

On motion of Senator Rogers, the report was received, and the bill and report placed on general file.

Also, the following report:

Your committee have had under consideration S. B. No. 55, and instruct me to report the same back to the Senate with the recommendation that it should not pass, as the bill is, in the opinion of the committee, unconstitutional.

Report received, and the report and bill placed on general file.

Your committee have also had under consideration S. B. No. 24, and instruct me to report said bill back to the Senate with the recommendation that it pass as printed, and further report that, if the Senate should so desire, it is feasible to add an appraisement clause, but the committee do not deem such a clause expedient.

Also, your committee have had under consideration S. B. Nos. 1, 3, 7, 8, 9, 10, 11, 12, 56 and 58, and instruct me to report said bills back to the Senate with the recommendation that they be placed on general file for consideration in committee of the whole.

On motion of Senator Rogers, S. B. Nos. 1, 3, 7, 8, 9, 10, 11, 12, 56, 58 and 24 were placed on general file, for consideration in committee of the whole.

Introduction and first reading of bills.

Senator Barela introduced:

S. B. No. 77, a bill for an act to relieve counties of certain classes of delinquent taxes.

Senator Gaussoin introduced:

S. B. No. 78, a bill for an act for the protection of stock from disease.

Senator Webster introduced:

S. C. R. No. 14, relative to state entering lands sufficient to make good deficiency.

Senator Rhodes introduced:

S. B. No. 79, a bill for an act in relation to the issuing writs of certiorari.

All of which were read a first time and placed on file for second reading.

Second reading of bills.

S. B. No. 75 was read a second time, and on motion of Senator Gaussoin, was referred to committee on judiciary.

S. B. No. 29 was read a second time, and placed on file for third reading.

H. J. M. No. 1, memorializing Congress to donate public lands, was read a third time.

The question being upon the adoption of the memorial.

The yeas and nays were had.

Those voting in the affirmative were:

Senators Barela, Chacon, Church, DeFrance, Ellsworth. Gardner, Gaussoin, Hall of Lake, Hall of Park, John, Johnson, Maxwell, Parrish, Rogers and Webster.—15.

Those voting in the negative, none.

Absent and not voting were:

Senators Baca, Butters, Haynes, Helm, Hill, Neikirk, Peck, Rhodes, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—11.

So the memorial was passed and title agreed to.

H. J. M. No. 4, a memorial in relation to the Ute reservation was read a third time.

The question being upon the passage of the memorial.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, John, Maxwell, Parrish, Rogers, Trujillo, and Webster. —16.

Voting in the negative, none.

Absent and not voting:

Senators Baca, Haynes, Helm, Hill, Johnson, Neikirk, Peck, Rhodes, Wolcott of Clear Creek, and Wolcott of Gilpin.—11.

So the memorial passed.

H. B. No. 6, a bill for an act providing what shall constitute a private seal, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, John, Johnson, Maxwell, Parrish, Rhodes, Rogers, Trujillo and Webster.—18.

Those voting in the negative were, none.

Absent and not voting:

Senators Baca, Haynes, Helm, Hill, Neikirk, Peck, Wolcott of Clear Creek, and Wolcott of Gilpin.—8.

So the bill passed, and the title agreed to.

Senators Butters and Rhodes appeared and took their seats.

Senator Butters, by consent, introduced:

S. B. No. 80, a bill for an act to protect cattle from disease called Texas fever, which was read first time.

Senate took recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President in the chair.

Senator Wolcott of Clear Creek introduced:

S. B. No. 81, an act concerning jurisdiction, powers and practice of the county courts.

And S. B. No. 82, an act concerning the jurisdiction of the county judges and county courts in cases of injunction.

Senator Barela introduced:

S. B. No. 83, an act to provide for the publication, purchase and distribution of the decisions of the supreme court of Colorado.

All of which were read first time and placed on file for second reading.

On motion of Senator Gaussoin, S. B. No. 75 was recalled from committee on judiciary and referred to printing committee.

On motion of Senator Hill, the Senate went into committee of the whole, with Senator Hill in the chair.

The sergeant-at-arms having announced a message from the House.

The president resumed the chair, when the following communication was read:

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has concurred in the Senate's amendment to H. B. No. 14, relative to amending section 16 of article 7 of chapter 33, and section 4 of chapter 49, of the general laws.

The House has amended, and adopted as amended, S. C. R. No. 11, which is herewith transmitted.

I am also instructed to inform your Honorable Body that Messrs. Cantlon, Scott and Voorhies have been appointed, on the part of the House, on the joint committee called for by H. C. R. No. 9, relative to an inquiry into the collection and disbursement of the military fund.

Respectfully,

W. B. FELTON,

Chief Clerk.

The communication having been read, the committee resumed its work.

The committee rose and reported as follows:

Mr. President:

Your committee have had under consideration, S. B. Nos. 1, 3, 7, 8, 9, 10, 11, 12, 56 and 58, and instruct me to report the same back to the Senate, with the recommendation that they be made the special order of the day for tomorrow, the 22d instant, at 2 o'clock P. M.

Also, S. B. No. 24, and recommend that the bill do pass as printed.

Also, S. B. No. 55, and recommend that the report of the judiciary committee be adopted in regard to said bill.

Also, S. B. No. 71, and recommend that the report of the judiciary (to the effect that said bill do not pass) be adopted.

Also, H. B. No. 17, and am instructed to report the same back to the Senate with the recommendation that the bill do pass.

J. W. HILL,
Chairman.

Report received and adopted.

The president appointed Senators Parrish and Hill, on the part of the Senate, on joint committee called for by H. C. R. No. 9, relative to an inquiry into the collection and disbursement of the military fund.

On motion of Senator Parrish, the amendments of the House to S. C. R. No. 11, were concurred in.

Senator Butters, from committee on finance, ways and means, reported as follows:

Mr. President:

Your committee on finance, ways and means, to whom was referred S. B. No. 23, have had the same under consideration, and instruct me to report the same back to the Senate, with an amended bill, with the recommendation that the amended bill be substituted for the original and ordered printed.

ALFRED BUTTERS,
Chairman.

Senator Wolcott of Gilpin, moved to receive and adopt the report of the committee.

Motion carried and substitute to S. B. No. 23 referred to printing committee.

The following message was announced from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House refuses to concur in Senate amendments to H. C. R. No. 11, providing for new joint rules, which is hereby returned.

Respectfully,
W. B. FELTON,
Chief Clerk.

Senator Webster moved that the Senate recede from its amendments to H. C. R. No. 11.

Motion carried.

Senator Rhodes moved to reconsider the vote by which the Senate receded from its amendments to H. C. R. No. 11.

Senator Webster moved to adjourn.

The motion to adjourn prevailed.

TWENTY-SECOND DAY.

WEDNESDAY, JANUARY 22d, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Parrish, Peck, Rhodes, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Absent:

Senators Baca, Hall of Lake, Neikirk, and Rogers.

Quorum present.

Prayer by the chaplain.

Journal read and approved.

On request, Senators Baca and Rogers were excused for the day.

On motion of Senator John, D. F. Wilkins, interpreter, was excused for the day, on account of sickness.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body, that the House has passed S. B. No. 13, a bill for an act to protect natural scenery from defacement by advertisement, by a two-thirds vote.

S. B. No. 45, amended, a bill for an act accepting the provisions of an act of Congress, approved July 2d, 1862.

The House passed also H. B. No. 4, a bill for an act entitled stallions, jacks, bulls, rams and boars.

And H. B. No. 9, a bill for an act to define and punish the obtaining of money by confidence games.

Also H. B. No. 10, a bill for an act to authorize the superintendent of the poor to bind out indigent children.

And H. B. No. 30, a bill for an act to repeal section 198 of the criminal code and chapter 24 of the general laws.

And H. B. No. 38, a bill for an act to amend an act to repeal all existing laws in relation to county courts.

All of which are hereby transmitted.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed, by two-thirds vote, H. B. No. 33, a bill for an act to amend section 4 of chapter 31 of the general laws.

Which is hereby transmitted.

W. B. FELTON,
Chief Clerk.

Senator Ellsworth, from committee on corporations, reported as follows:

Mr. President:

Your committee on corporations, to whom was referred S. B. No. 41, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it be laid on the table.

L. C. ELLSWORTH,
Chairman.

On motion of Senator Ellsworth, the report was received and adopted.

Also have had under consideration S. B. No. 62, and instruct me to report said bill back to the Senate with the recommendation that it be passed.

L. C. ELLSWORTH,
Chairman.

On motion of Senator Ellsworth, the report was received

and the bill placed on general file for consideration of the committee of the whole.

Report from joint committee on enrollment:

January 22, 1879.

To the President of the Senate:

The joint committee on enrollment have compared S. B. No. 5, S. B. No. 18 and S. C. R. No. 7, as enrolled, with the engrossed copies, find them correctly enrolled, and report them to the Senate, signed by the speaker of the House.

F. CHURCH,
Chairman on part of Senate.

Senator Haynes, from the committee on judiciary, reported as follows:

Mr. President:

Your committee on judiciary, to whom was referred S. B. No. 65, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it do not pass.

S. B. A. HAYNES,
Chairman.

On motion of Senator Haynes, the report was received and adopted, and the bill placed on general file of committee of the whole.

Senator Johnson, from committee on printing, reported as follows:

To the President of the Senate:

Your committee, to whom was referred S. B. Nos. 60, 61, 64, 67 and 68, and amended S. B. Nos. 6 and 26, substitute to S. B. No. 23 and substitute to S. B. No. 16, beg leave to report the same back to the Senate, correctly printed, except that in amended S. B. No. 6, section 16, tenth line, the word "shall" should be inserted between the words "defendant" and "appoint."

ALBERT JOHNSON,
Chairman.

On motion of Senator Rhodes, S. B. No. 60 was referred to committee on agriculture.

On motion of Senator Peck, S. B. No. 61 was referred to committee on judiciary.

On motion of Senator Maxwell, S. B. Nos. 64 and 67 were referred to committee on education.

On motion of Senator Butters, S. B. No. 68 was referred to committee on judiciary.

And substitute to S. B. No. 16 referred to committee on public health.

On motion of Senator Parrish, substitute to S. B. No. 23 was considered engrossed, and placed on file for third reading.

Report from committee on engrossment:

To the President of the Senate:

Your committee to whom was referred S. B. Nos. 24, 35, and 44, and S. C. R. No. 12, beg leave to report the same back to the Senate, correctly engrossed.

ALBERT JOHNSON,
Chairman.

Report received, and S. B. Nos. 24, 35 and 44, and S. C. R. No. 12 were placed on file for third reading.

Senator Hall of Park introduced:

S. C. R. No. 15, relative to repealing an act of Congress entitled, an act to enable the people of the State of Colorado to form a constitution, etc., which was read first time.

Introduction and first reading of bills.

Senator Barela introduced:

S. B. No. 84, a bill for an act to provide a salary for the reporter of the decisions of the supreme court.

Senator Wolcott of Gilpin introduced:

S. B. No. 85, a bill for an act concerning the jurisdiction of county judges and county courts.

Senator Church introduced:

S. B. No. 86, a bill for an act to amend section 128 of an act entitled, elections, chapter 30 of the general laws.

Senator Rhodes introduced:

S. B. No. 87, a bill for an act authorizing the county assessors to collect statistical information, and make proper return thereof.

Senator DeFrance introduced:

S. B. No. 88, a bill for an act to repeal part of section 13 of chapter 15 of the general laws.

And S. B. No. 89, a bill for an act to amend an act entitled, an act concerning unclaimed freight.

Senator Gaussoin introduced:

S. B. No. 90, a bill for an act for the codification of the laws of Colorado.

All of which were read first time, and placed on file for second reading.

The following bills, transmitted from the House, were read a first time and placed on file for second reading:

H. B. No. 4, a bill for an act entitled, stallions, jacks, bulls, rams and boars.

H. B. No. 9, a bill for an act to define and punish the obtaining of money or property by confidence games.

H. B. No. 10, a bill for an act to authorize the superintendent of the poor to bind out indigent children.

H. B. No. 30, a bill for an act to repeal section 198 of the criminal code of chapter 24 of the general laws of Colorado, and the insertion of a section in lieu thereof.

H. B. No. 33, a bill for an act entitled, an act to amend section 4 of chapter 31 of the general laws of Colorado.

H. B. No. 38, a bill for an act to amend an act entitled, an act to repeal all existing laws in relation to the creation, jurisdiction, powers, proceedings, and practice of the county courts of the state of Colorado, and to enact other provisions in lieu thereof.

Second reading of bills and resolutions.

S. C. R. No. 14 was read second time and referred to the committee on printing.

S. B. Nos. 77, 78, 79, 80, 81, 82 and 83 were read second time and referred to committee on printing.

H. J. M. No. 2 was read second time, and on motion of Senator Butters, was placed on file for consideration of the committee of the whole.

Third reading and final passage.

S. B. No. 29, a bill for an act concerning joint stock

companies, formed for religious, educational and benevolent purposes, was read third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Park, Hill, Johnson, Maxwell, Parrish, Peck, Rhodes, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—19.

Those voting in the negative, none.

Absent and not voting were:

Senators Baca, Hall of Lake, Haynes, Helm, John, Neikird, and Rogers.—7.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and title agreed to.

H. B. No. 13 was read third time, and on motion of Senator Butters, the bill was re-referred to the committee on engrossment for the purpose of having the amendments, heretofore adopted, engrossed.

H. B. No. 17, a bill for an act to amend the criminal code in relation to indictments, was read a third time.

The question being upon the final passage.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Park, Hill, Maxwell, Parrish, Peck, Rhodes, Trujillo, Webster, and Wolcott of Clear Creek.—16.

Those voting in the negative were, none.

Absent and not voting:

Senators Baca, Ellsworth, Hall of Lake, Haynes, Helm, John, Johnson, Neikirk, Rogers, and Wolcott of Gilpin. —10.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title agreed to.

S. C. R. No. 12, asking an appropriation from Congress

to complete the military post near Pagosa Springs and the wagon road leading to it, was read a third time.

The question being upon the passage of the resolution.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, Maxwell, Parrish, Rhodes, Trujillo, Webster, and Wolcott of Clear Creek.—17.

Voting in the negative was:

Senator Peck.

Absent and not voting were:

Senators Baca, Ellsworth, Haynes, John, Johnson, Neikirk, Rogers, and Wolcott of Gilpin.—8.

A majority having voted in favor of the passage of the bill.

The bill passed and title agreed to.

Substitute to S. B. No. 23, a bill for an act entitled, an act to provide for the protection, preservation and propagation of fish, etc., approved March 10th, 1877, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, Johnson, Maxwell, Parrish, Peck, Rhodes, Trujillo, Webster, and Wolcott of Clear Creek.—18.

Those voting in the negative:

Senator Gaussoin.—1.

Absent and not voting:

Senators Baca, Ellsworth, Haynes, John, Neikirk, Rogers and Wolcott of Gilpin.—7.

A two-thirds majority having voted in favor of the passage of the bill.

The bill with the emergency clause was passed, and the title agreed to.

Under the head of unfinished business.

H. C. R. No. 11 was taken up, and the motion of Senator Wolcott of Clear Creek, to lay on the table the motion of Senator Rhodes, to the effect that the Senate do reconsider the vote by which the Senate receded from its amendments to H. C. R. No. 11, was lost, and the motion to reconsider prevailed.

After some discussion on the question, the motion that the Senate do recede from its amendments to H. C. R. No. 11, was carried.

S. B. Nos. 5 and 18, and S. C. R. No. 7, were publicly read by their titles, and signed by the president.

On motion of Senator Peck, the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President in the chair.

By consent of the Senate, Senator Gaussoin introduced:

S. B. No. 90, a bill for an act for the codification of the laws of the State of Colorado, which was read first time, and placed on file for second reading.

Senator Neikirk appeared and took his seat.

On motion of Senator Butters, the Senate went into committee of the whole, with Senator Webster in the chair.

A message from the House having been announced, the president resumed the chair.

When the following message was read:

Mr. President:

I am instructed to inform your Honorable Body, that the House has adopted H. J. R. No. 3, relative to the establishment of a military post in southwestern Colorado, which is hereby transmitted.

W. B. FELTON,
Chief Clerk.

Senator Webster resumed the chair.

The committee of the whole rose and reported as follows:

Mr. President:

Your committee have had under consideration, S. B. No.

21, and instruct me to report the same back to the Senate with the recommendation that it be discharged from the special order for this day, and be made the special order for to-morrow, the 23d instant, at 2 o'clock P. M.

Your committee have also had under consideration S. B. No. 1, and instruct me to report progress and ask leave to sit again.

Respectfully,

W. W. WEBSTER.

Senator Helm moved to adjourn until to-morrow, the 23d instant, at 9 o'clock A. M.

Motion prevailed.

Senate adjourned until to-morrow, the 23d instant, at 9 o'clock A. M.

TWENTY-THIRD DAY.

THURSDAY, JANUARY 23d, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Webster, Wolcott of Clear Creek, Wolcott of Gilpin.

Absent:

Senators Baca, Hall of Park, and Trujillo.

Journal read and approved.

Report from joint committee on enrollment:

To the President of the Senate:

The joint committee on enrollment presented S. B. No. 5, S. B. No. 18 and S. J. R. No. 7 to His Excellency, the Governor, for his approval at 4 o'clock P. M.

Respectfully, F. CHURCH.

Report from committee on counties and county lines:

Mr. President:

Your committee on counties and county lines, to whom was referred S. B. No. 57, have had the same under consideration, and beg leave to report the same back with amendments, with the recommendation that the amendments be adopted, and that the bill so amended do pass.

J. B. HALL,
Chairman.

On motion of Senator Hall of Lake, the report was received, and the amendments ordered printed.

Senator Hall of Lake presented a petition signed by numerous citizens of Lake county, recommending a division of the county, which was placed on file in connection with S. B. No. 57.

Report from committee on printing:

To the President of the Senate:

Your committee, to whom was referred S. B. Nos. 66, 69, 70, 72, 73, 74, 75 and 76, substitute for S. B. No. 49 and S. C. R. No. 13, beg leave to report the same back to the Senate correctly printed, except that in S. B. No. 72, section 4, third line, the word "such" should be "each."

ALBERT JOHNSON,
Chairman.

S. B. Nos. 66, 73, 74 and 75 were referred to the committee on judiciary.

S. B. No. 69 was referred to committee on corporations.

S. B. No. 72 was referred to committee on education.

S. B. No. 70 was placed on general file for consideration of committee of the whole.

S. B. No. 76 was referred to committee on incorporations.

Substitute to S. B. No. 49 was referred to committee on engrossment.

S. C. R. No. 13 was placed on general file for consideration of the committee of the whole.

S. B. No. 45, reported from the House with amendments, was taken up, and on motion of Senator Rhodes, was referred to committee on judiciary.

Introduction and first reading of bills.

Senator Peck introduced:

S. B. No. 91, an act to provide for the payment of clerical expense in the office of secretary of the State of Colorado.

Also, S. B. No. 92, a bill for an act to amend chapter 19 of the general laws of the State of Colorado.

Also, S. B. No. 93, a bill for an act to amend section 561 of the general laws of Colorado.

Senator Helm introduced:

S. B. No. 94, a bill for an act to amend an act entitled, an act in relation to municipal corporations.

Senator Church introduced:

S. B. No. 95, a bill for an act to amend section 17 of an act entitled, an act to reduce the law incorporating the city of Denver, and the several acts amendatory thereof, into one act, and to revise and amend the same.

Also, S. B. No. 96, a bill for an act to amend section 34 of an act entitled, an act to reduce the law incorporating the city of Denver, and the several acts amendatory thereof, into one act, and to revise and amend the same, approved April 6, A. D. 1877.

Senator Hall of Lake, introduced:

S. B. No. 97, a bill for an act providing the manner in which county seats may be changed, and for the repeal of certain acts pertaining thereto.

Senator Church introduced:

S. B. No. 98, a bill for an act to amend section 59, of an act entitled, an act to reduce the law incorporating the city of Denver, and the several acts amendatory thereof, into one act, and to revise and amend the same, approved April 6, 1877.

Senator Parrish introduced:

S. B. No. 99, a bill for an act to make compensation to David P. Wilson.

Also, S. B. No. 100, a bill for an act to amend an act entitled, an act in relation to municipal corporations, approved April 4, 1877.

Senator Neikirk introduced:

S. B. No. 101, a bill for an act to amend an act entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers.

Senator Wolcott of Clear Creek introduced:

S. B. No. 102, an act in relation to bastardy.

All of which were read a first time and placed on file for second reading.

H. J. R. No. 3, relative to the establishment of a military post in southwestern Colorado, was read a first time and placed on file for second reading.

S. C. R. No. 15 and S. B. Nos. 84, 85, 86, 87, 88, 89 and 90 were read a second time and referred to committee on printing.

H. B. No. 38 was read a second time and placed on file for consideration of committee of the whole.

H. B. No. 33 was read a second time and referred to the committee on judiciary.

H. B. Nos. 10 and 30 were read a second time and placed on general file for consideration of the committee of the whole.

H. B. No. 9 was read a second time and placed on file for third reading.

On motion of Senator Hill, H. J. M. No. 2 was taken from the general file of the committee of the whole, and the memorial considered engrossed, and placed on file for third reading.

On motion of Senator Rhodes, S. B. No. 45 was recalled from the committee on judiciary.

The question then being upon adopting the amendments of the House to said bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek and Wolcott of Gilpin.—23.

Those voting in the negative were, none.

Absent and not voting:

Senators Baca, Ellsworth and Hall of Lake.—3.

So the amendments were adopted.

H. J. M. No. 2, relative to holding terms of United States courts, was read a third time.

The question being upon the passage of the memorial.

The yeas and nays were had.

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek and Wolcott of Gilpin.—24.

Voting in the negative, none.

Absent and not voting:

Senators Baca and Ellsworth.—2.

A majority having voted in favor of the passage of the memorial.

The memorial passed and title agreed to.

H. B. No. 13, an act to repeal chapter 105 of the general laws, was read a third time.

The question being upon the question of the passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek and Wolcott of Gilpin.—21.

Voting in the negative, none.

Absent and not voting were:

Senators Baca, Ellsworth, Haynes, Helm and Rhodes.—5.

A majority having voted in favor of the passage of the bill.

The bill passed and the title agreed to.

S. B. No. 44, a bill for an act to provide methods of collecting and keeping account of monies collected for State institutions, was read third time.

The question being upon the passage of the bill.

The yeas and nays were had.

Those voting in the affirmative were:

Senators Barela, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Wolcott of Clear Creek.—19.

Voting in the negative, none.

Absent and not voting:

Senators Baca, Ellsworth, Helm, Rhodes, Webster and Wolcott of Gilpin.—7.

A majority having voted in favor of the passage of the bill.

The bill passed and title agreed to.

S. B. No. 35, an act to amend chapter 7 of the general laws, entitled, an act to establish a State board of agriculture and define its duties, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had.

Those voting in the affirmative were:

Senators Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Clear Creek. —22.

Voting in the negative:

Senator Barela.—1.

Not voting and absent:

Senators Baca, Ellsworth, and Wolcott of Gilpin.—3.

A majority having voted in favor of the passage of the bill.

The bill passed and the title agreed to.

S. B. Nos. 22 and 24 were read third time, and on motion of Senator Helm, were placed on the general file for consideration of the committee of the whole.

Senator Butters moved that S. B. No. 21 be discharged from the special order, and placed upon its final passage.

Motion prevailed.

Senator Butters then offered the following amendment to S. B. No. 21:

In section 20, line 2, engrossed bill, between the words "upon" and "all" insert the words, "the assessed value of."

And in third line of section 20, after the figures "1879," strike out the words "two cents" and insert the words "one fifth of one mill."

And in the fourth line of same section, after the word "thereafter," strike out the words "two cents" and insert the words "one tenth of one mill."

Amendments adopted, and on motion of Senator Maxwell, the bill was recommitted to the committee on stock.

The following communications were received from His Excellency, Governor F. W. Pitkin:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 23d, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed J. R. No. 7, entitled, a joint resolution for thanks to Dr. F. V. Hayden, United States geologist in charge of the survey of the Territories, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 23d, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 5, entitled, an act giving consent to the acquisition by the United States of lands for public use in the State of Colorado, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 23d, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 18, entitled, an act to enable school districts to refund their bonds, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

Report of committee on counties and county lines:

Mr. President:

Your committee on counties and county lines, to whom was referred S. B. No. 54, have had the same under consideration, and instruct me to report said bill back to the Senate with the recommendation that it be placed on file for second reading.

J. B. HALL,
Chairman.

Report received and adopted.

Report from committee on immigration:

To the President of the Senate:

Your committee, to whom was referred S. B. No. 53, beg leave to report the same back to the Senate, with the recommendation that it be placed on general file, for consideration in committee of the whole.

F. C. PECK,
Chairman.

Report received and adopted.

By consent of the Senate, Senator Butters introduced:

S. B. No. 103, an act to repeal a part of section 31 of an act entitled, an act to incorporate the Colorado Land and Mineral Association.

Senator Wolcott of Clear Creek introduced:

S. B. No. 104, a bill for an act to amend section 74 of the general laws.

Also, S. B. No. 105, a bill for an act concerning the limitation of actions.

All of which were read first time and placed on file for second reading.

On motion of Senator Webster, the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President in the chair.

Report of joint committee on enrollment:

Mr. President:

The joint committee on enrollment, examined S. B. No. 14, and found the same correctly enrolled.

F. CHURCH,
Chairman on part of Senate.

Report of committee on engrossment:

To the President of the Senate:

Your committee, to whom was referred substitute for S. B. No. 49, beg leave to report the same back to the Senate, correctly engrossed.

ALBERT JOHNSON,
Chairman.

Report received.

By consent of the Senate, the rules were suspended, and S. B. No. 54 was read a second time, and referred to the committee of the whole.

H. B. No. 14 was publicly read by its title and signed by the president at 2 o'clock and 5 minutes.

On motion of Senator Wolcott of Clear Creek, the Senate went into committee of the whole, with Senator Webster in the chair.

A message from the House having been announced, the president *pro tem.* resumed the chair.

When the following message was read:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed H. B. No. 31, a bill for an act to amend

sections 258 and 259 of the criminal code, and chapter 24 of the general laws.

Also, H. B. No. 56, a bill for an act to protect the grazing lands of Colorado from the stock of non-residents.

And H. B. No. 64, a bill for an act to provide for the herding of rams.

Which bills are herewith transmitted.

Respectfully,

Blank Blank,
Chief Clerk of the House.

The message having been read.

Senator Webster resumed the chair.

The committee rose and reported as follows:

Mr. President:

Your committee have had under consideration the special order of the day, and instruct me to report that they have made some progress and ask leave to sit again.

Respectfully,
W. W. WEBSTER,
Chairman.

Report of joint committee on enrollment:

To the President of the Senate:

The joint committee on enrollment presented H. B. No. 14 to His Excellency the Governor, for his approval, at 2:30 o'clock P. M.

Respectfully,
F. CHURCH,
Chairman on part of Senate.

On motion, the Senate adjourned until to-morrow, the 24th instant, at 10 o'clock A. M.

TWENTY-FOURTH DAY.

FRIDAY, JANUARY 24th, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Absent:

Senator DeFrance, by consent.

Quorum present.

Prayer by the chaplain.

Journal read and approved.

Senator Gaussoin presented a petition of citizens of Bent county against a portion of H. B. No. 59.

On motion of Senator Gaussoin, the petition was referred to the House of Representatives.

Report from committee on printing:

To the President of the Senate:

Your committee, to whom was referred S. B. Nos. 77, 80, and 82, and amendments to S. B. No. 57, beg leave to report the same back to the Senate, correctly printed.

ALBERT JOHNSON,

Chairman.

S. B. Nos. 57 and 77, were placed on the general file for consideration in committee of the whole.

S. B. Nos. 80 and 82, were referred to committee on judiciary.

Report from committee on education:

Mr. President:

Your committee on education, to whom was referred S. B. No. 20, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it lie on the table.

Report received and adopted.

The committee on education further reported that the committee had had under consideration S. B. No. 67, and reported the same back with the recommendation that it do pass.

And S. B. No. 72, and reported the same back with the recommendation that it do pass as amended by the committee.

H. R. WOLCOTT,
Chairman.

Report on S. B. No. 67 was received, and the bill placed on general file for consideration in committee of the whole.

Report on S. B. No. 72 was received and adopted, and the bill, as amended, ordered engrossed and placed on file for third reading.

Report from committee on stock:

Mr. President:

Your committee on stock, to whom was referred S. B. No. 21, beg leave to report the same back to the Senate with amendments, and with the recommendation that the amendments be agreed to and the bill, as amended, passed.

Report received and adopted, and the amendments ordered engrossed, and bill and amendments placed on file for third reading.

Report from committee on enrollment:

Mr. President:

Your committee on enrollment, to whom was referred S. B. No. 13, beg leave to report that they have carefully compared the same with the engrossed bill, and find the same correctly enrolled.

F. C. PECK,
Chairman.

S. B. No. 13 was publicly read by its title, and signed by the president.

Introduction and first reading of bills.

Senator Hall of Lake introduced:

S. B. No. 106, a bill for an act to change the names of the counties of Lake and Carbonate.

Senator Parrish introduced:

S. B. No. 107, a bill for an act to amend section 40 of chapter 19 of the general laws of the State of Colorado.

Senator Chacon introduced:

S. B. No. 108, a bill for an act to protect settlers upon State lands.

Senator Hall of Park introduced:

A bill for an act to amend an act entitled, an act to provide for the protection, preservation and propagation of fish, approved March 10, 1877.

All of which were read a first time, and placed on file for second reading.

H. B. No. 31, a bill for an act to amend sections 258 and 259 of the criminal code, chapter 24 of the general laws, and to repeal sections 266 and 192 of the criminal code, chapter 24 of the general laws of Colorado.

H. B. No. 56, a bill for an act to protect the grazing lands of Colorado from the stock of non-residents.

H. B. No. 64, a bill for an act to provide for the herding of rams.

Were read a first time, and placed on file for second reading.

H. J. M. No. 3, was read a second time and placed on general file for consideration in committee of the whole.

S. B. No. 91, was read a second time and referred to committee on finance, ways and means.

S. B. Nos. 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104 and 105, were referred to printing committee.

The following communication was read:

DENVER, January 24th, 1879.

THE HON. H. A. W. TABOR,

President of the Senate:

Will please lay the following invitation before the Honorable Body over which he presides:

To the Senate and House of Representatives of Colorado:

You are hereby invited to an excursion over the Denver, South Park and Pacific Railroad to-morrow, Saturday, the 25th inst.

I regret that, although application was made several days ago, I did not get notice of the possibility of dinner being provided at Webster until last evening, or this invi-

tation would have been given sooner. The train will leave at 8 o'clock A. M., from the foot of Sixteenth street, and if an early acceptance is given, every preparation will be made for the accommodation of all the members and officers of both branches of the General Assembly.

I have the honor to be, very respectfully,

Your obedient servant,

JOHN EVANS,
President.

Senator Wolcott of Gilpin moved that the invitation be declined with the thanks of the Senate for the courtesy.

Motion carried.

H. B. No. 4, a bill for an act entitled, stallions, bulls, rams and boars, was read third time.

The question being upon the final passage of the bill.

The yeas and nays were had.

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, John, Johnson, Maxwell, Rhodes, Trujillo, and Webster.—14.

Those voting in the negative were:

Senators Baca, Church, Helm, Neikirk, Peck, Rogers, Wolcott of Clear Creek, and Wolcott of Gilpin.—8.

Absent and not voting:

Senators DeFrance, Ellsworth, Hill, and Parrish.—4.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title agreed to.

Senator Peck introduced, by consent of Senate:

S. B. No. 110, a bill for an act creating an advisory board to the governor, in certain cases.

Senator John moved that the Senate take a recess until 1 o'clock and 30 minutes.

Motion prevailed.

AFTERNOON SESSION.

Senate met at 1 o'clock and 30 minutes.

President in the chair.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has amended and passed as amended, with the emergency clause, amended S. B. No. 19, a bill for an act changing the boundaries of certain judicial districts of the State and rearranging the counties therein. Which is hereby returned.

Respectfully,
W. B. FELTON,
Chief Clerk of the House.

Report of the committee on engrossment:

To the President of the Senate:

Your committee, to whom was referred amendments to S. B. No. 21, beg leave to report the same back to the Senate, correctly engrossed.

ALBERT JOHNSON,
Chairman.

On motion of Senator Butters, the amendments were read, and the bill as amended placed on final passage.

The question being upon the passage of the bill as amended.

The yeas and nays were had.

Those voting in the affirmative were:

Senators Baca, Butters, Chacon, Church, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Clear Creek.—22.

Voting in the negative, none.

Absent and not voting:

Senators Barela, DeFrance, Hill, and Wolcott of Clear Creek.—4.

The question being upon the passage of the emergency clause.

The yeas and nays were had.

Those voting in the affirmative were:

Senators Baca, Butters, Chacon, Church, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Clear Creek.—23.

Voting in the negative, none.

Absent and not voting:

Senators Barela, DeFrance, and Wolcott of Gilpin.—3.

A majority having voted in favor of the passage of the bill and the emergency clause.

The bill and the emergency clause passed, and the title to the bill agreed to.

Senator Helm moved that the amendments of the House to amended S. B. No. 19, be concurred in by the Senate.

And the ayes and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek and Wolcott of Gilpin.—25.

None voting in the negative.

Absent and not voting:

Senator Barela.

A majority having voted in favor of concurring in the amendments.

The amendments were concurred in.

Senator Rhodes presented:

S. C. R. No. 16, relative to printing one thousand copies of the report of the State board of agriculture, which was read first time and placed on file for second reading.

Report of committee on printing:

To the President of the Senate:

Your committee, to whom was referred S. B. Nos. 78, 83, and 88, S. C. R. No. 14 and S. C. R. No. 15, beg leave to report the same back to the Senate, correctly printed.

ALBERT JOHNSON,
Chairman.

S. B. No. 78 was referred to committee on stock.

S. B. No. 83 was referred to committee on judiciary.

S. B. No. 88 was referred to committee on State institutions.

S. C. R. No. 14 was referred to committee on federal relations.

S. C. R. No. 15 was referred to committee on education.

Report of committee on judiciary:

Mr. President:

Your committee on judiciary, to whom was referred S. B. No. 66, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it do pass.

S. B. A. HAYNES,
Chairman.

Report received and the bill placed on general file for consideration of the committee of the whole.

On motion of Senator Wolcott of Clear Creek, the Senate went into committee of the whole, with Senator Webster in the chair.

A message having been announced from the house, the president resumed the chair, when the following message was read:

Mr. President:

A member of the House having given notice that he would move a reconsideration of the vote by which amended S. B. No. 19 was passed, the House has instructed me to request of your Honorable Body the said amended S. B. No. 19, relative to an act changing the boundaries of certain judicial districts, be returned to the House.

Respectfully,
W. B. FELTON,
Chief Clerk.

Senator Webster resumed the chair.

The committee rose and reported as follows:

Mr. President:

Your committee have had under consideration S. B. Nos. 1, 3, 7, 8, 9, 10, 11, and 12, and I am instructed to report

the same back to the Senate, with the following amendments to S. B. Nos. 3, 7, 8, 9, 10, 11, 12: Add to each of said bills the following section, to-wit: This act shall take effect and be in force on and after the first day of July, A. D. 1879, and recommend that the amendments be agreed to, and that S. B. Nos. 3, 7, 8, 9, 10, 11, 12, as amended, together with S. B. No. 1, be ordered engrossed and placed on file for third reading.

Senator Ellsworth moved that the report of the committee be received and adopted.

The motion to receive was adopted.

The question being upon adopting the report.

The yeas and nays were had.

Those voting in the affirmative were:

Senators Baca, Chacon, Church, DeFrance, Ellsworth, Hall of Park, Hill, Johnson, Parrish, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin. —14.

Those voting in the negative were:

Senators Butters, Gardner, Gaussoin, Hall of Lake, Haynes, Helm, Maxwell, Neikirk, Peck, and Webster.—10.

Absent and not voting:

Senators Barela and John.—2.

A majority having voted in favor of adopting the report.

The report was declared adopted.

By consent of the Senate, Senator Wolcott of Clear Creek introduced:

S. B. No. 111, a bill for an act to establish impartial suffrage, which was read first time, and placed on file for second reading.

Report from joint committee on enrollment:

To the President of the Senate:

The joint committee on enrollment have compared H. J. M. Nos. 1, 2 and 4, H. B. Nos. 6 and 17, and S B. No. 13, with the engrossed copies, find the same correctly enrolled, and report them to the Senate, signed by the speaker of the House.

F. CHURCH,

Chairman on part of Senate.

Report from committee on enrollment:

Mr. President:

Your committee on enrollment, to whom was referred amended S. B. No. 19, have compared the same with the engrossed bill, and find the same correctly enrolled.

F. C. PECK,
Chairman.

Also the following report:

Mr. President:

Your committee on enrollment, to whom was referred S. B. No. 45, have carefully compared the same with the engrossed bill, and find the same correctly enrolled.

F. C. PECK,
Chairman.

Senator Peck offered the following resolution:

Resolved, That in relation to the communication received from the House in regard to S. B. No. 19, the secretary be instructed to report the following:

That previous to the time at which the Senate was advised that a member of the House had given notice that he would move a reconsideration of the vote by which S. B. No. 19, as amended by the House, was passed, the said bill as amended, had been reported back to the Senate, and the House amendments concurred in, and the bill as amended by the House delivered to the committee on enrollment, and the same has been reported back, correctly enrolled.

On motion of Senator Helm, the resolution was adopted.

On request, Senator Rhodes was excused until Monday, 26th instant.

Senate adjourned until to-morrow, the 25th instant, at 10 o'clock A. M.

TWENTY-FIFTH DAY.

SATURDAY, JANUARY 25th, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek and Wolcott of Gilpin.

Absent:

Senator Rhodes.

Prayer by the chaplain.

Journal read and approved.

Report from printing committee:

To the President of the Senate:

Your committee, to whom was referred S. B. Nos. 79, 81, 85 and 89, beg leave to report the same back to the Senate, correctly printed.

ALBERT JOHNSON,
Chairman.

Report received, and S. B. Nos. 79, 81, 85 and 89 were referred to the committee on judiciary.

Report from committee on public health:

Mr. President:

Your committee on public health, to whom was referred substitute for S. B. No. 16, report the same back with the recommendation that it do not pass.

H. NEIKIRK,
Chairman.

Senator Church moved that the report be received and adopted.

Motion prevailed, and substitute for S. B. No. 16 placed on general file for consideration in committee of the whole.

Report from committee on education:

Mr. President:

Your committee on education, to whom was referred S. C. R. No. 15, have had the same under consideration, and

instruct me to report said resolution back to the Senate, with the recommendation that it be laid upon the table.

H. R. WOLCOTT,
Chairman.

On motion of Senator Wolcott of Clear Creek, the report of the committee was received and adopted.

H. B. Nos. 6 and 17, S. B. No. 13 and H. J. M. Nos. 1, 2 and 4, were publicly read by their titles and signed by the president.

The following resolution was introduced by Senator Peck:

Resolved, by the Senate of the State of Colorado, That the chairmen of the committees on enrollment and engrossment be authorized to employ extra clerical assistance, at any time when they may need the same in their respective committees.

Senator Peck moved to adopt the resolution.

Motion carried.

Under the head of introduction of bills.

Senator DeFrance introduced the following:

S. B. No. 112, an act regulating the power of granting and dissolving injunctions and restraining orders, and mode of obtaining mandatory writs of injunction, and practice relating thereto.

S. B. No. 113, an act concerning evidence and depositions.

S. B. No. 114, an act concerning mandamus.

S. B. No. 115, an act concerning juries.

S. B. No. 116, an act concerning arbitrations and awards.

S. B. No. 117, an act concerning quo warranto.

S. B. No. 118, an act to amend chapter 53 of the general laws, concerning judgments and executions.

S. B. No. 119, an act to provide for changing the venue in civil and criminal actions.

S. B. No. 120, a bill for an act concerning the publication of the session laws of Colorado.

Senator Neikirk introduced:

S. B. No. 121, a bill for an act to promote uniformity in assessments.

Senator Peck introduced:

S. B. No. 122, a bill for an act making an appropriation for the purchase of Colorado reports.

S. B. No. 123, a bill for an act exempting monthly wages from attachment in certain cases.

Also, S. B. No. 124, a bill for an act for the creation of a board of railroad commissioners, and defining their powers and duties.

Senator Hall of Lake introduced:

S. B. No. 125, a bill for an act prescribing rates of fare and freight on the several railroads in this State.

Also, S. B. No. 126, a bill for an act to amend section 140 of chapter 25 of the revised statutes of the State of Colorado.

Senator Webster introduced:

S. B. No. 127, a bill for an act concerning life insurance companies.

Senator Wolcott of Gilpin introduced:

S. B. No. 129, a bill for an act to establish a board of railroad commissioners.

Senator DeFrance introduced:

S. B. No. 130, a bill for an act to ratify and legalize certain corporations.

Senator John introduced:

S. B. No. 131, a bill for an act in relation to public lands entered by town authorities in trust for the owners and occupants thereof.

Senator Wolcott of Clear Creek introduced:

S. B. No. 132, a bill for an act to repeal section 169 of the act providing a system of procedure in civil cases.

Senator Parrish introduced:

S. B. No. 133, a bill for an act to amend an act entitled, an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, approved March 20, 1871.

Also, S. B. No. 134, a bill for an act entitled, attachment and garnishment.

Senator Butters introduced:

S. B. No. 135, a bill for an act to provide for the purchase of supplies for the legislative, executive and judicial departments of the State, and for the renting of rooms for the General Assembly.

Senator John introduced:

S. B. No. 137, a bill for an act to amend chapter 38 of the general laws of Colorado, entitled, forcible entry and detainer.

Senator Hill introduced:

S. B. No. 138, a bill for an act to repeal section 7 of chapter 41 of the general laws.

Senator Rogers introduced:

S. B. No. 139, a bill for an act to repeal an act providing a system of procedure of civil actions in the courts of justice of the State of Colorado.

Senator DeFrance introduced:

S. B. No. 140, a bill for an act in relation to suits against corporations, when the same shall be commenced, and how service of process shall be had upon corporations.

Senator Parrish introduced:

S. B. No. 141, a bill for an act in relation to mineral lands within the State of Colorado.

Also S. B. No. 142, a bill for an act concerning constables.

Senator Hall of Lake introduced:

S. B. No. 143, a bill for an act to reimburse Park county for maintenance of prisoners.

Senator Wolcott of Gilpin introduced:

S. B. No. 144, a bill for an act authorizing county treasurers to transfer certain funds to the general fund of their respective counties.

Also, S. B. No. 145, a bill for an act for the relief of Gilpin and Clear Creek Counties.

Senator Ellsworth introduced:

S. B. No. 146, a bill for an act concerning the consolidation of mining corporations.

All the above named bills except S. B. No. 124 were read a first time and placed on file for second reading.

Senator Wolcott of Clear Creek introduced:

S. B. No. 136, a bill for an act authorizing the purchase of Corbett's Legislative Manual, which was read first time, and on motion of Senator Wolcott of Clear Creek, the rules were suspended and bill referred to the committee on finance, ways and means.

Senator Wolcott of Clear Creek introduced:

S. B. No. 128, an act repealing chapter 91 of the general laws.

Which was read first time.

Senator Ellsworth, from committee on corporations, reported as follows:

Mr. President:

Your committee on corporations, to whom was referred S. B. No. 69, have had the same under consideration and instruct me to report said bill back to the Senate with the recommendation that it be placed on file in committee of the whole.

L. C. ELLSWORTH,
Chairman.

On motion of Senator Ellsworth, the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President in the chair.

S. C. R. No. 16, S. B. Nos. 106, 107 and 108 were read second time and referred to committee on printing.

Senator Wolcott of Gilpin, moved that the rules be suspended, and S. B. Nos. 72, 54 and 69 be taken from the general file, considered engrossed, be read third time, and placed on file for final passage.

Motion carried.

S. B. No. 72, a bill for an act to amend an act entitled, an act to establish and maintain a system of free schools, was read a third time.

The question then being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Helm, Hill, Johnson, Maxwell, Neikirk, Peck, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—18.

Voting in the negative, none.

Absent and not voting:

Senators DeFrance, Ellsworth, Hall of Park, Haynes, John, Parrish, Rhodes, and Wolcott of Clear Creek.—8.

The question then being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, Gardner, Gaussoin, Hall of Lake, Helm, Hill, Johnson, Maxwell, Neikirk, Peck, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—18.

Voting in the negative, none.

Absent and not voting:

Senators DeFrance, Ellsworth, Hall of Park, Haynes, John, Parrish, Rhodes, and Wolcott of Clear Creek.—8.

A majority having voted in favor of the passage of the bill and the emergency clause.

The bill and the emergency clause were passed, and the title agreed to.

On motion of Senator Peck, S. B. No. 54 was replaced on the general file.

S. B. No. 69, a bill for an act concerning masonic bodies, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Haynes, Hill, John, Maxwell, Neikirk, Peck, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—19.

None voting in the negative.

Absent and not voting:

Senators Ellsworth, Hall of Park, Helm, Johnson, Parrish, Rhodes, and Wolcott of Clear Creek.—7.

The question then being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, Gardner, Gaussoin, Hall of Lake, Helm, Hill, John, Maxwell, Neikirk, Peck, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—18.

Voting in the negative, none.

A majority having voted in favor of the passage of the bill and the emergency clause.

The bill and the emergency clause passed, and the title agreed to.

Senator Hall of Lake moved to suspend the rules and go into committee of the whole on general file.

Motion carried.

The Senate went into committee of the whole upon the general file.

Senator John in the chair.

The committee rose and reported as follows:

Mr. President:

Your committee have had under consideration S. B. No. 57, and have amended the same, and instruct me to report the bill back to the Senate with the recommendation that the amendments be agreed to, the bill as amended ordered engrossed, and placed on file for third reading and final passage.

Also have had under consideration S. B. No. 54, and am instructed to report the same back to the Senate with the recommendation that it be referred to the committee on judiciary.

Also substitute to S. B. No. 16, and am instructed to report the same back with the recommendation that it be laid on the table.

Also S. B. No. 53, and the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

Also S. C. R. No. 13, and am instructed to report it back with the recommendation that it be adopted.

Also S. B. No. 65, and your committee recommend that it be laid on the table.

Also S. B. No. 66, and recommend that it be referred to a special committee, to consist of Senator Rhodes and two other members of the Senate to be selected by the president.

On motion of Senator Hall of Lake, the report of the committee was received and adopted.

The president appointed as special committee on S. B. No. 66, Senators Rhodes, Helm and Butters.

By consent of the Senate, Senator Church introduced:

S. B. No. 147, a bill for an act to amend an act entitled, an act providing a system of procedure in civil actions in the courts of justice in the State of Colorado, and to perfect the same in certain particulars.

S. B. No. 48, a bill for an act in relation to precinct officers.

Both of which were read a first time and placed on file for second reading.

The following communication was received from His Excellency Governor Pitkin:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 25th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed H. J. M. No. 1, relating to arid lands, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 25th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this

day signed H. J. M. No. 4, relating to Ute reservation, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 25th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed H. J. M. No. 2, relating to United States district courts in Colorado, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

Report from committee on printing:

To the President of the Senate:

Your committee, to whom was referred S. B. Nos. 84, 86, 87, 93 and 104, beg leave to report the same back to the Senate, correctly printed, except that in No. 87, section 4, article 3, line 20, the word "in" should be "to," and in section 5, line 3, the word "four" should be "3."

ALBERT JOHNSON,
Chairman.

S. B. Nos. 84, 93 and 104 were referred to committee on judiciary.

S. B. No. 86 was referred to committee on elections.

S. B. No. 87 was placed on file for consideration of the committee of the whole.

Report from joint committee on enrollment:

Mr. President:

The joint committee on enrollment, have compared S. B. Nos. 19 and 45 with the engrossed copy, find the same correctly enrolled, and report them to the Senate signed by the speaker of the House.

Respectfully,
F. CHURCH,
Chairman on part of Senate.

Also the following:

Mr. President:

The joint committee on enrollment presented H. J. M. Nos. 1, 2 and 4, H. B. Nos. 6 and 17, and S. B. No. 13, to His Excellency the Governor, for his approval, at 4 o'clock P. M., this date.

Respectfully,

F. CHURCH,

Chairman on part of Senate.

S. B. Nos. 19 and 45 were publicly read by title, and signed by the president of the Senate.

On motion of Senator Helm, the Senate adjourned until Monday, the 27th instant, at 10 o'clock A. M.

TWENTY-SEVENTH DAY.

MONDAY, JANUARY 27th, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Absent:

Senators Ellsworth, and Haynes.

Quorum present.

Prayer by the chaplain.

Journal read and approved.

Report from committee on engrossment:

To the President of the Senate:

Your committee, to whom was referred S. B. No. 57,

beg leave to report the same back to the Senate, correctly engrossed.

ALBERT JOHNSON,
Chairman.

Report received, and S. B. No. 57 placed on the general file.

Report from committee on printing:

To the President of the Senate:

Your committee, to whom was referred S. B. Nos. 96, 98, 101 and 105, beg leave to report the same back to the Senate, correctly printed.

ALBERT JOHNSON,
Chairman.

S. B. Nos. 96 and 98 were referred to the committee on corporations.

S. B. No. 101 was referred to the committee on fees and salaries.

S. B. No. 105 was referred to the committee on judiciary.

By consent of the Senate, Senator Haynes was excused for the day.

Report from the committee on judiciary:

Mr. President:

Your committee on judiciary, to whom was referred S. B. No. 68, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it be placed on general file for consideration in committee of the whole.

S. B. A. HAYNES,
Chairman.

On motion of Senator Neikirk, the report was received and adopted.

Also the following:

Mr. President:

Your committee on judiciary, to whom was referred S. B. No. 63, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that it do pass.

S. B. A. HAYNES,
Chairman.

Senator Rogers moved that the report be received and adopted.

Motion carried.

Also the following:

Mr. President:

Your committee on judiciary, to whom was referred Senate Resolution in regard to Custer county lands, also H. B. No. 33, have had the same under consideration and instruct me to report said bill and resolution back to the Senate with the recommendation that they lie on the table.

S. B. A. HAYNES,
Chairman.

Senator Church moved that the report be received and adopted.

Motion carried.

Senator Hall of Lake moved to refer S. B. No. 125 to the committee on incorporations and railroads.

Motion carried.

Second reading of bills.

S. B. No. 109 was read a second time and referred to committee on elections.

S. B. No. 110 was read a second time and referred to the committee on judiciary.

S. B. Nos. 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 126, 127, 128, 129, 130, 131, 132 and 133 were read a second time and referred to the committee on printing.

S. B. No. 134 was read a second time and referred to the committee on judiciary.

S. B. Nos. 135, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147 and 148 were read a second time and referred to the committee on printing.

H. B. No. 31 was read a second time and referred to the committee on judiciary.

H. B. Nos. 56 and 64 were read a second time and referred to the committee on stock.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House refuses to concur in Senate amendments to section 2, of H. B. No. 13, concerning the bounty on wolves and coyotes, and has concurred in all the other amendments proposed by the Senate to H. B. No. 13, which is hereby returned for future consideration of amendment to section 2.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

Senator Ellsworth appeared and took his seat.

The following communication was received from His Excellency Governor Frederick W. Pitkin:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 27th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 13, entitled, an act to protect natural scenery from defacement by advertisement, etc., and to define the penalty for so doing, and have filed the same with the secretary of State.

Very respectfully,

FREDERICK W. PITKIN,

Governor.

Report from the committee on federal relations:

Mr. President:

Your committee on federal relations, to whom was referred S. C. R. No. 14, have had the same under consideration, and have amended the same, and instruct me to report said resolution back to the Senate with the recommendation that it be adopted as amended, said amendments being herewith transmitted.

M. A. ROGERS,

Chairman.

On motion of Senator Rogers, the report was received and adopted.

Third reading and final passage of bills and resolutions.

S. C. R. No. 13, relating to the Pagosa Hot Springs, was read a third time.

The question being upon the adoption of the resolution.

The yeas and nays were had.

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, Johnson, Maxwell, Neikirk, Parrish, Rogers, Trujillo, Webster, and Wolcott of Clear Creek.—20.

Voting in the negative, none.

Absent and not voting:

Senators Ellsworth, Haynes, John, Peck, Rhodes, and Wolcott of Gilpin.—6.

A majority having voted in favor of the adoption of the resolution.

The resolution was adopted.

S. B. No. 57, a bill for an act to establish the county of Carbonate and to provide for terms of court therein, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—23.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Senators Ellsworth, Haynes, and John.—3.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

The question being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—23.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Senators Ellsworth, Haynes, and John.—3.

A constitutional majority having voted in favor of the passage of the emergency clause.

The emergency clause passed.

Report from the committee on finance, ways and means:

Mr. President:

Your committee on finance, ways and means, to whom was referred S. B. No. 91, have had the same under consideration, and instruct me to report the same back to the Senate with an amended bill, and recommend that the amended bill be substituted for the original bill, and ordered printed.

ALFRED BUTTERS,
Chairman.

On motion of Senator Butters, the report was received and adopted.

The committee on finance, ways and means, further reported as follows:

Mr. President:

Your committee on finance, ways and means, to whom was referred S. B. No. 136, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that it be indefinitely postponed.

ALFRED BUTTERS,
Chairman.

Senator Butters moved that the report be received and adopted.

Motion carried.

Senator Butters moved that the Senate do recede from its amendment to section 2 of H. B. No. 13.

The yeas and nays being had upon the question.

Senator Butters moved that further action upon the question be deferred.

Motion prevailed.

Senator Webster moved that S. C. R. No. 14 be engrossed and placed on file for third reading.

Motion carried.

Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President in the chair.

Senator Wolcott of Clear Creek moved that the secretary be instructed to request the House to return S. B. No. 57.

Motion prevailed.

Senator Butters moved that the result of the vote upon the motion to recede from the amendments to H. B. No. 13 be announced by the secretary.

Motion prevailed.

The secretary thereupon announced that those voting in the affirmative upon said motion were:

Senators Butters, Church, Gardner, Gaussoin, Hall of Lake, Helm, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, and Trujillo.—12.

Those voting in the negative were:

Senators Baca, Chacon, DeFrance, Gaussoin, Hill, Webster, and Wolcott of Clear Creek.—7.

The president thereupon announced that the motion to recede from amendments to section 2 of H. B. No. 13, was lost.

Senator Butters moved that the secretary notify the House of the action of the Senate, and to request the appointment of a committee of conference on S. B. No. 13.

Motion carried.

Report from committee on corporations:

Mr. President:

Your committee on corporations, to whom was referred

S. B. Nos. 96 and 98, have had the same under consideration and instruct me to report said bills back to the Senate with the recommendation that they be considered engrossed, and placed on file for third reading.

L. C. ELLSWORTH,
Chairman.

On motion of Senator Ellsworth, the report was received and adopted.

Report from committee on engrossment:

To the President of the Senate:

Your committee, to whom was referred S. B. Nos. 1, 3, 7, 8, 9, 10, 11 and 12, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,
ALBERT JOHNSON,
Chairman.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that in accordance with your request the House herewith returns S. B. No. 57, a bill for an act to establish the county of Carbonate, and to provide for terms of court therein.

Respectfully,
W. B. FELTON,
Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed H. B. No. 51, a bill for an act to amend chapter 3 of the general laws of the State of Colorado, entitled, an act to provide a fund for the building and maintenance of the agricultural college.

And H. B. No. 53, a bill for an act to enable fence districts to fund their indebtedness.

Also has passed with the emergency clause, H. B. No. 75, a bill for an act to enable cities and towns to purchase

and manage ditches and canals to supply water for irrigation and other purposes, all of which are herewith transmitted.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

Senator Wolcott of Clear Creek moved to take up S. B. Nos. 1, 3, 7, 8, 9, 10, 11 and 12, have the same read a third time, and placed on final passage.

Motion carried.

S. B. No. 1, a bill for an act to regulate the practice, pleadings, and procedure in actions at law in the State of Colorado, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Chacon, Church, DeFrance, Ellsworth, Hall of Park, Hill, Johnson, Parrish, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, Wolcott of Gilpin.—15.

Gentlemen voting in the negative were:

Senators Butters, Gardner, Gaussoin, Hall of Lake, Helm, John, Maxwell, Neikirk, Peck, Webster.—10.

Gentleman absent and not voting was:

Senator Haynes.—1.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

S. B. No. 3, a bill for an act concerning the abatement of actions and the parties thereto, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Chacon, Church, DeFrance, Ellsworth, Hall of Park, Hill, Johnson, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—16.

Gentlemen voting in the negative were:

Senators Butters, Gardner, Gaussoin, Hall of Lake, Helm, John, Maxwell, Neikirk, and Webster.—9.

Gentleman absent and not voting was:

Senator Haynes.—1.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

The following communication was received from His Excellency Governor Frederick W. Pitkin:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 27, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 45, entitled, an act to accept the provisions of an act donating public lands to the several states and territories for the benefit of agriculture and the mechanic arts, etc., etc., and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

Report from committee on enrollment:

JANUARY 27, 1879.

Mr. President:

The joint committee on enrollment presented bills 19 and 45 to His Excellency the Governor, for his approval, at 2 o'clock P. M.

Respectfully,
F. CHURCH,
Chairman on part of Senate.

By unanimous consent of the Senate, S. B. No. 57 was taken up, and on motion of Senator Hall of Lake, the vote by which S. B. No. 57 was passed was reconsidered.

Senator Hall of Lake offered an amendment to the bill which was unanimously adopted, and S. B. No. 57, as amended was ordered engrossed and placed on file for third reading.

On motion of Senator Wolcott of Clear Creek, S. B. No. 7 was referred to committee on judiciary.

S. B. No. 8, a bill for an act concerning practice in chancery, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Chacon, Church, DeFrance, Ellsworth, Hall of Park, Hill, Johnson, Parrish, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, Wolcott of Gilpin.—15.

Gentlemen voting in the negative were:

Senators Butters, Gardner, Gaussoin, Helm, John, Maxwell, Neikirk.—7.

Gentlemen absent and not voting were:

Senators Hall of Lake, Haynes, Peck, and Webster.—4.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

S. B. No. 9, a bill for an act to further define the duties of clerks of the district and county courts, was taken up and read a third time.

The yeas and nays were had.

Those voting in the affirmative were:

Senators Baca, Chacon, Church, DeFrance, Ellsworth, Hall of Park, Hill, Johnson, Parrish, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—14.

Those voting in the negative were:

Senators Butters, Gardner, Gaussoin, Maxwell, Neikirk.—5.

Absent and not voting:

Senators Barela, Hall of Lake, Haynes, Helm, John, Peck, and Webster.—7.

A constitutional majority having voted in favor of the passage the bill.

The bill passed, and title agreed to.

S. B. No. 10, a bill for an act concerning masters in chancery, their appointment and duties, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Chacon, Church, DeFrance, Ellsworth, Hall of Lake, Hall of Park, Hill, Johnson, Parrish, Peck, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—15.

Voting in the negative were:

Senators Gardner, Gaussoin, Helm, Maxwell, Neikirk, and Webster.—6.

Absent and not voting:

Senators Baca, Barela, Butters, Haynes, and John.—5.

A majority having voted in favor of the bill.

The bill passed, and title agreed to.

Senator Ellsworth moved that Senator Rogers be excused from further service on the committee on State institutions, and that Senator DeFrance be appointed to fill the vacancy.

Motion carried.

Report from committee on engrossment:

Mr. President:

Your committee, to whom was referred S. B. No. 57, and S. C. R. No. 14, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,

ALBERT JOHNSON,

Chairman.

By consent of the Senate, Senator Johnson was excused until the 30th instant.

Senator Hall of Lake moved to suspend the rules, and place S. B. No. 57 upon its final passage.

Motion carried.

S. B. No. 57, a bill for an act to establish the county of Carbonate, and to provide for terms of court therein, was taken up, and read a third time.

The question being upon the passage of the bill.

The yeas and nays were had.

Those voting in the affirmative were:

Senators Chacon, Church, DeFrance, Gardner, Gaussoin,

Hall of Lake, Hall of Park, Helm, Hill, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—19.

Voting in the negative, none.

Absent and not voting:

Senators Baca, Barela, Butters, Ellsworth, Haynes, John, and Wolcott of Clear Creek.—7.

The question being upon the passage of the emergency clause contained in S. B. No. 57.

The yeas and nays were had.

Those voting in the affirmative were:

Senators Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—21.

Voting in the negative, none.

Absent and not voting:

Senators Baca, Barela, Haynes, John, and Wolcott of Clear Creek.—5.

A majority having voted in favor of the emergency clause.

The bill and the emergency clause passed, and the title to the bill was agreed to.

Report from committee on printing:

To the President of the Senate:

Your committee, to whom was referred S. B. Nos. 90, 94, 95, 97, 99 and 100, and S. C. R. No. 16, beg leave to report the same back to the Senate, correctly printed.

Respectfully,

ALBERT JOHNSON,

Chairman.

S. B. No. 90 was referred to the committee on judiciary.

S. B. No. 97 was referred to the committee on counties and county lines.

S. B. Nos. 94, 95 and 100 were referred to the committee on incorporations and railroads.

S. B. No. 99 was referred to the committee on military affairs.

Senator Butters moved that the vote by which Senator Rogers was excused from serving on the committee on State institutions, and Senator DeFrance appointed to fill the vacancy, be reconsidered.

Motion prevailed.

Senator Rhodes moved to adjourn.

Motion lost.

The question then being, shall Senator Rogers be excused from further service on the committee on State institutions and public buildings, and Senator DeFrance appointed to fill the vacancy.

Senator Butters then called for a division of the question.

The president stated the question to be, shall Senator Rogers be excused.

The yeas and nays being had, resulted as follows:

Gentlemen voting in the affirmative were:

Senators Gaussoin, Hall of Lake, Helm, Hill, Peck, Rhodes, and Trujillo.—7.

Gentlemen voting in the negative were:

Senators Butters, Chacon, Church, DeFrance, Gardner, Maxwell, Neikirk, Webster, and Wolcott of Clear Creek. —9.

Gentlemen absent and not voting were:

Senators Baca, Barela, Ellsworth, Hall of Park, Haynes, John, Johnson, Parrish, Rogers, and Wolcott of Gilpin. —10.

So the motion was lost.

On motion of Senator Rogers, the Senate adjourned until to-morrow, the 28th instant, at 10 o'clock A. M.

TWENTY-EIGHTH DAY.

TUESDAY, JANUARY 28th, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Absent:

Senators Haynes, and Johnson, by consent.

Quorum present.

Prayer by the chaplain.

Journal read and approved.

Report from committee on printing:

To the President of the Senate:

Your committee, to whom was referred S. B. Nos. 106, 107, 108 and 26, beg leave to report the same back to the Senate, correctly printed.

Respectfully,

THOS. C. PARRISH,

Chairman.

S. B. No. 26 was ordered engrossed and placed on file for third reading.

S. B. No. 106 was referred to the committee on counties and county lines.

S. B. No. 107 was referred to the committee on incorporations and railroads.

S. B. No. 108 was referred to the committee on agriculture and manufactures.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that Messrs. Brush, and Phillips have been appointed conference committee from the House on H. B. No. 13, in relation to wolves and coyotes.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The following reports were received from the committee on stock:

Mr. President:

Your committee on stock, to whom was referred H. B. No. 64, have had the same under consideration and instruct me to report the same back to the Senate, with the following amendments:

Insert in line 2 of section 1, after the first word "of" the word "sheep," strike out in line 3 of section 2, the words "sheep inspectors," and insert "school," and when so amended, your committee recommend the bill be placed on file for third reading.

ALFRED BUTTERS,
Chairman.

Mr. President:

Your committee on stock, to whom was referred H. B. No. 64, have had the same under consideration, and a minority of your committee recommend that said bill do not pass.

JUAN ANTONIO BACA,
CLEMENTE TRUJILLO.

On motion of Senator Rogers, H. B. No. 64 was placed on general file for consideration in committee of the whole.

Report of committee on corporations:

Mr. President:

Your committee on corporations, to whom was referred S. B. No. 95, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that it be placed on file for third reading.

L. C. ELLSWORTH,
Chairman.

Report received and adopted.

Report from committee on stock:

Mr. President:

Your committee on stock, to whom was referred H. B. No. 56, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that section 1 be amended by striking out all

after the word "county," in line 8, down to the word "provided," in line 12, and as so amended that the bill pass.

ALFRED BUTTERS,
Chairman.

Senator Butters moved that the report be received and adopted, the amendments ordered engrossed, and the bill and amendments placed on file for third reading.

Motion carried.

Senator Barela presented a petition in relation to public streams, etc., signed by numerous citizens, which was referred to the committee on stock.

Report from committee on State institutions and public buildings:

Mr. President:

Your committee on State institutions and public buildings, to whom was referred S. B. No. 88, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it be amended and then passed as amended. The amendments recommended are herewith submitted.

J. C. HELM,
Chairman.

Senator DeFrance moved that the report be received and adopted, and the bill referred to the committee of the whole for their consideration.

Motion prevailed.

The president appointed Senators Butters and DeFrance as a committee of conference on the part of the Senate, on amendments to H. B. No. 13.

Senator Rhodes, from special committee on S. B. No. 66, reported as follows:

Mr. President:

Your committee on S. B. No. 66, to whom was referred said bill, would report the accompanying amended bill, with the recommendation that it do pass.

L. R. RHODES,
Chairman.

Report received, and report and bill placed on general file for consideration in committee of the whole.

H. B. No. 51, a bill for an act to amend chapter 3 of the general laws of the State of Colorado, entitled, an act to provide a fund for the building and maintenance of the agricultural college of Colorado.

H. B. No. 53, a bill for an act to enable fence districts to fund their indebtedness.

H. B. No. 75, a bill for an act to enable cities and towns to purchase and manage ditches and canals to supply water for irrigation and other purposes.

Were read a first time and placed on file for second reading.

H. C. R. No. 14, relative to entering lands to make good the deficiency in the public building fund, etc., was read a third time.

The question being upon the adoption of the resolution.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Gardner, Hall of Lake, Hall of Park, Helm, Hill, Maxwell, Neikirk, Parrish, Rogers, Trujillo, Webster, and Wolcott of Clear Creek.—18.

Voting in the negative, none.

Absent and not voting:

Senators Ellsworth, Gaussoin, Haynes, John, Johnson, Peck, Rhodes, and Wolcott of Gilpin.—8.

A majority having voted in favor of the adoption of the resolution.

The resolution was adopted, and title was agreed to.

On motion of Senator Wolcott of Clear Creek, substitute to S. B. No. 49 was taken from the general file and read third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Gardner, Hall of Lake, Hall of Park, Hill, Max-

well, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Clear Creek.—19.

Voting in the negative, none.

Absent and not voting:

Senators Ellsworth, Gaussoin, Haynes, Helm, John, Johnson, and Wolcott of Gilpin.—7.

The question then being, shall the bill take effect as provided in the emergency clause contained therein.

The yeas and nays being had, resulted as follows:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Gardner, Hall of Lake, Hall of Park, Helm, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Clear Creek.—20.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Senators Ellsworth, Gaussoin, Haynes, Hill, Johnson, and Wolcott of Gilpin.—6.

A constitutional majority having voted in favor of the passage of the bill and the emergency clause.

The bill with the emergency clause passed, and the title of the bill was agreed to.

Report from committee on engrossment:

To the President of the Senate:

Your committee on engrossment, to whom was referred amendments to H. B. No. 56, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,

J. B. HALL,

Acting Chairman.

H. B. No. 56, a bill for an act to protect the grazing lands of Colorado, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Barela, Butters, Church, DeFrance, Gardner, Gaussoin, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, and Wolcott of Clear Creek.—16.

Gentlemen voting in the negative were:

Senators Baca, and Chacon.—2.

Absent and not voting:

Senators Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Haynes, Johnson, Webster, and Wolcott of Gilpin. —8.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

Report of the committee on counties and county lines:

Mr. President:

Your committee on counties and county lines, to whom was referred S. B. No. 97, beg leave to report the same back to the Senate, with the recommendation that it be placed on file for consideration in committee of the whole.

J. B. HALL,
Chairman.

On motion of Senator Neikirk, the report was received and adopted.

S. B. No. 95, a bill for an act to amend section 17 of an act entitled, an act to reduce the law incorporating the city of Denver, and the several acts amendatory thereof, into one act, and to revise and amend the same, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Chacon, Church, DeFrance, Gardner, Hall of Lake, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Trujillo, Webster, and Wolcott of Clear Creek.—17.

Gentlemen voting in the negative were, none.

Absent and not voting:

Senators Butters, Ellsworth, Gaussoin, Hall of Park, Haynes, Johnson, Rhodes, Rogers, and Wolcott of Gilpin. —9.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

S. B. No. 96, a bill for an act to amend section 34 of an act entitled, an act to reduce the law incorporating the city of Denver, and the several acts amendatory thereof, into one act, and to revise and amend the same, etc., was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Gardner, Hall of Lake, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Trujillo, Webster and Wolcott of Clear Creek.--18.

Gentlemen voting in the negative, none:

Absent and not voting:

Senators Ellsworth, Gaussoin, Hall of Park, Haynes, Johnson, Rhodes, Rogers, and Wolcott of Gilpin.—8.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

S. B. No. 98, a bill for an act to amend section 59 of an act entitled, an act to reduce the law incorporating the city of Denver, and the several acts amendatory thereof, into one act, and to revise and amend the same.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Gardner, Hall of Lake, Hall of Park, Hill, John, Maxwell, Neikirk, Parrish, Peck, Trujillo, and Webster. —17.

Gentlemen voting in the negative were, none.

Absent and not voting:

Senators Ellsworth, Gaussion, Haynes, Helm, Johnson, Rhodes, Rogers, Wolcott of Clear Creek, and Wolcott of Gilpin.—9.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

On motion of Senator Maxwell, the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President in the chair.

By consent of the Senate, Senator Peck introduced the following resolution:

Resolved, by the Senate of the State of Colorado, That there be held night sessions of the Senate from and after January 28th, said sessions to be commenced at 7 o'clock each night and to continue until the close of the present session of the General Assembly.

At the suggestion of Senator Webster, action upon the resolution was deferred.

Report of the committee on elections:

Mr. President:

Your committee on elections, to whom was referred S. B. No. 86, have had the same under consideration, and instruct me to report said bill back to the Senate with the recommendation that it be considered engrossed, and placed on file for third reading.

A. HALL,
Chairman.

Senator Church moved to receive and adopt the report.

Motion prevailed.

Senator Wolcott of Gilpin introduced the following joint resolution, No. 17:

Resolved by the Senate, the House concurring, That a joint committee, consisting of three members of the House and two of the Senate, be appointed to consider the various amendments to the constitution of the State, and report to their respective Houses the amendments, that in their judgment, it is most important, at this time, to have presented to the people.

On motion of Senator Wolcott of Gilpin, the resolution was adopted.

Senator Hill presented the following resolution:

Resolved, That the committee on printing be and are hereby instructed to secure, as soon as possible, after all bills of both Houses are printed, a correct list or index of said bills, giving the number and title of each bill in regular order, and to have fifty copies of said list or index printed for the use of the Senate.

Resolution adopted.

On motion of Senator Peck, the Senate went into committee of the whole, with Senator Wolcott of Clear Creek in the chair.

The committee rose and reported as follows:

Mr. President:

Your committee have had under consideration S. B. No. 67, and instruct me to report the same back to the Senate, with the recommendation that it be engrossed and placed on file for third reading.

Also have had under consideration the following bills:

S. B. No. 22, and recommend that the bill as amended be engrossed and placed on file for third reading.

S. B. No. 62, and recommend that the bill as amended be engrossed and placed on file for third reading.

S. B. No. 63, and recommend that the bill be considered engrossed, and placed on file for third reading.

S. B. No. 66, and recommend that the bill be referred to the committee on judiciary, with instructions to report upon the same at the earliest possible moment.

S. B. No. 24, and your committee recommend that the bill do not pass.

S. B. No. 68, and recommend that the bill as amended be engrossed and placed on file for third reading.

S. B. No. 70, and recommend that it be considered engrossed, and placed on file for third reading.

S. B. No. 97, and recommend that it be considered engrossed, and placed on file for third reading.

S. B. No. 77, and recommend that the bill be referred to the committee on finance, ways and means.

E. O. WOLCOTT,
Chairman.

Senate adjourned until to-morrow, the 29th instant, at 10 o'clock A. M.

TWENTY-NINTH DAY.

WEDNESDAY, JANUARY 29th, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Absent, by leave:

Senator Johnson.

Prayer by the chaplain.

Journal read and approved.

Report from committee on judiciary:

Mr. President:

Your committee on judiciary, to whom was referred S. B. Nos. 73 and 93, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that they do pass as amended in committee, which amendments are herewith submitted.

Report received and adopted.

Your committee have also had under consideration S. B. Nos. 75 and 90, and instruct me to report said bills back to the Senate, with the recommendation that they be placed on general file for consideration in committee of the whole.

Report received and adopted.

Your committee have also had under consideration H. B. No. 25 and S. B. No. 80, and recommend that they are unconstitutional.

On motion of Senator Butters, the bills were referred to the committee on stock.

Your committee have also had under consideration S. B. No. 110, and recommend that it be indefinitely postponed.

Also S. B. No. 89, and recommend that it do pass.

Report received and adopted.

Your committee have also had under consideration S. B. No. 103, and am instructed to report the same back with the recommendation that it lie on the table.

M. A. ROGERS,
Chairman pro tem.

On motion of Senator Rogers, the report was received and the bill referred to the committee of the whole.

Report from committee on engrossment:

To the President of the Senate:

Your committee, to whom was referred S. B. Nos. 26, 67 and 68, beg leave to report the same back to the Senate, correctly engrossed.

J. B. HALL,
Acting Chairman.

Report from committee on counties and county lines:

Mr. President:

Your committee on counties and county lines, to whom was referred S. B. No. 106, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it be considered engrossed, and placed on file for third reading.

J. B. HALL,
Chairman.

On motion of Senator Wolcott of Gilpin, the bill was referred to the committee of the whole.

Mr. President:

Your committee on corporations, to whom was referred S. B. No. 107, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that it be placed on file for third reading.

L. C. ELLSWORTH.

Report received and adopted.

Report of committee of conference:

Mr. President:

Your committee of conference, to whom was referred the points of difference between the two Houses in connection with H. B. No. 13, have had the same under consideration, and beg leave to report the recommendation that the Senate do recede from the amendment in which the House refused to concur.

ALFRED BUTTERS,
Chairman on part of Senate.
J. PHILLIPS,
Chairman on part of House.

Senator Butters moved that the report of the committee be received and adopted, and that the amendments to section 2 of H. B. No. 13 be receded from by the Senate.

The yeas and nays being had, resulted as follows:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Gardner, Gaussoin, Hall of Lake, Hall of Park, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—18.

Voting in the negative:

Senator Hill.—1.

Absent and not voting:

Senators Ellsworth, Haynes, Helm, John, Johnson, Rhodes, and Wolcott of Clear Creek.—7.

A majority having voted in favor of the motion to recede from the amendment to section 2 of H. B. No. 13.

The motion was carried.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has concurred in Senate amendment to H. B. No. 56, a bill for an act to protect the grazing lands of Colorado from the stock of non-residents.

Respectfully,
W. B. FELTON,
Chief Clerk of the House.

H. B. Nos. 51 and 53 were read a second time and referred to the committee on finance, ways and means, on motion of Senator Neikirk.

H. B. No. 75 was read a second time and referred to the committee on corporations and railroads.

S. B. No. 26 was read a third time and, on motion of Senator Butters, was placed on file for consideration in committee of the whole.

S. B. No. 63, a bill for an act to enable the State to purchase a certain number of reports of cases at law and chancery, determined in the supreme court of Colorado, by L. B. France, reporter, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Helm, Hill, John, Maxwell, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—20.

Gentlemen voting in the negative were:

Senators Hall of Lake, Hall of Park, Haynes, and Neikirk.—4.

Gentlemen absent and not voting were:

Senators Ellsworth, and Johnson.—2.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

Report from committee on engrossment:

To the President of the Senate:

Your committee on engrossment, to whom was referred S. B. No. 62, beg leave to report the same back to the Senate, correctly engrossed.

J. B. HALL,
Acting Chairman.

Report from committe on printing:

To the President of the Senate:

Your committee on printing, to whom was referred S. B.

Nos. 102, 124, 135, 145, 147 and 139, beg leave to report the same back to the Senate, correctly printed.

THOS. C. PARRISH,
Chairman pro tem.

S. B. Nos. 102, 147 and 139 were referred to the committee on judiciary.

S. B. No. 124 was referred to the committee on incorporations and railroads.

S. B. Nos. 135 and 145 were referred to the committee on finance, ways and means.

S. B. No. 67, a bill for an act to provide an additional fund for the current expenses of the State university, and for the improvement of the buildings and grounds thereof, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—23.

Voting in the negative:

Senator Baca.—1.

Absent and not voting were:

Senators DeFrance, and Johnson.—2.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

S. B. No. 62, a bill for an act to amend chapter 19 of the general laws of the State of Colorado, entitled, corporations, was read a third time.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—25.

Voting in the negative were, none.

Absent:

Senator Johnson.—1.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

S. B. No. 68 was read a third time, and on motion of Senator Webster, the bill was referred to a special committee.

The president appointed as such committee, Senators Barela, E. O. Wolcott, and Peck.

S. B. No. 70 was read a third time, and on motion of Senator Helm, was referred to the committee on judiciary, with instructions to report on said bill by the 30th instant, if possible.

S. B. No. 86, a bill for an act to amend section 128 of an act entitled, elections, chapter 30 of the general laws, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Haynes, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Webster, and Wolcott of Clear Creek.—21.

Voting in the negative:

Senator Wolcott of Gilpin.—1.

Absent and not voting:

Senators Ellsworth, Hall of Lake, Johnson, and Trujillo.—4.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

S. B. No. 97, a bill for an act providing the manner in which county seats may be changed, and for the repeal of certain acts pertaining thereto, was read a third time and amended.

The question being upon the passage of the bill as amended.

The yeas and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—21.

Voting in the negative:

Senator Church.—1.

Absent and not voting:

Senators Ellsworth, Haynes, Johnson, and Wolcott of Clear Creek.—4.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

S. B. No. 107, a bill for an act to amend section 40 of chapter 19 of the general laws of the State of Colorado, was read a third time and amended.

The question being upon the passage of the bill as amended.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Haynes, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—23.

Voting in the negative, none.

Absent and not voting:

Senators Ellsworth, Hall of Lake, and Johnson.—3.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

Senator Rhodes presented a resolution entitled, pro salute animae, which, on motion of Senator Rogers, was adopted and, on motion of Senator Helm, was ordered transmitted to the House.

On motion of Senator Neikirk, the Senate adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President *pro tem.* in the chair.

On motion of Senator Butters, the Senate went into committee of the whole, with Senator Butters in the chair.

A message from the House having been announced, the president *pro tem.* resumed the chair.

The following message was read:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted S. C. R. No. 14, permitting the State to enter lands sufficient to make good deficiencies in the public building fund, which is herewith transmitted.

Also that the House has refused to pass S. B. No. 4, a bill for an act to amend chapter 12 of the general laws, entitled, mortgages.

And has indefinitely postponed the consideration of S. B. No. 1, a bill for an act to regulate the practice, pleadings and procedure in actions at law in the State of Colorado.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

After which, Senator Butters resumed the chair.

The committee, having completed the work before it, rose and reported as follows:

Mr. Presideent:

Your committee have had under consideration S. B. Nos. 88 and 26, amended S. B. Nos. 40, 64, 26 and 106, H. J. R. No. 3, and H. B. Nos. 9, 10, 30 and 64, and instruct me to report them back to the Senate as follows:

S. B. No. 88, with the recommendation that it do not pass.

H. J. R. No. 3, with the recommendation that it do pass.

H. B. Nos 9 and 10, with the recommendation that the

amendments herewith submitted to each, be agreed to, and that the bills as amended be placed on file for third reading and final passage.

S. B. Nos. 26 and 40, with the recommendation that the amendments herewith submitted to each, be agreed to, and the bills as amended be engrossed and placed on file for third reading and final passage.

S. B. No. 106, with the recommendation that it be placed on file for third reading and final passage.

H. B. No. 30, with the recommendation that the bill be indefinitely postponed.

H. B. No. 64, with the recommendation that it be referred to the committee on judiciary, with instructions to inquire into the constitutionality of the same, and to report on or before the 31st instant.

S. B. No. 26, and recommend that the bill as amended be engrossed and placed on file for third reading and final passage.

ALFRED BUTTERS,
Chairman.

Report received and adopted, except as to S. B. No. 88, upon which action was deferred until to-morrow, the 30th instant.

Senator Helm presented, under a suspension of the rules:

S. C. R. No. 18, relative to the amendments to the code of civil procedure.

Senator Helm moved the adoption of the resolution.

Ayes and nays called for by Senator Rogers, which being had, resulted as follows:

Those voting in the affirmative were:

Senators Butters, Chacon, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, John, Maxwell, Neikirk, Peck, and Webster.—13.

Voting in the negative were:

Senators Barela, Church, DeFrance, Hill, Parrish, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—9.

Absent and not voting were:

Senators Baca, Ellsworth, Johnson, and Rhodes.—4.

So the resolution was adopted.

By unanimous consent of the Senate, S. B. No. 26 was taken up, and Senator Barela offered to amend by striking out of said bill, in line 2, the words, "the constitution of the State."

Senator Neikirk moved to amend by striking out the words, "his name."

Both motions prevailed, and the bill as amended in committee of the whole, and by the motions of Senators Barela and Neikirk, was ordered engrossed and placed on file for third reading.

Senator Barela, from special committee on S. B. No. 68, reported as follows:

Mr. President:

Your committee, to whom was referred S. B. No. 68, beg leave to report the same back to the Senate, with amendments, and recommend that it pass as amended by the special committee.

CASAMIRO BARELA,
Chairman.

On motion of Senator Peck, the report was received and adopted.

Report from the committee on judiciary:

Mr. President:

Your committee, to whom was referred S. B. No. 54, beg leave to report the same back to the Senate with amendments, and recommend the printing of amendments, and that the bill as amended be engrossed and placed on file for third reading and final reading.

S. B. A. HAYNES,
Chairman.

On motion of Senator Wolcott of Gilpin, the report was received, and the amendments referred to the printing committee.

Report from committee on printing:

Mr. President:

Your committee on printing, to whom was referred S. B. Nos. 92, 115, 111, 120 and 121, beg leave to report the same back to the Senate, correctly printed.

THOS. C. PARRISH,
Chairman pro tem.

S. B. Nos. 120 and 121 were referred to the committee on finance, ways and means.

S. B. No. 111 was referred to committee on elections.

S. B. No. 115 was referred to the committee on judiciary.

S. B. No. 92 was referred to committee on incorporations and railroads.

On motion of Senator Helm, the Senate adjourned.

THIRTIETH DAY.

THURSDAY, JANUARY 30th, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Absent:

Senator Haynes, by consent.

Messages from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed S. B. No. 34, a bill for an act to amend section 112 of chapter 103 revised statutes, entitled, wills, executors and administrators, which is herewith returned.

Respectfully,

W. B. FELTON,
Chief Clerk of the House.

Journal read and approved.

Report from committee on judiciary:

Mr. President:

Your committee on judiciary, to whom was referred S. B. Nos. 61, 74, 79, 81, 82, 83, 84, 85, 70, 102 and 105, and H. B. No. 31, have had the same under consideration, and instruct me to report the same back to the Senate, with the following recommendations.

As to S. B. Nos. 61, 85 and 70, and H. B. No. 31, that they be indefinitely postponed.

As to S. B. Nos. 82, 79 and 102, that they do pass.

As to S. B. No. 84, that it be placed on general file.

As to S. B. Nos. 74, 83, 81 and 105, that they do pass as amended in committee, which amendments are herewith submitted.

S. B. A. HAYNES,
Chairman.

On motion of Senator Wolcott of Clear Creek, the report of the committee was received.

As to H. B. No. 31, S. B. Nos. 85, 61 and 70, the report of the committee was adopted.

As to S. B. Nos. 79, 102, 82, 84, 74, 83, 81 and 105, the report of the committee was adopted, and the bills placed on file for consideration in committee of the whole.

Report from committee on engrossment:

Mr. President:

Your committee, to whom was referred S. B. Nos. 6 and 22, beg leave to report the same back to the Senate, correctly engrossed.

ALBERT JOHNSON,
Chairman.

Report received, and the bill placed on file for third reading.

Report from committee on military affairs:

Mr. President:

Your committee on military affairs, to whom was referred S. B. No. 99, have had the same under consideration,

and instruct me to report the same back to the Senate, with the recommendation that it be indefinitely postponed.

F. CHURCH,
Chairman.

Report received and adopted.

The committee further reported as follows:

Mr. President:

Your committee on military affairs, to whom was referred S. B. No. 50, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that it do pass as amended.

F. CHURCH,
Chairman.

Report received and adopted.

Report from committee on agriculture:

Mr. President:

Your committee on agriculture, to whom was referred S. B. No. 60, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it do not pass.

F. GARDNER,
Chairman.

On motion of Senator DeFrance, the report was received and adopted.

Report from committee on finance, ways and means:

Mr. President:

Your committee on finance, ways and means, to whom was referred S. B. No. 135, have had the same under consideration, and instruct me to report the same back to the Senate, with amendments herewith submitted.

ALFRED BUTTERS,
Chairman.

On motion of Senator Butters, the amendments were agreed to, and the bill as amended ordered engrossed and placed on file for third reading.

Report from committee on printing:

Mr. President:

Your committee on printing, to whom was referred S. B. No. 129, report the same back, correctly printed.

THOS. C. PARRISH,
Chairman pro tem.

Report received, and S. B. No. 129 was referred to the committee on corporations and railroads.

Report from committee on elections:

Mr. President:

Your committee on elections, to whom was referred S. B. No. 111, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it be indefinitely postponed.

A. HALL,
Chairman.

On motion of Senator John, the report was received and adopted.

Report from committee on finance, ways and means:

Mr. President:

Your committee on finance, ways and means, to whom was referred S. B. No. 120 and H. B. No. 51, beg leave to report the same back to the Senate, with the recommendation that they lie on the table.

ALFRED BUTTERS,
Chairman.

On motion of Senator Butters, the report of the committee was adopted as to S. B. No. 120.

On motion of Senator Neikirk, H. B. No. 51 was placed on general file for consideration of committee of the whole.

Report from committee on incorporations and railroads:

Mr. President:

Your committee on corporations, to whom was referred S. B. No. 76, a bill for an act to prevent future discrimination of railroad companies against persons or corporations operating or working coal mines, have had the same under consideration, and instruct me to report said bill back to the Senate, without recommendation.

L. C. ELLSWORTH,
Chairman.

Your committee have also had under consideration S. B. No. 46, and beg leave to submit the following report:

Mr. President:

Your committee on incorporations and railroads, to whom was referred S. B. No. 46, beg leave to report that they have had the same under consideration, and in view of the fact that the subjects embraced within the provisions of the bill involve very serious and important legal principles, as well as important questions of public policy concerning railroad legislation at this time in this State, your committee, in briefly submitting some views which they entertain on these subjects, do so with a painful consciousness of their inability to present to the Senate such well considered opinions as the grave importance of the subject demands.

The short time allowed your committee for consultation since a discussion of the supposed merits or demerits of the bill has been had before them by the friends and opponents of the bill, has not allowed your committee that opportunity for investigation which they had hoped to have before being required to report the bill back to the Senate. Several representative men of different interests in the State have, on invitation of your committee, submitted their views and opinions for consideration, and their answers to a series of questions propounded by your committee were so different, and their opinions so conflicting, that while your committee would return to these gentlemen their thanks for the candid and intelligent manner in which they attempted to aid the committee in solving problems involved, the committee feel themselves compelled to admit that because of the varied and conflicting opinions of these gentlemen, your committee have failed to reach very satisfactory conclusions.

A few general considerations only, will therefore be submitted by your committee for consideration of the Senate.

Railroad legislation in any new State, especially in this State, where our great interests and wealth are demanding

instant and vigorous development to meet the wants of our people, is full of difficulties, and should be entered upon only with the most cautious reference, not only to the railroad interests sought to be affected, but also with reference to affording all reasonable protection to the citizen, whose rights to transportation of his person and property, may, and oftentimes does demand the prompt protection of the State.

No intelligent observer can have failed to notice many of the difficulties which several of our sister States have encountered in this kind of legislation, and the courts, both State and federal, have, for several years past, been filled with cases involving questions of the power of States, through their legislatures, to regulate and control the traffic of railroads.

A reference to the provisions in several State constitutions, as well as to many enactments of State legislatures, and the vast amount of litigation growing out of the interpretation of such laws, will convince the most skeptical that this class of legislation is yet involved in serious doubts and uncertainties.

Certain provisions of our own constitution clearly show the determination of its authors, and the determination of the people of the State, by its adoption, to impose upon the General Assembly the duty to see to it that the State should assert and maintain a just and proper sovereignty over the management of these corporations, and in the opinion of your committee we cannot discharge that obligation without appropriate legislation; but such legislation, to protect the people, requires the greatest prudence and wisdom, and to be of real benefit to the people, should be free from the incongruities and contradictions which unhappily are to be found in many of the laws now to be found in our statutes; so that when the State shall have declared its policy and power over this great question, it will not be compelled to shift, alter, change and amend its legislation at every meeting of our General Assembly.

The following provisions of our constitution are those specially above referred to :

Section 3 of article 15 is as follows:

"The General Assembly shall have power to alter, revoke or amend any charter of incorporation now existing and revocable at the adoption of this constitution, or any that may hereafter be created, whenever, in their opinion, it may be injurious to the citizens of the State, in such manner, however, that no injustice shall be done to the corporators."

Section 4, of the same article, provides that "all railroads shall be public highways, and all railroad companies shall be common carriers."

Section 6, of the same article, is as follows: "All individuals, associations and corporations shall have equal rights to have persons and property transferred over any railroad in this State, and no undue or unreasonable discrimination shall be made in charges or facilities for transporation of freight or passengers within the State, and no railroad company nor any lessee, manager or employé thereof shall give any preference to individuals, associations or corporations in furnishing cars or motive power."

The manifest object of these several provisions was to protect the people in the enjoyment of their legal rights; to be fairly and impartially dealt with by these corporations; to have their persons and property transported for a reasonable compensation, without undue or unreasonable discrimination in charges or in facilities for transportation, reserving on the part of the people, through their legislature, the power to alter, revoke or annul the charters or acts of incorporation of such corporations in case of a persistent violation of any of these rights of the citizen.

These, in the opinion of your committee, were some of the primary objects of these provisions of our constitution, and not, as has been claimed by some, to intervene in mere matters of dispute and controversies existing or from time to time springing up between rival and competing railroads.

The rights, and duties, and obligations of railroads as common carriers have recently been the subject of a careful review and adjudication by the supreme court of the United

States, and that tribunal of last resort has decided that a State, unless it has clearly parted with its sovereign power over this subject (which it is not claimed Colorado has done), may prescribe maximum rates for the transportation of persons and property, and that the reasonableness of these rates may be fixed as a matter of law by the State itself.

The cases of Munn vs. the State of Illinois, the Chicago, Burlington and Quincy Railroad vs. the State of Iowa, Peik vs. the Chicago and Northwestern Railway Company, the Chicago, Milwaukee and St. Paul vs. Ackley, the Winona and St. Peters Railroad Company vs. Blake, and Stone vs. the State of Wisconsin, to be found in the 94 United States Report, fully sustain this view, as well as others pertinent to this subject.

Notwithstanding, however, these questions of the power of the State to restrain and control the railroads of the State seem now to be settled beyond successful objection or doubt, the question of the policy of how far such power may be wisely exercised by this State at the present time, is altogether another matter.

If the people of the State are subject to outrageous or unreasonable prices for railroad service, or if the railroads, in fixing their rates of transportation, discriminate against the citizen or localities, by combining, or each acting on its own responsibility, adjust their rates to oppress on the one hand, or specially favor on the other, then their rates may properly become the subject of legislative control, and that too, in the opinion of your committee, over persons coming into or going out of the State, until Congress, by its legislation, shall assume jurisdiction over inter-State commerce. This view of the law is sustained by the cases above referred to.

In the opinion of your committee, hostile legislation in relation to railroads would be unwise for the State to adopt. Even liberal legislation on this subject, to encourage capital to seek investment in railway enterprises within our borders, would seem to be sound policy.

We need more railways to develop our resources, and

money, always timid, will not be attracted hither by unfriendly legislation. If, however, in the opinion of your committee, the bill under consideration sought to protect the citizen from exhorbitant tariff of charges, or to protect particular localities from having the trade which naturally sought those localities from being diverted to more favored localities, we should not hesitate to recommend its adoption. Though, incidentally, this might result from the adoption of the bill, this is not, in the opinion of your committee, the primary object or purpose of the bill; indeed, it does not seem to be conceived in such a spirit, but, rather, seems to be designated to invoke legislative aid in protecting one or more railroads from the rivalry or competition of others.

A brief reference to some of the provisions of the bill will, we think, sustain this view of the subject. Indeed, there does not seem to be any power sought to be given in this bill to protect or aid any person or corporation, except such as may be engaged in operating a railroad in the State—the passengers and shipper, the persons who pay the freight, seem to be entirely, if not peculiarly, omitted.

It is not, therefore, to protect such that the bill provides.

Section 1 provides in substance that "any person or corporation operating a railway," shall have the right to demand of another person or corporation operating a railway, to haul its cars, passengers and freights on reasonable terms. How far this supposed right for such service may be insisted upon as a matter of law, your committee have doubts, though they believe some system or plan for such service, might and ought to be adopted.

Section 2, your committee (from the information they have been able to gather), suppose to be entirely impracticable—among other reasons, because it seems to practically prevent the corporation having the longer line from competing in business with the shorter line; in fact, this section does not seem to allow the corporation owning the longer line to fix its rates, though they might be reasonable, as between it and the public.

Section 3, while it would seem at first to afford a remedy to persons who are sought to be charged with extortionate rates, yet clearly applies only to such persons or corporations as are mentioned in section 2, and who operate a railroad; and besides it is conceded that under the provisions of this section, railroads might combine and advance rates instead of being required to reduce or keep them reasonable.

The balance of the bill consists mainly of mere matters of detail, and need not be particularly referred to. There are, however, in the opinion of your committee, two decidedly objectionable provisions. One is the manner of appointment of commissioners, and the other the proposed commission itself.

We do not believe the appointment of commissioners for such a purpose and the conferring of such powers upon the judges of our courts, either wise or just to the judges themselves, and we do not believe the powers sought to be conferred upon the executive officers of the State, thus selected, properly appertain or relate to the legitimate business of the executive department of the government.

The functions or powers properly belonging to or appertaining under our constitution to the Governor or other State officers, seem to your committee to be different and inconsistent with the powers sought to be conferred upon them as railway commissioners.

If railway commissioners are to be appointed, it seems to your committee, that such commission composed of persons representing different business interests should be appointed by the Governor, and their powers clearly and accurately defined, and we do not doubt that such a commission might be created, and without very much expense to the State in view of the magnitude of the interests involved, would be acceptable to all parties, and be of great service to the people of the State.

Through the friendly and impartial services of an intel-

ligent and wise commission of this character, we believe that many differences might be adjusted without litigation, and many conflicting interests harmonized, both between the railroads themselves and between them and the people, in case of complaints concerning rates, and that too without the legislature at the present time undertaking the dangerous experiment of fixing an arbitrary tariff of rates for the government of these corporations.

It is altogether a mistake that railroad commissioners in other States have not been useful.

In many cases they have been of great service to the people, and to the railroads also, in adjusting controversies, and in the opinion of your committee the enactment of a law conferring upon such a commission a few plain and well defined powers, would be more beneficial to all parties in assisting us all to solve these intricate railroad problems, than any other law that could be adopted at the present session.

In conclusion, your committee would respectfully beg leave to return S. B. No. 46 without a recommendation for its adoption, yet as it is now too late in the session, under our law, for the introduction of new bills, we do not recommend that the bill be laid on the table, because it may be that a proper substitute for this bill, in or without connection with S. B. No. 129, concerning the appointment of railroad commissioners, may be prepared and adopted.

Under the circumstances, and for the reasons above stated, your committee report back this bill without recommendation.

The committee would, however, add, that should the Senate be of opinion that there is sufficient time before the adjournment of the General Assembly, to prepare a general railroad law, and see fit to instruct the committee concerning the general provisions of any bill they may desire to have prepared, your committee will cheerfully co-operate, and so far as they may be able to do so, discharge any

specific duties which they may be instructed by the Senate to perform.

Respectfully submitted,

L. C. ELLSWORTH,
EUG. GAUSSOIN,
J. B. HALL,
FRED. C. PECK,
THOS. C. PARRISH,
H. R. WOLCOTT,
CASAMIRO BARELA,

Senate Committee on Incorporations and Railroads.

On motion of Senator Rogers, the report of the committee was received, and S. B. Nos. 76 and 46 made the special order of the day for Saturday, the 1st day of February, at 2 o'clock P. M.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted S. C. R. No. 18, relative to the amendments to the code, which is hereby returned.

Messrs. Cantlon, Livesay, and Gunnell have been appointed special committee on part of the House.

The House has also adopted S. C. R. No. 17, relative to the constitutional amendments, and Messrs. Zoll, Douglas, and J. Mann have been appointed special committee on part of the House. S. C. R. No. 17 is hereby returned.

Respectfully,

W. B. FELTON,
Chief Clerk of the House.

The president appointed as special committee on S. C. R. No. 18, Senators Neikirk, and John, and appointed as special committee on S. C. R. No. 17, Senators Wolcott of Gilpin, and Webster.

Senator Ellsworth moved that H. B. No. 33 be taken from the table, and placed on file for consideration in committee of the whole.

Motion prevailed.

Senator Hill moved to reconsider the vote by which the resolution relative to having an index of Senate bills printed, was adopted.

Motion prevailed.

By consent of the Senate, Senator Hill withdrew the resolution.

Senator Hall of Park moved that Senator Neikirk be excused from serving on special committee on S. C. R. No. 18.

Motion prevailed.

Senator Webster moved that Senator Wolcott of Clear Creek be appointed as one of special committee on S. C. R. No. 18.

Motion prevailed.

Senator Wolcott of Clear Creek moved that all bills which have been or hereafter shall be reported back to the Senate by any committee, with the recommendation that the bills do pass, shall be ordered engrossed and placed on file for third reading.

Motion carried.

Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President in the chair.

Third reading of bills.

S. B. No. 6, a bill for an act relating to attachments issued by justices of the peace, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the afirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—25.

Absent:

Senator Haynes, by consent.—1.

The question then being, shall the bill take effect as provided in the emergency clause.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussein, Hall of Lake, Hall of Park, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—25.

Absent:

Senator Haynes, by leave.—1.

A majority having voted in favor of the passage of the bill and the emergency clause.

The bill with the emergency clause passed, and the title to the bill agreed to.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body, that the House passed H. B. No. 47, a bill for an act to amend section 30 of chapter 34 of the general laws of the State of Colorado entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers.

Also H. B. No. 60, a bill for an act to repeal section 16 chapter 60, concerning limitations, which are hereby transmitted.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has indefinitely postponed consideration of S. R. in relation to the noble band of Spartan heroes, introduced by Mr. Rhodes.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

S. B. No. 22 was read a third time, and on motion of Senator Helm, was referred to a special committee, consisting of Senators Maxwell, DeFrance, and Wolcott of Clear Creek, with instructions to report by the 31st instant.

S. B. No. 106, a bill for an act to change the names of the counties of Lake and Carbonate, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Maxwell, Neikirk, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—21.

Voting in the negative, none.

Absent and not voting:

Senators Baca, Ellsworth, Haynes, Johnson, and Parrish.—5.

The question then being upon the passage of the emergency clause.

The yeas and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—23.

Voting in the negative, none.

Absent and not voting:

Senators Baca, Ellsworth, and Haynes.—3.

A constitutional majority having voted in favor of the passage of the bill and emergency clause.

The bill with the emergency clause was passed, and the title of the bill agreed to.

On motion of Senator Wolcott of Clear Creek, S. B. Nos. 11 and 12 were referred to the committee on judiciary.

H. J. M. No. 3, relative to the establishment of a military post in southwestern Colorado, was read a third time.

The question being upon the passage of the memorial.

The yeas and nays were had, with the following result:

Those voting in the affirmative:

Senators Baca, Barela, Butters, Chacon, Church, De-

France, Gardner, Gaussoin, Hall of Lake, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, and Webster.—21.

Voting in the negative, none.

Absent and not voting:

Senators Ellsworth, Hall of Park, Haynes, Wolcott of Clear Creek, and Wolcott of Gilpin.—5.

A majority having voted in favor of the passage of the memorial.

The memorial passed.

H. B. No. 9, a bill for an act to define and punishing the obtaining of money by confidence games, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Gardner, Hall of Lake, Hall of Park, Helm, Hill, John, Johnson, Maxwell, Neikirk, Peck, Rhodes, Rogers, Trujillo, and Webster.—20.

Voting in the negative:

Senators Gaussoin, Parrish, Wolcott of Clear Creek, and Wolcott of Gilpin.—4.

Absent and not voting were:

Senators Ellsworth, and Haynes.—2.

A majority having voted in favor of the passage of the bill.

The bill passed, and title agreed to.

H. B. No. 10, a bill for an act to authorize the superintendent of the poor to bind out indigent children, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, Johnson, Maxwell, Neikirk, Peck, Rogers, and Trujillo.—17.

Voting in the negative, none.

Absent and not voting:

Senators Chacon, Ellsworth, Haynes, Parrish, Peck, Rhodes, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—9.

A majority having voted in favor of the passage of the bill.

The bill passed, and title agreed to.

Report from committee on incorporations:

Mr. President:

Your committee on incorporations, to whom was referred H. B. No. 75, beg leave to report the same back to the Senate, with the recommendation that it be referred to the committee on judiciary.

L. C. ELLSWORTH,
Chairman.

Report of the committee received, and on motion of Senator Helm, the bill was placed on general file for consideration of the committee of the whole.

The committee further reported as follows:

Mr. President:

Your committee on corporations, to whom was referred S. B. No. 92, beg leave to report the same back to the Senate, with the recommendation that said bill be amended on page 4, line 7, by adding after the word "road" the word "and," and on the same page, the words "section 84" and the words "the following shall be adopted and known as section 84 as said act," be stricken out, that the same be engrossed as amended, and placed on file for third reading.

L. C. ELLSWORTH,
Chairman.

Report received and adopted, and the amendments agreed to.

The committee further reported as follows:

Mr. President:

Your committee, to whom was referred S.B. No. 30, beg leave to report the same back to the Senate, as amended

by the committee, and recommend that it be engrossed and placed on file for third reading and final passage.

L. C. ELLSWORTH,
Chairman.

Report received and adopted.

Report from printing committee:

Mr. President:

Your committee, to whom was referred amended S. B. No. 54, and S. B. No. 128, beg leave to report the same back to the Senate, correctly printed.

Respectfully,
ALBERT JOHNSON,
Chairman.

Report received.

Senator Wolcott of Gilpin moved that S. B. No. 54 be referred to the committee on finance, ways and means.

Senator Peck moved to amend, by referring the bill to the committee of the whole.

Motion to amend prevailed.

S. B. No. 54 was referred to the committee of the whole.

On motion of Senator Wolcott of Gilpin, S. B. No. 128 was placed on general file for consideration of the committee of the whole.

Report from committee on engrossment:

Mr. President:

Your committee, to whom was referred S. B. Nos. 26, 40, 68, 74, 81, 105 and 135, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,
ALBERT JOHNSON,
Chairman.

Report received.

Senator John moved that S. B. No. 40, a bill for an act giving justices of the peace jurisdiction in replevin, be taken up and put upon its final passage.

Motion prevailed.

The bill was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Gaussoin, Hall of Lake, Hall of Park, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—20.

Voting in the negative, none.

Absent and not voting:

Senators Baca, Ellsworth, Gardner, Haynes, Helm, and Wolcott of Gilpin.—6.

The question then being, shall the bill take effect as provided in the emergency clause.

The yeas and nays were had, with the following result:

Voting in the affirmative:

Senators Barela, Butters, Chacon, Church, DeFrance, Gaussoin, Hall of Lake, Hall of Park, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—19.

Voting in the negative, none.

Absent and not voting:

Senators Baca, Ellsworth, Gardner, Haynes, Helm, Johnson, and Wolcott of Gilpin.—7.

A constitutional majority having voted in favor of the passage of the bill with the emergency clause.

The bill with the emergency clause was passed, and the title to the bill agreed to.

Senator Parrish moved that the rules be suspended and S. B. No. 30, a bill for an act to amend an act, entitled, an act to prevent fire upon the prairies, be taken up and placed upon its final passage.

Motion prevailed.

S. B. No. 30 was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, Gaussoin, Hall of Lake, Hall of Park, Hill, John, Johnson, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—21.

Voting in the negative, none.

Absent and not voting were:

Senators Ellsworth, Gardner, Haynes, Helm, and Maxwell.—5.

A majority having voted in favor of the passage of the bill.

The bill passed, and title agreed to.

Senator Wolcott of Gilpin moved that the rules be suspended, and S. B. No. 81, a bill for an act concerning jurisdiction, power and practice of the county courts, be taken up and placed on final passage.

Motion prevailed.

The bill was read a third time.

The question being upon the final passage of the bill.

The yeas and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Hill, John, Johnson, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—22.

Voting in the negative were, none.

Absent and not voting:

Senators Ellsworth, Haynes, Helm, and Maxwell.—4.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

The committee on engrossment reported as follows:

Mr. President:

Your committee, to whom was referred S. B. No. 102, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,

ALBERT JOHNSON,

Chairman.

Senator Wolcott of Gilpin moved to suspend the rules, and place the bill upon it final passage.

Motion prevailed.

S. B. No. 102, a bill for an act in relation to bastardy, was taken up and read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Butters, Chacon, Church, Gardner, Hall of Lake, Hall of Park, Helm, Hill, John, Johnson, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—19.

Voting in the negative:

Senators Baca, Barela, DeFrance and Gaussoin.—4.

Absent and not voting:

Senators Ellsworth, Haynes, and Maxwell.—3.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

Senator John moved a suspension of the rules for the purpose of taking up S. B. No. 68.

Motion prevailed.

S. B. No. 68, a bill for an act requiring the secretary of State to collect together certain laws of the Territory of Colorado which may be in force after the session of the present legislature, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Johnson, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—23.

Voting in the negative, none.

Absent and not voting:

Senators Ellsworth, Haynes, and Maxwell.—3.

The question being, shall the bill take effect as provided in the emergency clause.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Johnson, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—23.

Voting in the negative, none.

Absent and not voting:

Senators Ellsworth, Haynes, and Maxwell.—3.

A majority having voted in favor of the passage of the bill and the emergency clause.

The bill and the emergency clause passed, and title agreed to.

Under a suspension of the rules, S. B. No. 74, a bill for an act in relation to habeas corpus was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Johnson, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—22.

Voting in the negative, none.

Absent and not voting:

Senators Ellsworth, Haynes, Johnson, and Rhodes.—4.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title agreed to.

Senator Peck moved that the Senate go into committee.

Motion prevailed.

The Senate went into committee of the whole, with Senator Hall of Lake in the chair.

The sergeant-at-arms announced a message from the House, and the president resumed the chair, when the following message was read:

Mr. President:

I am instructed to inform your Honorable Body that the

House has adopted H. J. M. No. 8, relative to change of surveys on the public domain, which is herewith transmitted.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

After the reading of which, Senator Hall of Lake, resumed the chair.

The committee rose, and reported as follows:

Mr. President:

Your committee have had under consideration S. B. No. 54, and instruct me to report that they have made some progress, and ask leave to sit again.

J. B. HALL,

Chairman.

Report received.

Senator Wolcott of Gilpin moved to take a recess until 7:30 o'clock P. M.

Motion prevailed.

The Senate took a recess until 7:30 o'clock P. M.

EVENING SESSION.

Senate met at 7:30 o'clock P. M.

President in the chair.

Senator Peck moved that the Senate resolve itself into committee of the whole.

Motion prevailed.

The Senate went into committee of the whole, with Senator Neikirk in the chair.

The committee rose and reported as follows:

Mr. President:

Your committee have had under consideration S. B. Nos. 54, 93, 94, 103, 60 and 84, and H. B. No. 51, and instruct me to report the same back, as follows, to wit:

S. B. No. 54 and H. B. No. 51, and recommend that the amendments herewith submitted to each be agreed to, and the bills as amended be ordered engrossed, and placed on file for third reading and final passage.

S. B. No. 93, 94 and 73, and recommend that they be engrossed and placed on file for third reading and final passage.

S. B. No. 103, and recommend that it be placed on file for second reading.

S. B. No. 60, and recommend that it be indefinitely postponed.

S. B. No. 84, and recommend that the amendments, herewith submitted, be agreed to, and the bill as amended be ordered engrossed, and placed on file for third reading and final passage.

H. NEIKIRK,
Chairman.

Report received and adopted.

On motion of Senator Rogers, the Senate adjourned until to-morrow, the 31st instant, at 10 o'clock A. M.

THIRTY-FIRST DAY.

FRIDAY, JANUARY 31st, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Prayer by the chaplain.

Report from committee on enrollment:

Mr. President:

Your committee, to whom was referred S. B. No. 34, and S. J. R. No. 14, beg leave to report the same back to the Senate, correctly enrolled.

F. C. PECK,
Chairman.

Journal read and approved.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has concurred in Senate amendments to H. B. No 9, a bill for an act to define and punish the obtaining of money and property by confidence games.

And H. B. No. 10, a bill for an act authorizing the binding out of indigent children by county commissioners.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted H. C. R. No. 14, providing a joint committee on bills in reference to the protection of fish.

Messrs. Voorhies and Flower have been appointed such committee on the part of the House.

H. C. R. No. 14 is herewith transmitted.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

Senator Barela announced that he had received a petition from the citizens of Las Animas county, praying that some action may be taken by the Assembly for the protection of sheep herders and sheep owners, and stated that he would not present it to the Senate at the present time, but moved that a special committee of three be appointed by the president to take into consideration the matters and things contained in the petition.

The motion prevailed.

The president appointed as such committee, Senators Parrish, Barela, and Hill.

Senator Helm moved to suspend the rules and take up H. J. R. No. 14.

Motion prevailed.

H. J. R. No. 14, providing a joint committee on bills in reference to the protection of fish, now before the Assembly, was taken up, read, and adopted.

The president appointed as such committee, on part of the Senate, on H. J. R. No. 14, Senator Hall of Park.

Report from committee on agriculture and manufactures:

Mr. President:

Your committee on agriculture and manufactures, to whom was referred S. B. No. 108, beg leave to report the same back to the Senate, with amendments, and recommend that the amendments be printed, and that the bill and amendments be placed on general file for consideration in committee of the whole.

J. F. GARDNER,
Chairman.

Report received and adopted.

Report from committee on printing:

Mr. President:

Your committee, to whom was referred S. B. Nos. 112, 123, 132, 137, 138, 141, 142, 143 and 144, and amended S. B. No. 91, beg leave to report the same back to the Senate, correctly printed.

Respectfully,
ALBERT JOHNSON,
Chairman.

S. B. Nos. 112, 123, 137 and 142, were referred to the committee on judiciary.

S. B. No. 132 was referred to special committee on amendments to the code.

S. B. Nos. 138 and 143 was referred to committee on finance, ways and means.

S. B. No. 141 was referred to committee on mines and mining.

S. B. No. 144 was referred to committee on military affairs.

On motion of Senator Butters, S. B. No. 91 was ordered engrossed and placed on file for third reading.

Report of committee on finance, ways and means:

Mr. President:

Your committee on finance, ways and means, to whom

was referred S. B. No. 43, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that it be referred to the special joint committee on amendments to the constitution.

ALFRED BUTTERS,
Chairman.

Report received and adopted.

Report from committee on engrossment:

Mr. President:

Your committee, to whom was referred S. B. Nos. 79, 82, 83 and 89, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,
ALBERT JOHNSON,
Chairman.

First reading of bills and memorials.

H. J. M. No. 8, and H. B. Nos. 60 and 47 were read a first time, and placed on file for second reading.

Second reading.

S. B. No. 103 was read a second time and referred to committee on printing.

Third reading and final passage.

H. B. No. 51, a bill for an act to amend chapter 3 of the general laws of the State of Colorado entitled, an act to provide a fund for the building and maintenance of the agricultural college of Colorado, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Hall of Lake, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin. —22.

Voting in the negative, none:

Absent and not voting:

Senators Church, Gaussoin, Hall of Park, and Webster. —4.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

Report from joint committee on enrollment:

Mr. President:

The joint committee on enrollment have compared H. B. Nos. 4, 13 and 56, S. J. R. No. 14, and S. B. No. 34, with the engrossed copy, find the same correctly enrolled, and report them to the Senate, signed by the speaker of the House.

Respectfully,

F. CHURCH,

Chairman on part of Senate.

S. B. No. 103 was read a third time, and on motion of Senator Wolcott of Clear Creek, was referred to the committee on engrossment.

S. B. No. 126 was read a third time, and Senator Wolcott of Clear Creek moved to refer to committee on education.

Motion lost.

Senator Maxwell moved to refer the bill to committee on elections.

Motion carried, and the bill was so referred.

S. J. R. No. 14, and H. B. Nos. 4, 13 and 56 were publicly read by title and signed by the president.

The following communication was received from His Excellency Governor Frederick W. Pitkin:

DENVER, January 30th, 1879.

HON. HORACE A. W. TABOR,

President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 19, entitled, an act changing the boundaries of certain judicial districts, and rearranging the counties therein, and have filed the same with the secretary of State.

Very respectfully,

FREDERICK W. PITKIN,

Governor.

Report from joint committee on constitutional amendments:

Mr. President:

The joint committee, to whom was referred the various amendments that have been proposed to the constitution of the State, have had the same under consideration, and recommend the passage of S. B. No. 43, as amended.

CHAS. H. TOLL,
JOSEPH MANN,
ROBERT DOUGLASS,
On behalf of the House.
W. W. WEBSTER,
H. R. WOLCOTT,
On behalf of the Senate.

Senator Wolcott of Gilpin, moved that the report be received and adopted, and the bill be engrossed and placed on file for third reading and final passage.

Motion prevailed.

Report of special committee on S. B. No. 22:

Mr. President:

Your special committee, to whom was referred S. B. No. 22, beg leave to report the same back to the Senate, with the following amendments, to-wit:

In line 4 of section 1 of printed bill, strike out "1st" and insert "8th."

In line 1 of section 2, strike out "February" and insert "May," after the year 1879.

And in line 2, strike out "October" and insert "November."

In line 5, strike out "second" and insert "first" at end of line.

In line 6, strike out "November," and insert "October."

J. P. MAXWELL,
Chairman.

On motion of Senator Helm, the report was received and adopted, and the bill referred to the engrossing committee with instructions to engross section 1 as amended.

On motion of Senator Wolcott of Clear Creek, the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President in the chair.

Senator Wolcott of Gilpin introduced the following resolution:

Resolved, That there be printed, daily, for the remainder of this session of the legislature, fifty copies of a calendar of the business of the Senate, for the use of members.

On motion of Senator Wolcott of Gilpin, the resolution was adopted.

On motion of Senator Barela, D. F. Wilkins, interpreter, was excused for the day.

Third reading of bills continued.

S. B. No. 135, a bill for an act to provide for the purchase of supplies for the supreme court and the executive and legislative departments of the State, and for the renting of rooms for the same, was read third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, Ellsworth, Gaussoin, Hall of Lake, Haynes, Helm, Hill, John, Johnson, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—21.

Voting in the negative, none.

The question then being, shall the bill take effect as provided in the emergency clause.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, Ellsworth, Gardner, Gaussoin, Hall of Lake, Haynes, Helm, Hill, John, Johnson, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—22.

Voting in the negative, none.

Absent and not voting:

Senators DeFrance, Hall of Park, Maxwell, and Rhodes. —4.

A majority having voted in favor of the passage of the bill and emergency clause.

The bill and the emergency clause passed, and the title was agreed to.

S. B. No. 105, a bill for an act concerning the limitation of actions, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Church, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, Jøhn, Johnson, Neikirk, Parrish, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin. —21.

Voting in the negative:

Senator Peck.—1.

Absent and not voting:

Senators Chacon, DeFrance, Maxwell, and Rhodes.—4.

A majority having voted in favor of the passage of the bill.

The bill passed, and title agreed to.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted S. C. R. No. 13, relating to Pagosa Springs, which is herewith transmitted.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

Report from the committee on printing:

Mr. President:

Your committee, to whom was referred S. B. Nos. 113, 114, 117, 116, 119 and 122, beg leave to report the same back to the Senate, correctly printed.

Respectfully,

ALBERT JOHNSON,

Chairman.

S. B. Nos. 113, 114, 117, 116, 119 and 122 were referred to the judiciary committee.

Report from committee on engrossment:

Mr. President:

Your committee, to whom was referred S. B. Nos. 50, 73 and 93, and substitutes for S. B. Nos. 91 and 22, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,

ALBERT JOHNSON,
Chairman.

Report from committee on fees and salaries:

Mr. President:

Your committee on fees and salaries report back S. B. No. 39, without action.

HENRY NEIKIRK,
Chairman.

Report received and the bill placed on general file, for consideration of the committee of the whole.

S. B. No. 22, a bill for an act to amend an act entitled, an act to provide for and regulate the holding of district courts in the several judicial districts in the State, and the manner of commencing and adjourning the same, and return of process, and providing for transfer of causes therein, and for continuing causes, actions and proceedings therein in case of adjournment, and to repeal all other acts in relation thereto, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—22.

Voting in the negative, none.

The question then being upon the passage of the emergency clause.

The yeas and nays were had, and resulted as follows:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, Johnson, Maxwell, Neikirk, Parrish, Rogers, Trujillo, and Webster.—20.

Voting in the negative, none.

Absent and not voting:

Senators Baca, John, Peck, Rhodes, Wolcott of Clear Creek, and Wolcott of Gilpin.—6.

A majority having voted in the affirmative on the final passage of the bill and the emergency clause.

The bill and the emergency clause passed, and the title of bill agreed to.

S. B. No. 82, a bill for an act concerning the jurisdiction of county judges and county courts in cases of injunction, was read third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Park, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Wolcott of Clear Creek, and Wolcott of Gilpin. —21.

Voting in the negative, none.

Absent and not voting:

Senators Hall of Lake, Haynes, Rhodes, Trujillo, and Webster.—5.

A majority having voted in favor of the passage of the bill.

The bill passed, and title agreed to.

Senator Rogers moved that S. B. No. 83 be placed on general file for consideration in committee of the whole.

Motion prevailed.

Substitute to S. B. No. 91, a bill for an act to provide for the payment of clerical services in secretary of State's office, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—20.

Voting in the negative:

Senator DeFrance.—1.

Absent and not voting:

Senators Hill, John, Johnson, Rhodes, and Wolcott of Clear Creek.—5.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title agreed to.

S. B. No. 73, a bill for an act in regard to acknowledgments, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, Johnson, Maxwell, Neikirk, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—20.

Voting in the negative:

Senator Barela.—1.

Absent and not voting:

Senators John, Parrish, Peck, Rhodes, and Wolcott of Clear Creek.—5.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title agreed to.

Report of committee on printing:

Mr. President:

Your committee, to whom was referred S. B. No. 126, and the report from committee on incorporations, beg leave to report the same back to the Senate, correctly printed.

Respectfully,

ALBERT JOHNSON,

Chairman.

Report from committee on engrossment:

Mr. President:

Your committee, to whom was referred S. B. Nos. 30, 92 and 94, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,

ALBERT JOHNSON,

Chairman.

S. B. No. 50, a bill for an act concerning the enrollment and organization of the militia of the State, prescribing the district and number and rank of the officers thereof, and defining the duties of such officers, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Butters, Church, Ellsworth, Gardner, Gaussoin, Hall of Park, Haynes, Helm, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—18.

Voting in the negative were:

Senators Barela, Chacon, DeFrance, Hill, John, Rhodes, and Trujillo.—7.

Absent and not voting:

Senator Hall of Lake.—1.

The question then being, shall the bill take effect as provided in the emergency clause.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Butters, Chacon, Church, Ellsworth, Gardner, Hall of Lake, Hall of Park, Haynes, Helm, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—19.

Voting in the negative:

Senators Barela, DeFrance, Gaussoin, Hill, John, Rhodes, and Trujillo.—7.

A constitutional majority having voted in favor of the passage of the bill and the emergency clause.

The bill with the emergency clause passed, and the title to the bill agreed to.

S. B. No. 79, a bill for an act concerning the writ of certiorari, was read a third time.

The question being upon the final passage.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators DeFrance, Hall of Park, Hill, Johnson, Maxwell, Peck, Rhodes, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—10.

Voting in the negative:

Senators Baca, Barela, Butters, Chacon, Gardner, Gaussoin, Hall of Lake, Haynes, Helm, John, Neikirk, Rogers, and Trujillo.—13.

Absent and not voting:

Senators Church, Ellsworth, and Parrish.—3.

A majority having voted against the passage of the bill.

The bill was not passed.

S. B. No. 93 was taken up for third reading.

On motion of Senator Peck, action thereon was deferred.

Report from committee on engrossment:

Mr. President:

Your committee on engrossment, to whom was referred S. B. No. 43, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,

ALBERT JOHNSON,

Chairman.

S. B. No. 43, a bill for an act to submit to the qualified electors of the State of Colorado, amendment to section 3 of article 10 of the constitution of the State, concerning revenue, was read a third time

The question being upon the final passage of the bill.

The yeas and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Butters, Chacon, DeFrance, Ellsworth, Gardner, Hall of Lake, Hall of Park, Haynes, John, John-

son, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin. —20.

Voting in the negative:

Senators Barela, Gaussoin, Hill, and Trujillo.—4.

Absent and not voting:

Senators Church and Helm.—2.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title agreed to.

S. B. No. 89, a bill for an act to amend an act entitled, an act concerning unclaimed freight, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—23.

Voting in the negative, none.

Absent and not voting were:

Senators Church, John, Johnson.—3.

A majority having voted in favor of the passage of the bill.

The bill passed, and title agreed to.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body, that the House has passed H. B. No. 69, a bill for an act to amend an act entitled, an act for the appointment of sheep inspectors.

H. B. No. 29, a bill for an act concerning cases in any district or county court, the venue of which has been changed thereto, which bill received a number of votes sufficient to pass the emergency clause.

H. B. No. 109, a bill for an act making appropriations to pay outstanding State certificates of indebtedness.

H. B. No. 112, a bill for an act making appropriations for the State board of health.

H. B. No. 126, a bill for an act providing for the holding of an annual term of the district court in Rio Grande county.

All of which are herewith transmitted.

Respectfully,

W. B. FELTON,
Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed with the emergency clause:

S. B. No. 72, a bill for an act to amend an act entitled, an act to establish and maintain a system of free schools.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that tho House has passed H. B. No. 127, a bill for an act to provide a fund for erecting additional buildings at the mute and blind institute, and for other improvements.

H. B. 118, a bill for an act declaring what shall be a lawful fence.

Also H. J. R. No. 6, relative to the establishment of a military post on the Republican river, which are herewith transmitted.

The House has also concurred in Senate amendments to H. B. No. 51.

Respectfully,

W. B. FELTON,
Chief Clerk of the House.

S. B. No. 94, a bill for an act to amend an act entitled, an act in relation to municipal corporations, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—24.

Voting in the negative, none.

Absent and not voting:

Senators Johnson, and Webster.—2.

The question then being, shall the bill take effect as provided in the emergency clause.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gardner, Gaussoin, Hall of Park, Haynes, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—23.

Voting in the negative, none.

Absent and not voting were:

Senators Hall of Lake, Johnson, and Webster.—3.

A majority having voted in favor of the passage of the bill and the emergency clause.

The bill with the emergency clause passed, and the title agreed to.

Senator Rhodes moved that S. B. No. 66 be recalled from the committee on judiciary, and placed on the general file for consideration in committee of the whole.

Report from joint committee on enrollment:

Mr. President:

The joint committee on enrollment presented H. B. Nos. 4, 13 and 56, S. J. R., No. 14 and S. B. No. 34 to his excellency the Governor, for his approval, at 4:30 o'clock P. M.

Respectfully,

F. CHURCH,

Chairman on part of Senate.

Senator Haynes moved that the vote by which the report of the committee of the whole, so far as it relates to S. B. No. 111, was adopted, be considered.

Motion prevailed.

Senator Haynes moved that S. B. No. 111 be placed on general file for consideration in committee of the whole.

Motion prevailed.

On motion of Senator Peck, the Senate recurred to the 10th order of business.

H. B. No. 127, a bill for an act to provide a fund for erecting additional buildings at the mute and blind institute, and for other improvements, was read a first time and placed on file for second reading.

On motion of Senator Rogers, the Senate took a recess until 7:30 o'clock P. M.

EVENING SESSION.

Senate met at 7:30 o'clock P. M.

President in the chair.

Report from committee on judiciary.

Mr. President:

Your committee on judiciary, to whom was referred H. B. No. 75, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it pass.

S. B. A. HAYNES,
Chairman.

Report received, and on motion of Senator Wolcott of Clear Creek, the bill was placed on file for consideration in committee of the whole.

On motion of Senator Peck, the Senate went into committee of the whole on the general file, with Senator Butters in the chair.

The committee rose, and reported as follows:

Mr. President:

Your committee have had under consideration S. B. No. 128, and instruct me to report the same back with the recommendation that the bill be ordered engrossed and placed on file for third reading and final passage.

ALFRED BUTTERS,
Chairman.

Senator Neikirk moved that the report be received and adopted.

Senator Haynes moved to adjourn.

Motion prevailed.

The Senate adjourned until to-morrow, the 1st day of February, at 10 o'clock A. M.

THIRTY-SECOND DAY.

SATURDAY, FEBRUARY 1st, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Prayer by the chaplain.

Journal read and approved.

Report from committee on enrollment:

Mr. President:

Your committee on enrollment, to whom was referred S. C. R. No. 3, beg leave to report the same back to the Senate correctly enrolled.

Respectfully,

F. C. PECK,
Chairman.

Report from committee on agriculture:

Mr. President:

Your committee on agriculture, to whom was referred S. B. No. 47, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it do not pass.

GARDNER,
Chairman.

Senator Ellsworth moved that the report be amended and placed on general file for consideration in committee of the whole.

Motion carried.

Report from printing committee:

Mr. President:

Your committee on printing, to whom was referred S. B. Nos. 118, 127, 130, 131, 133, 140, 146 and 148, beg leave to report the same back to the Senate, correctly printed.

ALBERT JOHNSON,
Chairman.

S. B. Nos. 118, 146 and 148 were referred to the committee on judiciary.

S. B. Nos. 127 and 131 were referred to committee on incorporations and railroads.

S. B. Nos. 130 and 140 were referred to committee on incorporations and railroads.

S. B. No. 133 was referred to committee on finance, ways and means.

Report from committee on engrossment:

Mr. President:

Your committee on engrossment, to whom was referred S. B. Nos. 54 and 128, beg leave to report the same back to the Senate, correctly engrossed.

ALBERT JOHNSON,
Chairman.

Report from the committee on stock:

Majority report:

Mr. President:

Your committee on stock, to whom was referred S. B. No. 80, have had the same under consideration, and a majority of the committee instruct me to report the same back to the Senate, with the recommendation that the amendments herewith submitted be adopted, and the bill, as amended, be engrossed and placed on file for third reading.

ALFRED BUTTERS,
Chairman.

Minority report:

Mr. President:

A minority of your committee on stock, to whom was referred S. B. No. 80, respectfully dissent from the conclusion of the majority of your committee.

Respectfully,

W. W. WEBSTER,

Chairman.

Senator Butters moved that the majority report be received and adopted.

Motion prevailed.

Senator Wolcott of Gilpin, moved that the report of the committee of the whole on S. B. No. 128, be received and adopted, and the bill be placed on general file for third reading.

The ayes and nays being had upon the question, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Butters, Chacon, Church, Hall of Park, Haynes, Helm, Johnson, Maxwell, Neikirk, Parrish, Peck, Webster, and Wolcott of Gilpin.—14.

Those voting in the negative were:

Senators Barela, DeFrance, Ellsworth, Gardner, Hall of Lake, Hill, Rogers, Trujillo, and Wolcott of Clear Creek. —9.

A majority having voted in the affirmative.

Motion prevailed.

First reading of bills and memorials.

H. J. M. No. 6, relative to the establishment of a military post on the Republican river in eastern Colorado.

H. B. No. 29, a bill for an act concerning cases in any district court, the venue of which has been changed thereto.

H. B. No. 69, a bill for an act to amend an act entitled, an act to provide for the appointment of sheep inspectors.

H. B. No. 109, a bill for an act making appropriations to pay outstanding State certificates of indebtedness.

H. B. No. 112, a bill for an act making appropriations for the State board of health for the year 1879 and 1880.

H. B. No. 118, a bill for an act declaring what shall be a lawful fence.

H. B. No. 126, a bill for an act providing for the holding of an annual term of the district court in Rio Grande county.

Were read a first time and placed on file for second reading.

Second reading of bills and memorials.

H. J. M. No. 8 was read a second time, and on motion of Senator Church, was referred to the committee on federal relations.

H. B. No. 47 was read a second time, and on motion of Senator Rogers, was referred to committee on fees and salaries.

H. B. No. 60 was read a second time, and on motion of Senator Rogers, was laid on the table.

H. B. No. 27 was read a second time, and on motion of Senator Rogers, was referred to the committee on finance, ways and means.

Third reading and final passage.

S. B. No. 92, a bill for an act to amend chapter 19 of the general laws of the State of Colorado, was read a third time.

Senator Peck moved to amend by striking out the word "one" and inserting the word "three" in the 5th line of section 1.

Motion prevailed.

The question then being upon the passage of the bill as amended.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Gardner, Hall of Lake, Haynes, Helm, Hill, Johnson, Maxwell, Peck, Rhodes, Rogers, and Trujillo.—17.

Voting in the negative, none.

Absent and not voting:

Senators Ellsworth, Gaussoin, Hall of Park, John, Neikirk, Parrish, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—9.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and title agreed to.

S. B. No. 128, a bill for an act repealing chapter 91 of the general laws of the State of Colorado, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had.

Senator Wolcott of Gilpin, moved that S. B. No. 128 be referred to committee on State institutions.

The chair declared the motion out of order.

Senator Wolcott of Clear Creek, appealed from the decision of the chair.

The chair stated the question to be, shall the decision of the chair be the decision of the Senate.

And the question being put, a division was had.

Twelve senators voting in the affirmative, and thirteen in the negative.

So the decision of the chair was not sustained.

Senator Wolcott of Gilpin, then withdrew his motion to refer to committee on State institutions.

Senator Butters moved that S. B. No. 128 be referred to the committee on mines and mining.

Motion prevailed.

The following communication was received from His Excellency Governor Frederick W. Pitkin:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 31, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 34, entitled, an act to amend section 112 of an act entitled, wills, executors and administrators, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 31, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. J. R. No. 14, relative to permitting the State to enter lands sufficient to make good the deficiencies in the various funds granted by the enabling act, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed S. B. No. 57, a bill for an act to establish the county of Carbonate, and to establish terms of court therein, with a sufficient number of votes to adopt the emergency clause.

S. B. No. 57 is herewith returned.

Respectfully,
W. B. FELTON,
Chief Clerk of the House.

S. B. No. 54, a bill for an act to enable counties to fund their floating indebtedness, was read a third time, and Senator Wolcott of Gilpin asked unanimous consent to offer an amendment to the bill.

Senator Peck objected, and moved a call of the House.

Which being had, it was ascertained that Senators Church, Ellsworth and Gaussoin were absent.

The sergeant-at-arms was dispatched after the absentees.

Senator Webster moved to dispense with the call of the House.

Motion lost.

The sergeant-at-arms appeared and announced Senator Church.

Senator Rogers moved to excuse Senator Church for his absence.

Motion carried.

Senator Webster moved to adjourn.

The yeas and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Chacon, Hall of Park, Haynes, Johnson, Maxwell, Parrish, Rogers, Webster, and Wolcott of Gilpin. —10.

Those voting in the negative were:

Senators Barela, Butters, Church, DeFrance, Gardner, Hall of Lake, Helm, Hill, John, Neikirk, Peck, Rhodes, Trujillo, and Wolcott of Clear Creek.—14.

A majority having voted in the negative, the motion was lost.

The sergeant-at-arms appeared and announced the presence of Senator Gaussoin, who, on motion of Senator Helm, was excused for his absence.

Senator Maxwell moved to dispense with the call of the House.

Senator DeFrance moved to lay the motion on the table.

The yeas and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Gardner, Gaussoin, Hall of Lake, Hill, John, Peck, Rhodes, Trujillo, and Wolcott of Clear Creek.—14.

Those voting in the negative were:

Senators Church, Hall of Park, Haynes, Helm, Johnson, Maxwell, Neikirk, Parrish, Rogers, Webster, and Wolcott of Gilpin.—11.

A majority having voted in the affirmative.

The motion prevailed.

Senator Rogers moved to adjourn.

The yeas and nays were had, with the following result:

Voting in the affirmative:

Senators Baca, Chacon, Church, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Johnson, Maxwell, Parrish, Rogers, and Webster.—13.

Voting in the negative:

Senators Barela, Butters, DeFrance, Gardner, Hill, John, Neikirk, Peck, Rhodes, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—12.

A majority having voted in favor of the motion.

Motion prevailed.

And the Senate adjourned.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President in the chair.

Roll called.

Present:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—26.

By consent of the Senate, the committee on judiciary reported as follows:

Mr. President:

Your committee on judiciary, to whom was referred H. B. No. 64, to inquire into its constitutionality, have had the same under consideration, and instruct me to report said bill back to the Senate, and to further report that they find no constitutional objection to its passage.

S. B. A. HAYNES,
Chairman.

Senator Haynes moved that the report be received and adopted, and the bill placed on file for third reading and final passage.

Motion prevailed.

Report of the committee on elections:

Mr. President:

Your committee on elections, to whom was referred S. B. No. 109, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that it do pass.

A. HALL,
Chairman.

Report of the committee received and the bill placed on file for third reading.

The committee further reported that they had had under consideration amended S. B. No. 26, and reported the same back to the Senate, with the recommendation that the words "have the right to vote or" in line 1 section 1, and the words "his name" in 3d line, be stricken out, and the wore "sixty" in line 6, be changed to "thirty-five."

A. HALL,
Chairman.

Report of the committee was received, and the bill referred to the committee on judiciary.

S. B. No. 46 having been made the special order for today, was taken up.

Senator Helm moved that the bill be indefinitely postponed.

After some discussion, Senator Wolcott of Clear Creek offered the following resolution:

Resolved, That S. B. No. 46 be referred to the committee on corporations, to be considered in connection with S. B. No. 129.

Resolution adopted.

S. B. No. 54 having previously been read a third time.

The question being upon the final passage of the bill as amended.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Peck, Rhodes, Rogers, Trujillo, and Webster.—21.

Voting in the negative:

Senator Wolcott of Gilpin.—1.

Absent and not voting:

Senators Maxwell, Neikirk, Parrish, and Wolcott of Clear Creek.—4.

A majority having voted in favor of the passage of the bill.

The bill passed, and title agreed to.

On request, Senator Ellsworth was excused for the day.

Report from the committee on federal relations:

Mr. President:

Your committee on federal relations, to whom was referred H. J. M. No. 8, have had the same under consideration, and instruct me to report said memorial back to the Senate, with the recommendation that it be adopted.

M. A. ROGERS,
Chairman.

On motion of Senator Rogers, the report of the committee was received and adopted, and the bill placed on file for third reading.

Report from committee on engrossment:

Mr. President:

Your committee, to whom was referred S. B. Nos. 80 and 109, beg leave to report the same back to the Senate, correctly engrossed.

ALBERT JOHNSON,
Chairman.

On motion of Senator John, the Senate went into committee of the whole.

Senator John in the chair.

The committee rose and reported as follows:

Mr. President:

Your committee have had under consideration S. B. Nos. 83, 84 and 86, and instruct me to report them back to the Senate as follows:

S. B. No. 83 and 84, and recommend that the amendments herewith submitted be agreed to, and the bills, as amended, ordered engrossed and placed on file for third reading.

S. B. No. 66, with the recommendation that it be placed on file for third reading and final passage.

J. M. JOHN,
Chairman.

Report received and adopted.

Senator Butters moved that the special committee on

amendments to the code, be instructed to report any amendments which they may have to offer, to the printing committee.

Motion prevailed.

Senator Rhodes moved to adjourn until Monday, the 3d instant, at 10 o'clock A. M.

Motion prevailed.

THIRTY-FOURTH DAY.

MONDAY, FEBRUARY 3d, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Absent by consent:

Senator Johnson.

Prayer by the chaplain.

Journal read and approved.

The special joint committee on amendments to the code, reported as follows:

Mr. President:

Your special joint committee appointed for the purpose of drafting and proposing amendments to the code of civil procedure beg leave to report.

In the limited time given your committee in which to perform its labors, with the other urgent duties of its members in the general legislation of this Assembly, it has been impossible to in any manner revise the present code, and your committee has acted only on such parts of the prac-

tice as most urgently demand amending. No important or radical change has been made, except perhaps upon the subject of appeals and writs of error. We herewith submit the amendments proposed by your committee, and feel it to be our duty to briefly state why we have proposed such changes.

In order to do this we will examine the proposed changes in their order, and give the reasons of your committee for making them.

Section one of the amended bill presented by your committee, repeals section sixty-one of the code, and re-enacts the section with the change of one word, to wit: "demurrer" is changed to "motion." As amended the section conforms to the practice in most, if not all the codes, and we are of the opinion that the change will be beneficial, as it has been a source of some difficulty to the courts how to construe the section as it now stands. By inserting the word "motion" the practice of striking out irrelevant matter becomes plain.

Section two of the proposed amendments, repeals section sixty-three of the code in regard to verifications. The amended section is a transcript of the present California practice, and conforms to the New York practice and that of most other code States. As amended, the section leaves it optional with the plaintiff to verify his complaint, and provides when the complaint be verified, or the action be upon a written instrument, the answer and replication shall also be verified. We believe that it is wise to leave the verification in the discretion of the plaintiff, and to compel other subsequent pleadings to conform to the complaint in this matter.

Section three of the amended bill proposed by your committee, repeals section seventy-four of the code, but re-enacts most of its provisions, excepting that portion of the section which relates to giving notice of a demurrer filed in vacation, and disposing of the demurrer at the time stated in the notice. This provision has proven by experience to be impracticable in a great measure. We have

provided in section twenty, that the district and county judges shall be required to fix the times and places for hearing demurrers and motions made in vacation. Taking into consideration the extent of the several judicial districts of the State, we think that the judges can arrange such times and places as will suit their convenience, and also the convenience of litigants and the bar.

Section four of the amended bill repeals section eighty-one of the code, which relates to claim and delivery. The amended section changes the original in no wise, except that instead of requiring the sheriff to serve on the defendant a copy of the affidavit, notice and undertaking, it merely requires the service of a copy of the writ. We think the change desirable, as it will save considerable expense and trouble in this action, and believe that no advantage can be obtained to equal the expense, in serving copies of the affidavit and undertaking.

Section five of the amended bill repeals section eighty-two of the code, in relation to the same action. The amendment of this section follows as a necessity, from amending the preceding section. The amended section provides also what disposition shall be made of the property upon failure of the plaintiff's sureties to justify.

Section six repeals the subsequent section of the code, and reduces the time within which the defendant may demand a return of the property, from three days to forty-eight hours. The retention of the property by the sheriff is always accompanied with costs, and the least time he may retain it, by giving the parties a sufficient opportunity to make bonds, we think advisable.

Section seven repeals section eighty-four of the code, and requires the defendant's sureties to justify within twenty-four hours instead of from two to five days, as provided in the original section. The same reasons for a change will apply in this section as to the former.

Section eight repeals section ninety-three of the code, and re-enacts the section, excepting that part which enables the plaintiff to attach real estate by giving a cost

bond only. The amended section provides for but one undertaking, which shall be the same in all cases, and double the amount of the claim as stated in the affidavit.

This change was made upon the suggestions of some members of the committee, who thought it would work a hardship to allow a plaintiff to cloud the title to real estate by giving but a cost bond.

Section nine repeals section ninety-five of the code, and re-enacts the entire section with but little change. As the section now stands the defendant must traverse the affidavit of the plaintiff before answering the complaint, whereas the attachment may issue after the answer is filed. The amended section allows the defendant ten days from the service of the writ to traverse the affidavit of the plaintiff.

Section ten repeals section ninety-eight of the code, but re-enacts the whole section except as to the manner of garnishment. The amended section provides for garnishment by notice alone, without the service of a copy of the writ of attachment. The reason for the change is in the matter of costs, where a great many garnishees are served in one action.

Sections eleven and twelve make the same changes in the two following sections of the code.

Section thirteen changes but one word in section one hundred and four of the code, and while the committee are of the opinion that the change was scarcely necessary, yet it may serve a good purpose. The change is in the word "with" in the second line of said section, for which is substituted the word "upon."

Section fourteen repeals section one hundred and nineteen of the code on the same subject. The trespass is limited to patented lodes and mining claims, instead of lodes and mining claims generally. The change was made at the suggestion of the members of your committee from the mining districts, and the committee agree that it is essential.

Section fifteen repeals section one hundred and fifty-

four of the code in relation to issues and their disposition. The first clause of the section is re-enacted, and the amended section specifies the issues of fact triable by a jury and the issues of fact triable by the court. We have copied the present California practice, and believe the change will prove beneficial.

Section sixteen repeals section one hundred and eighty-eight, and changes the meaning of the entire section. As the section now stands, it requires the consent of both parties to refer any matter to a referee. We think the matters specified in the section should be referred upon application of either party, or upon the motion by the court, and have so provided. The amendment is a transcript of the California practice act.

Section seventeen repeats section two hundred and eleven of the code, and re-enacts the section with the change of a single term rendered necessary by the absolute repeal of section two hundred and ten of the code, which we will hereafter explain.

Section eighteen repeals section two hundred and twenty-nine of the code, and re-enacts the whole section, except the first clause providing that there shall be but one action upon a liability secured by mortgage. Under this clause the California decisions hold that a party can not waive his mortgage and sue upon the note. We wish to avoid this consequence, and have repealed the clause mentioned.

Section nineteen repeals section three hundred and ninety-seven of the code in relation to the service of notices. The original section required the service of the notice on the attorney in all cases, but we have changed the section so that notice served on the attorney or the party may be legal.

Section twenty provides that objections and exceptions to depositions shall be made and disposed of before trial. This was the practice prior to the adoption of the code, and we are of the opinion that it is a preferable practice.

Section twenty-one, to which we have previously referred, provides that the several district and county judges may dispose of motions, demurrers, and make all interlocutory orders in vacation, and provides that such judges shall fix convenient times and places for so doing. We are of the opinion that the reasons for its adoption are too apparent to need any argument.

Sections twenty-two to thirty-seven inclusive, are upon the subject of appeals to the supreme court from the several district and county courts of the State. We are of the opinion that the present system of appealing is unsatisfactory, and believe that the old system of practice in such cases is more simple and expedient. The subject of appeals being almost entirely distinct from the remainder of the code, we believe that the change can be made without materially affecting the code.

We have also provided that the writ of error shall lie from the supreme court to every final judgment rendered by the district and county courts.

In the matter of appeals and restoring the writ of error, we have followed the demand of the bar and the advice of the honorable judges of the supreme court, and to the latter gentlemen we owe very much in the preparation of this part of the amended bill. The whole matter has been submitted to these honorable gentlemen, and their suggestions have been pursued in every particular in regard to the subject of appeals and the writ of error.

Section thirty-eight repeals several sections of the code, on the subject of exceptions and appeals. We are of the opinion that the repeal of these sections follows as a natural consequence from the adopting of the proposed system of appeals, and it is more expedient to repeal them in terms than to leave it an open question whether they are repealed by implication.

Your committee make no claim to anything like a revision of the code, but we have endeavored to correct a few of the most apparent errors, and we confidently expect

that the adoption of the amendments proposed will be of no little advantage to the profession.

All of which is most respectfully submitted.

JAMES M. JOHN,
Member of the Senate.
J. McD. LIVESAY,
THOMAS J. CANTLON,
Members of the House of Representatives.

February 3, 1879.

Minority report:

Mr. President:

The undersigned, members of the joint committee on amendments to the code, beg leave to report that they concur in the amendments reported by the majority of said committee, believing that they will somewhat serve to make a bad practice act better.

In their opinion many other changes should be made, and certain other sections repealed; but the brief time allotted to the committee—three days—rendered this impossible.

They congratulate the majority of the committee, and the General Assembly, that in the bill herewith transmitted, fifteen sections of S. B. No. 1 have been bodily inserted, and they venture to express the hope that at the next session of the legislature the rest of said bill will become a law.

Respectfully submitted.

EDW'D O. WOLCOTT,
A. T. GUNNELL,
Two of the members of the Committee.

February 3, 1879.

Senator Maxwell moved that the report be received, and that 400 copies of the amendments reported by the committee, be printed in pamphlet form.

Motion prevailed.

Reports from committee on incorporations and railroads:

Mr. President:

Your committee on incorporations and railroads, to

whom was referred S. B. No. 124, beg leave to report the same back to the Senate, with the recommendation that said bill be indefinitely postponed, as S. B. No. 129, now before the committee, embodies the same provisions.

L. C. ELLSWORTH,
Chairman.

On motion of Senator Ellsworth, the report was received and adopted.

The committee further reported as follows:

Mr. President:

Your committee on incorporations and railroads, to whom was referred S. B. Nos. 130 and 131, beg leave to report the same back to the Senate, with the recommendation that said bill be referred to the judiciary committee.

L. C. ELLSWORTH,
Chairman.

On motion of Senator Ellsworth, the report was received and adopted.

The committee further reported as follows:

Mr. President:

Your committee on incorporations, to whom was referred S. B. No. 100, beg leave to report the same back to the Senate, with the recommendation that it be placed on file for third reading.

L. C. ELLSWORTH,
Chairman.

The committee further reported as follows:

Mr. President:

Your committee on incorporations, to whom was referred S. B. No. 127, beg leave to report the same back to the Senate, with the recommendation that the same be amended by striking out section 3, and numbering section 3 number 4, and that the bill be passed as amended.

L. C. ELLSWORTH,
Chairman.

On motion of Senator Ellsworth, the report was received, and the amendments and the bill placed on general file for consideration in committee of the whole.

The committee further reported as follows:

Mr. President:

Your committee on incorporations, to whom was referred S. B. No. 140, beg leave to report the same back to the Senate, with the recommendation that it pass as amended.

L. C. ELLSWORTH,
Chairman.

Report received and adopted.

Report from committee on finance, ways and means:

Mr. President:

Your committee on finance, ways and means, to whom was referred S. B. No. 138, have had the same under consideration and instruct me to report the same back to the Senate, with the recommendation that it be engrossed and placed on file for third reading and final passage.

ALFRED BUTTERS,
Chairman.

On motion of Senator Rogers, the report was received and adopted.

Senator Rogers moved that 250 copies of the majority and minority report of the special committee on amendments to the code, be printed for the use of the Senate.

Motion prevailed.

Report of the committee on enrollment:

Mr. President:

The joint committee on enrollment have compared amended H. B. No. 10, H. B. Nos. 51 and 9, S. C. R. No. 13, and H. J. R. No. 3 with the engrossed copy, find the same correctly enrolled, and report them to the Senate signed by the speaker of the House.

Respectfully,
F. CHURCH,
Chairman on part of Senate.

Report received, and H. J. R. No. 3, H. B. Nos. 9, 10 and 51, and S. C. R. No. 13, were publicly read by titles and signed by the president.

Report from committee on finance, ways and means:

Mr. President:

Your committee on finance, ways and means, to whom

was referred S. B. No. 77, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that the substitute, herewith submitted, be agreed to, the bill engrossed and placed on file for third reading and final passage.

ALFRED BUTTERS,
Chairman.

On motion of Senator Butters, the report of the committee was received and adopted, the substitute agreed to, and ordered engrossed.

Report from committee on judiciary:

Mr. President:

Your committee on judiciary, to whom was referred S. B. No. 126, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it do not pass.

S. B. A. HAYNES,
Chairman.

On motion of Senator Hall of Lake, the bill was placed on general file for consideration in committee of the whole.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted H. C. R. No. 15, providing for a joint committee on bills concerning criminal matters, which is herewith submitted.

Respectfully,
W. B. FELTON,
Chief Clerk of the House.

Report from committee on engrossment:

Mr. President:

Your committee on engrossment, to whom was referred S. B. No. 84, beg leave to report the same back to the Senate, correctly engrossed.

ALBERT JOHNSON,
Chairman.

Report from committee on education:

Mr. President:

Your committee on education, to whom was referred S. B. No. 64, have had the same under consideration. Your committee believe that some reasonable laws should be enacted protecting the people of the State from imposition at the hands of ignorant and incompetent persons who may under the present laws establish themselves as physicians, and that great harm is being done for the want of such laws. But your committee is satisfied that there is not sufficient time during the present session to perfect S. B. No. 64, or provide some desirable substitute, and hope the medical fraternity will present to the next legislature a bill that will pass and that will accomplish the object desired. I am instructed to report the same back, with the recommendation that it be indefinitely postponed.

H. R. WOLCOTT,
Chairman.

Report received and adopted.

Report from committee on mines and mining:

Mr. President:

Your committee on mines and mining, to whom was referred S. B. No. 128, beg leave to report the same back to the Senate, with the recommendation that it be placed on file for third reading and final passage.

EDWARD O. WOLCOTT.

On motion of Senator Butters, the report was received and adopted.

Report from committee on finance, ways and means:

Mr. President:

Your committee on finance, ways and means, to whom was referred the claim of W. S. Peabody, for the unadjusted balance on safes furnished the State in the year 1876, beg leave to report that though they have used every effort to do so, they have been unable to procure either the original or a copy of the contract upon which the claim is founded, and your committee being of the opinion that the legality of the claim rests entirely on the technical wording of that instrument, have therefore, instructed me to report the

said claim back to the Senate without prejudice, and with the recommendation that the papers referred to the committee, in connection therewith, and herewith submitted, be returned to the parties claiming them.

ALFRED BUTTERS,
Chairman.

On motion of Senator Butters, the report was received and adopted.

Senator Hall of Park moved that S. B. No. 109 be taken from the file for third reading and final passage of bills, and be placed on general file for consideration in committee of the whole.

Motion prevailed.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed S. B. No. 44, a bill for an act to provide for the method of collecting and receipting for taxes for State institutions.

Also S. B. No. 95, a bill for an act to amend section 17 of an act incorporating the city of Denver.

And S. B. No. 96, a bill for an act to amend section 34 of an act incorporating the city of Denver.

The House has amended and passed S. B. No. 98, a bill for an act to amend section 59 of an act incorporating the city of Denver.

All of which are herewith returned.

Respectfully,
W. B. FELTON,
Chief Clerk of the House.

Under the head of first reading.

H. C. R. No. 15 was read a first time.

Second reading of bills and resolutions.

H. J. R. No. 6 was read a second time and placed on the general file.

H. B. No. 29 was read a second time, and was referred to the judiciary committee.

H. B. Nos. 109 and 112 were read a second time and referred to the committee on finance, ways and means.

H. B. No. 118 was read a second time, and referred to the committee on agriculture.

H. B. No. 126 was read a second time, and referred to the committee on judiciary.

H. B. No. 69 was read a second time, and referred to the committee on stock.

Senator Ellsworth was excused for the day.

Report from joint committee on enrollment:

Mr. President:

The joint committee on enrollment presented amended H. B. No. 10, H. B. Nos. 9 and 51, S. C. R. No. 13, and H. J. R. No. 3, to His Excellency the Governor for his approval at 11 o'clock A. M.

Respectfully,

F. CHURCH,

Chairman on part of the Senate.

Third reading and final passage of bills and memorials.

H. J. M. No. 8, relative to change of surveys on the public domain, was read a third time.

The question being upon the final passage of the memorial.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Chacon, DeFrance, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—19.

Voting in the negative, none.

Voting in the negative:

Senator Butters, Church, Ellsworth, Gardner, Gaussoin, Peck, and Webster.—7.

A majority having voted in favor of the passage of the memorial.

The memorial passed, and the title agreed to.

Amended S. B. No. 83, a bill for an act to provide for the publication, purchase and distribution of the decisions of the supreme court of Colorado, was read a third time.

Senator Wolcott of Clear Creek moved that the bill be

amended, by striking out the word "ten" in the fourth line of section 3, and the word "thirty" be inserted in lieu thereof.

Motion prevailed.

Senator John moved that the word "five" in the eighteenth line of section 4 be stricken out and the word "ten" be inserted in lieu thereof.

Which was objected to by Senator Rogers.

Senator Wolcott of Clear Creek moved that the rules be suspended for the purpose of submitting amendments to the bill.

The yeas and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Parrish, Peck, Rhodes, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—20.

Those voting in the negative were:

Senators Church, Neikirk, and Rogers.—3.

Not voting:

Senators Ellsworth, Gardner, and Gaussoin.—3.

A majority having voted in the affirmative, the rules were suspended.

Senator John then moved to amend by striking out the word "ten" and inserting in lieu thereof, the word "thirty" in line 18 of section 4, and the amendments were adopted.

The question then being upon the passage of the bill as amended.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Hall of Lake, Haynes, Helm, Hill, John, Johnson, Maxwell, Parrish, Peck, Rhodes, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—18.

Those voting in the negative were:

Senators Church, Neikirk, Rogers, and Webster.—4.

Absent and not voting:

Senators Ellsworth, Gardner, Gaussoin, and Hall of Park.—4.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title agreed to.

S. B. No. 64, a bill for an act to provide for the herding of rams, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Church, DeFrance, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, John, Neikirk, Parrish, Rhodes, Rogers, Webster, and Wolcott of Gilpin. —16.

Voting in the negative were:

Senators Baca, Chacon, and Trujillo.—3.

Absent and not voting:

Senators Ellsworth, Gardner, Hill, Johnson, Maxwell, and Wolcott of Clear Creek.—7.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title agreed to.

The Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President in the chair.

Quorum present.

Report from committee on printing:

Mr. President:

Your committee on printing, to whom was referred S. B. Nos. 66, 77, 138 and 140, beg leave to report the same back to the Senate, correctly printed.

ALBERT JOHNSON,
Chairman.

Report from committee on enrollment:

Mr. President:

Your committee on enrollment, to whom was referred S. B. Nos. 72, 57 and 44, beg leave to report the same back to the Senate, correctly enrolled.

F. C. PECK,
Chairman.

S. B. No. 84, a bill for an act to provide a salary for the reporter of the decisions of the supreme court, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—21.

Voting in the negative:

Senators Baca, Church, and Rogers.—3.

Absent and not voting:

Senators John, and Webster.—2.

A majority having voted in favor of the passage of the bill, and a majority having voted against the emergency clause.

The bill passed without the emergency clause, and the title to the bill agreed to.

Report from committee on engrossment:

Mr. President:

Your committee on engrossment, to whom was referred S. B. Nos. 66, 77, 138 and 140, beg leave to report the same back to the Senate, correctly engrossed.

ALBERT JOHNSON,

Chairman.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body, that the House has passed the following bills, which are herewith transmitted.

H. B. No. 36, a bill for an act to amend an act entitled, an act to secure liens to mechanics and others, and to repeal all other acts in relation thereto.

H. J. R. No. 10, relative to pre-emption and homestead laws.

H. B. No. 90, a bill for an act to provide for the pur-

chase of law books for the library of the supreme court, which bill received a sufficient number of votes to pass the emergency clause.

H. B. No. 176, a bill for an act making appropriations for expense of selecting, locating, appraising, leasing, and selling land donated to the State by the United States.

H. J. M. No. 12, relative to Charles Antobias.

H. B. No. 102, a bill for an act to amend chapter 61 of the general laws concerning lunatics, which bill received a sufficient number of votes to pass the emergency clause contained therein.

Respectfully,

W. B. FELTON,
Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed the following bills, with a sufficient number of votes to also pass the emergency clause.

H. B. No. 144, a bill for an act to establish the Colorado insane asylum, and providing for its location.

And H. B. No. 145, a bill for an act relating to the powers and duties of the State board of land commissioners, and the management of the State lands, and defining the duties of the secretary of the board, which are herewith transmitted.

Respectfully,

W. B. FELTON,
Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed the following bills, which are herewith transmitted:

H. B. No. 105, a bill for an act providing for a change of venue in preliminary examinations.

H. B. No. 115, a bill for an act making appropriations to pay expenses and claims under the law concerning fugitives from justice, for the years 1879 and 1880.

H. B. No. 125, a bill for an act to amend an act entitled, an act relating to the exemption of volunteer firemen as jurors, and from paying a poll tax.

H. B. No. 133, a bill for an act to prescribe certain duties of the attorney general.

H. B. No. 137, a bill for an act to amend chapter 100 of the general laws entitled, towns and cities.

And H. B. No. 174, a bill for an act to amend chapter 72 of the general laws.

Also S. C. R. No. 12, relating to Pagosa Springs.

Respectfully,

W. B. FELTON,
Chief Clerk of the House.

S. B. No. 80, a bill for an act to protect cattle from disease called Texas fever, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Rhodes, Rogers, Trujillo, and Wolcott of Clear Creek.—20.

Voting in the negative:

Senators Chacon, Hall of Park, Webster, and Wolcott of Gilpin.—4.

Absent and not voting:

Senators Church, and Peck.—2.

A majority having voted in favor of the passage of the bill.

The bill passed, and title agreed to.

S. B. No. 66, a bill for an act in regard to issuing license to vend or sell spirituous, vinous or malt liquors, and establishing the responsibility of venders without license, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Butters, Ellsworth, Gardner, Hall of Lake,

Haynes, Helm, Johnson, Maxwell, Neikirk, Parrish, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—16.

Voting in the negative:

Senators Baca, Barela, Chacon, DeFrance, and Gaussoin. —5.

Absent and not voting:

Senators Church, Hall of Park, Hill, John, and Peck.—5.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title agreed to.

S. B. No. 128, a bill for an act repealing chapter 91 of the general laws of the State of Colorado, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Butters, Chacon, Hall of Park, Haynes, Helm, Johnson, Maxwell, Neikirk, Parrish, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—13.

Voting in the negative:

Senators Barela, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Rhodes, Rogers, and Trujillo.—9.

Absent and not voting:

Senators Church, Hill, John, and Peck.—4.

The bill not having received a constitutional majority of the votes cast.

The bill was not passed.

S. B. No. 100, a bill for an act to amend an act entitled, an act in relation to municipal corporations, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Johnson, Neikirk, Parrish, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—19.

Voting in the negative, none.

Absent and not voting:

Senators Barela, Church, Hill, John, Maxwell, Peck, and Rhodes.—7.

A majority having voted in favor of the passage of the bill.

The bill passed, and titled agreed to.

S. B. No. 138, an act to repeal section 7 of chapter 41 of the general laws, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Ellsworth, Gardner, Hall of Park, Haynes, Hill, Maxwell, Neikirk, Parrish, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—16.

Voting in the negative:

Senators DeFrance, Gaussoin, Hall of Lake, Helm, Johnson, Peck, and Rogers.—7.

Absent and not voting:

Senators Chacon, Church, and John.—3.

A majority having voted in favor of the passage of the bill.

The bill passed, and title agreed to.

S. B. No. 140, a bill for an act in relation to suits against corporations, when the same shall be commenced, and how service of process shall be had upon corporations, was read a third time, and on motion of Senator Haynes, was placed on general file for consideration in committee of the whole.

Substitute for S. B. No. 77, a bill for an act authorizing counties to cancel certain uncollectable taxes, was read a third time.

The question being upon the final passage.

The yeas and nays were had, with result following:

Those voting in the affirmative were:

Senators Baca, Barela, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm,

Hill, John, Johnson, Maxwell, Neikirk, Parrish, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—23.

Voting in the negative, none.

Absent and not voting:

Senators Butters, Ellsworth, and Peck.—3.

A constitutional majority having voted in favor of the passage.

The bill passed, and the title agreed to.

Senator Church moved that the House amendments to S. B. No. 98 be concurred in.

The yeas and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Maxwell, Neikirk, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—20.

Voting in the negative, none.

Absent and not voting:

Senators Ellsworth, Haynes, Johnson, Parrish, Peck, and Wolcott of Clear Creek.—6.

A majority having voted in the affirmative.

The motion prevailed.

On motion of Senator Haynes, the Senate went into committee of the whole on the general file.

A message from the House having been announced, the president *pro tem.* resumed the chair.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed:

H. B. No. 67, a bill for an act to amend an act to provide for formation of corporations.

Also H. B. No. 140, a bill for an act to strike off a portion of the county of Saguache, and to add the same to the county of Rio Grande.

And H. B. No. 132, a bill for an act providing that the

State treasurer shall countersign all warrants issued by the auditor of State, and keep a record of the same.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The message having been read, Senator Haynes resumed the chair.

The committee having completed the work before them, rose and reported as follows:

Mr. President:

Your committee have had under consideration S. B. Nos. 75, 39, 87, 108, 111 and 140, and H. B. No. 75, and instruct me to report them back to the Senate as follows:

S. B. No. 75, and recommend that the amendments, herewith submitted, be agreed to, and the bill as amended be engrossed and placed on file for third reading.

S. B. No. 39, and recommend that it do pass.

S. B. No. 87, and recommend that it be indefinitely postponed.

S. B. No. 108, and recommend that the bill be engrossed and placed on file for third reading.

S. B. No. 111, and recommend that it be laid on the table.

S. B. No. 140, and recommend that the bill be placed on file for third reading.

And H. B. No. 75, and recommend that it be placed on file for third reading.

Report of the committee adopted, except as to S. B. Nos. 87 and 111.

Senator Rhodes moved to adopt the report of the committee as to S. B. No. 87.

The yeas and nays were called for, which being had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Barela, Chacon, Church, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, John, Johnson, Maxwell, Neikirk, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—18.

Voting in the negative:

Senators Butters, DeFrance, Ellsworth, Helm, Peck, and Rhodes.—6.

Absent and not voting were:

Senators Hill, and Parrish.—2.

A majority having voted in the affirmative.

The report of the committee on S. B. No. 87 was adopted.

Senator Wolcott of Gilpin moved that the report of the committee on S. B. No. 111 be adopted.

The yeas and nays being called, were had, with the following result:

Those voting in the affirmative were:

Senators Butters, Ellsworth, Gardner, Hall of Lake, Haynes, Helm, Hill, Johnson, Maxwell, Neikirk, Parrish, and Wolcott of Clear Creek.—12.

Voting in the negative were:

Senators Baca, Barela, Chacon, Church, DeFrance, Gaussoin, Hall of Park, John, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—14.

A majority having voted in the negative.

The report was not adopted.

Senator Butters moved that S. B. No. 111 be considered engrossed and placed on file for third reading.

The yeas and nays being called for and being had, resulted as follows:

Voting in the affirmative:

Senators Baca, Barela, Chacon, Church, DeFrance, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—11.

Voting in the negative:

Senators Butters, Ellsworth, Gardner, Gaussoin, Hall of Lake, Haynes, Helm, Hill, Johnson, Maxwell, Neikirk, Parrish, and Wolcott of Clear Creek.—14.

Absent and not voting:

Senator Hall of Park.—1.

A majority having voted in the negative.

The motion was lost.

Report of committee on incorporations:

Mr. President:

Your committee on incorporations and railroads, to whom was referred S. B. No. 129, beg leave to report that they have had the same under consideration, and report the same back to the Senate with the following amendments, and recommend that the amendments be printed, and that the bill as amended do pass.

Section 1 of the printed bill, in line 1, strike out the words "a commission which shall be styled, railroad commission, shall be appointed as follows."

In lines 2 and 3 strike out "three persons as such" and insert, "a railroad;" make "commissioners" "commission," and strike out the word "their" and insert "his."

In line 4 strike out the first word "and" and insert "or," strike out the word "their" and insert "his," make the word "successors" "successor," strike out the word "are" and insert "is," and between the words "next" and "meeting," insert the word "regular."

In line 6 strike out the words "three persons as such," and insert "a railroad," make "commissioners" "commission," strike out the word "their" and insert "his," and make the word "offices" "office."

In line 7 strike out the word "their" wherever it occurs and insert "his."

In line 7 make the word "successors" "successor," and strike out the word "are" and insert "is."

In section 2, line 7, strike out the word "any."

In section 3, line 1, strike out the words "each of the," make the word "commissioners" "commissioner."

In section 4, line 1, strike out the words "each of," and make the word "commissioners" "commissioner."

Strike out all of line 2 and insert "$3,000 per annum."

Line 3, strike out the words "under this act;" after the word "quarterly" insert, "it shall be the duty of said commissioner to receive all complaints against any railroad corporation, and he shall keep a full and complete record of all such complaints."

In line 3 strike out "they" and insert "he."

In lines 4, 5 and 6 strike out the following words: "And shall have power to appoint a secretary, to perform such duties as they shall assign him; said secretary shall receive for his services a sum not exceeding $1,500 per annum."

Line 8, after the word "governor" insert: "And the State auditor is hereby authorized and directed to draw his warrants on the State treasurer for such sums." Make the word "commissioners" "commissioner."

In section 5, line 1, make the word "commissioners" read "commissioner," strike out the word "their" and insert "his."

In section 6, line 1, make the word "commissioners" read "commissioner."

Line 2 strike out the word "their" and insert "his."

Line 6 strike out the word "them" and insert "him;" strike out the word "their" and insert "his."

Add at the end of the section the following: "Such commissioner shall prepare for the action of the General Assembly in 1881 a bill for the enforcement of section 6, article 15, of the constitution, with such other provisions as he shall think necessary to propose, for the regulation of the mutual interests of the State and the railroad companies."

In section 7, line 1, make the word "commissioners" read "commissioner."

Line 6 strike out the word "their" and insert "his."

Line 7 strike out the word "they" and insert "he."

Line 8 strike out the word "they" and insert "he," strike out all of the section after the word "violation" in line 9.

In section 8, line 3, make the word "commissioners" read "commissioner," strike out the word "they" and insert "he."

In section 9 make the word "commissioners" read "commissioner" wherever it occurs in said section.

In section 10, lines 2 and 3, strike out the following words, "who shall willfully neglect to make and furnish any report required in this act at the time herein required or."

Line 4, make the word "commissioners" read "commissioner;" strike out the word "them" and insert "him."

Respectfully submitted,

L. C. ELLSWORTH,
H. R. WOLCOTT,
THOS. C. PARRISH,
EUG. GAUSSOIN,
J. B. HALL.

Senator Ellsworth moved that the amendments to S. B. No. 129, as reported by the committee, be referred to the printing committee.

Motion prevailed.

The committee further reported as follows:

Mr. President:

A majority of your committee on incorporations and railroads, to whom was referred S. B. Nos. 46, 75 and 125, beg leave to report that they have had the same under consideration, and report the same back to the Senate, with the recommendation that they be indefinitely postponed.

L. C. ELLSWORTH,
FRED. C. PECK,
EUGENE GAUSSOIN,
CASIMIRO BARELA,
H. R. WOLCOTT,
THOMAS C. PARRISH.

Senator Wolcott of Gilpin moved that the report of the committee be received and adopted, and S. B. Nos. 46, 75 and 125 be indefinitely postponed.

Motion prevailed.

Senator Ellsworth moved that S. B. Nos. 46, 75, 125 and 129 be made the special order for to-morrow, the 4th instant, at 2 o'clock P. M.

Motion prevailed.

Report from committee on finance, ways and means:

Mr. President:

Your committee on finance, ways and means, to whom was referred H. B. No. 53, have had the same under con-

sideration, and instruct me to report the same back to the Senate, with the recommendation that the amended bill, herewith submitted, be substituted for the original, and ordered printed.

ALFRED BUTTERS,
Chairman.

On motion of Senator Butters, the report was received and adopted, and the amended bill referred to the committee on printing.

Senator Helm moved to adjourn.

Motion prevailed.

The Senate adjourned until to-morrow, the 4th instant, at 2 o'clock P. M.

THIRTY-FIFTH DAY.

TUESDAY, FEBRUARY 4th, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Absent:

Senator Ellsworth.

Prayer by the chaplain.

Journal read.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted H. C. R. No. 16, relative to joint com-

mittee on bills conferring jurisdiction on justices in attachment, garnishment and replevin, which is herewith.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed H. B. No. 168, a bill for an act to amend an act entitled, an act to provide for the assessment and collection of revenue.

Also has passed with the emergency clause S. B. No. 49, a bill for an act to amend an act entitled, conveyances.

And has amended and passed S. B. No. 21, a bill for an act to provide for the branding, herding, and care of stock, which bill received a number of votes sufficient to pass the emergency clause. The above bills are hereby transmitted.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

Report from joint committee on enrollment:

To the President of the Senate:

The joint committee on enrollment have compared S. B. Nos. 57, 44 and 72 with the engrossed copy, find the same correctly enrolled, and report them to the Senate, signed by the speaker of the House.

Respectfully,

F. CHURCH,

Chairman on part of Senate.

S. B. Nos. 44, 57 and 72 were publicly read by their titles and signed by the president.

Report from committee on engrossment:

Mr. President:

Your committee on engrossment, to whom was referred S. B. Nos. 75, 39 and 108, beg leave to report the same back to the Senate, correctly engrossed.

ALBERT JOHNSON,

Chairman.

Senator Wolcott of Clear Creek moved that S. B. No. 108, with amendments, be referred to the committee on printing.

Report from the committee on amendments to the code:

Mr. President:

Your special committee on amendments to the code, to whom was referred amended S. B. No. 56, beg leave to report the same back to the Senate as correctly printed, except in section 15 line 9 "on" should be "an," section 3 "answer" should be "demurrer," section 6 "sums" should be "sum."

JAMES M. JOHN,
Chairman.

On motion of Senator John, amended S. B. No. 56 was placed on general file for consideration in committee of the whole.

Report from committee on enrollment:

Mr. President:

Your committee on enrollment, to whom was referred S. B. Nos. 95 and 96 and S. C. R. No. 12, beg leave to report the same back to the Senate, correctly enrolled.

F. C. PECK,
Chairman.

Report from committee on stock:

Mr. President:

Your committee on stock, to whom was refered H. B. No. 69, beg leave to report the same back to the Senate with the recommendation that the word "three" in 5th line from the top of second page, be striken out, and "one" be inserted in lieu thereof, and as amended the bill be placed on file for third reading.

ALFRED BUTTERS,
Chairman.

On motion of Senator Butters, the report was received and adopted.

Report from the committee on judiciary:

Mr. President:

Your committee on judiciary, to whom was referred H.

B. No. 29, report the same back to the Senate, with the recommendation that it pass.

S. B. A. HAYNES,
Chairman.

Report received and adopted.

Report from the committee on stock:

Mr. President:

Your committee on stock, to whom was referred S. B. No. 25, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that the amendments, herewith submitted, be adopted and as so amended the bill do pass.

ALFRED BUTTERS,
Chairman.

On motion of Senator Butters, the report was received and adopted, and amendments agreed to.

Report from committee on printing:

Mr. President:

Your committee on printing, to whom was referred S. B. No. 103, beg leave to report the same back to the Senate, correctly printed.

ALBERT JOHNSON,
Chairman.

Report from committee on finance, ways and means:

Mr. President:

Your committee on finance, ways and means, to whom was referred H. B. No. 127, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that the amendments, herewith submitted, be adopted and that the bill pass as amended.

ALFRED BUTTERS,
Chairman.

Senator Butters moved that the report of the committee be adopted.

Yeas and nays demanded, and being had, resulted as follows:

Voting in the affirmative:

Senators Butters, DeFrance, Ellsworth, Rogers, and Webster.—5.

Voting in the negative:

Senators Baca, Barela, Chacon, Church, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, and Trujillo.—18.

So the motion to adopt the report of the committee was lost.

Roport from committee on stock:

Mr. President:

Your committee on stock, to whom was referred S. B. No. 78, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that it lie on the table.

ALFRED BUTTERS,
Chairman.

On motion of Senator Butters, the report of the committee was received and adopted.

H. C. R. No. 15, providing for joint committee on bills concerning criminal matters, was taken up, and on motion of Senator Wolcott of Clear Creek, the resolution was laid on the table.

Senator Rogers moved to suspend rules for the purpose of taking up S. C. R. No. 16, and disposing of it.

Motion prevailed.

Senator Wolcott of Clear Creek moved that consideration of the resolution be indefinitely postponed.

The yeas and nays being demanded and had, resulted as follows:

Voting in the affirmative:

Senators Baca, Chacon, Hall of Park, Maxwell, Neikirk, Rogers, and Wolcott of Clear Creek.—7.

Voting in the negative:

Senators Barela, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Haynes, Helm, Hill, Johnson, Parrish, Peck, Rhodes, Trujillo, and Webster.—15.

A majority having voted in the negative.

The motion was lost.

Senator Wolcott moved that the resolution be referred to the committee on agriculture and manufactures.

The yeas and nays being demanded and had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Chacon, Hall of Park, Haynes, Johnson, Maxwell, Neikirk, Rogers, and Wolcott of Clear Creek.—9.

Voting in the negative:

Senators Barela, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hill, John, Parrish, Peck, Rhodes, Trujillo, and Webster.—14.

Absent and not voting:

Senators Butters, Helm, and Wolcott of Gilpin.—3.

A majority having voted in the negative.

The motion to refer was lost.

The question then being upon the adoption of the resolution.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Haynes, Helm, Hill, Parrish, Peck, Rhodes, Trujillo, and Webster.—15.

Voting in the negative:

Senators Baca, Chacon, Church, Hall of Park, John, Johnson, Maxwell, Neikirk, Rogers, and Wolcott of Gilpin.—10.

Absent:

Senator Wolcott of Gilpin.—1.

A majority having voted in the affirmative.

The resolution was adopted.

Report from joint committee on enrollment:

Mr. President:

The joint committee on enrollment have compared S. C. R. No. 12, S. B. Nos. 95 and 96, and H. J. M. No. 8, with the engrossed copy, find the same correctly enrolled, and report them to the Senate signed by the speaker of the House.

Respectfully,

F. CHURCH,

Chairman on part of Senate.

S. C. R. No. 12, S. B. Nos. 95 and 96, and H. J. M. No. 8 were publicly read by their titles and signed by the president.

The following communication was received from His Excellency the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 3d, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed H. J. R. No. 3, relative to the establishment of a military post in southwestern Colorado, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 3d, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. C. R. No. 13, relating to the Pagosa Hot Springs, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

Senator Parrish moved a recess until 1 o'clock P. M.
Motion prevailed.

AFTERNOON SESSION.

Senate met at 1 o'clock P. M.
President in the chair.
First reading of bills, resolutions and memorials.
H. B. Nos. 144, 145, 36, 102, 176, 137, 174, 133, 125, 115, 105, 90, 132, 67 and 168 were read a first time and placed on file for second reading.

H. B. No. 140 was read a first time, and on motion of Senator Hall of Lake, was referred to committee on counties and county lines.

H. C. R. No. 16 was read a first time, and on motion of Senator Wolcott of Clear Creek, was laid on the table.

Senator Butters moved that the Senate do concur in the House amendments to S. B. No. 21.

The yeas and nays being had, resulted as follows:

Voting in the affirmative were:

Senators Baca, Butters, Chacon, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—19.

Voting in the negative were:

Senators Barela, DeFrance, Hill, and Trujillo.—4.

Absent and not voting:

Senators Church, Helm, and Rhodes.

A majority having voted in the affirmative, the amendments were concurred in.

Report from committee on printing:

Mr. President:

Your committee on printing, to whom was referred S. B. No. 129, beg leave to report the same back to the Senate, correctly printed.

ALBERT JOHNSON,
Chairman.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed substitute for S. B. No. 91, a bill for an act to provide for the payment of clerical services in the secretary of State's office.

And has amended and passed S. B. No. 67, a bill for an act to provide an additional fund for the current expenses of the State university, both of which are herewith returned.

Respectfully,

W. B. FELTON,
Chief Clerk of the House.

The following communication was received from His Excellency the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 4th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: Grave doubts exist as to whether some of the carbonate deposits, near Leadville, are not of such a character as to come within the meaning of placer claims under the act of Congress.

The law in relation to placer claims, now in force, allows eight persons to locate one hundred and sixty acres, or twenty acres for each locator. If the carbonate deposits in the vicinity of Leadville and Ten Mile are generally subject to location as placer claims, that whole country will soon be occupied by a very limited number of persons, to the exclusion of the great mass of prospectors now working, or preparing to work, in that part of the country. Such a result would be a great calamity to the State, and would almost necessarily lead to violent disturbances.

I understand that it is in the power of the legislature to limit the extent of placer as well as of lode claims, and I therefore recommend that a law be enacted limiting placer claims hereafter located to fifteen hundred feet in length by three hundred feet in width, and that no valid location can be made until mineral is actually discovered in the shaft or cut.

Very respectfully,
FREDERICK W. PITKIN,
Governor of Colorado.

Senator Neikirk moved to refer the communication to the committee on mines and mining.

Motion prevailed.

Senator Ellsworth moved that the journal of the 3d instant be corrected so that S. B. No. 129 shall be incorporated in the motion for special order for the day.

The yeas and nays being demanded and had, resulted as follows:

Those voting in the affirmative were:

Senators Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Wolcott of Clear Creek, and Wolcott of Gilpin. —20.

Voting in the negative:

Senators Baca, Barela, Helm, John, and Trujillo.—5.

Absent and not voting:

Senator Webster.—1.

A majority having voted in favor of the motion.

The motion prevailed.

And the journal was corrected in accordance with the motion, and the journal approved as corrected.

Report from the minority of the committee on incorporations and railroads:

Mr. President:

The minority of your committee on incorporations and railroads having had under consideration S. B. No. 129, a bill for an act to create a railroad commissioner, and to define his powers and duties, beg leave to report that after due consideration of the bill, looking carefully over all its provisions, and giving each all the weight its provisions require, your minority of said committee must disagree with the majority in the report on said bill, for the following reasons:

1st. When the commissioner is appointed he is prohibited by the provisions of the act from interfering in any manner with the operations or management of any railroad; that the appointee is simply placed in, and holds his position as advisory to the people regarding the kind and class of legislation that they need to enable them to enforce their rights, and therefore only an expensive ornament to the tax-payers of the State.

2d. The limited time that has been allowed your committee has proven too short to perfect any bill that in the opinion of your minority will meet the wants of the people and the railroads, both of whom are equally interested in its provisions.

3d. The time has not arrived in the State of Colorado, in our opinion, for the General Assembly to attempt to enforce stringent laws against the operation of any railroad or other corporation of common carriers; that good prices will inevitably invite vigorous competition, and when the demand will warrant it, different and competing lines of railroads will reach certain points.

4th. The people of this State have not by petition or otherwise endeavored to instruct their representatives in the General Assembly to either pass or defeat any of the many bills now pending in this body, and that if there was a wrong being committed by such corporations, the people and not the legislature should be the first to complain, and through the legislature to try and remedy the evil, if any should exist. And it is further the opinion of your minority that should legislation be deemed necessary to protect the citizens of this State, time should be given in which to draft and enact such a law as would remedy the wrong and would work equally just to the railroads and the people.

All of which is respectfully submitted.

FRED. C. PECK,
CASIMIRO BARELA.

Senator Peck moved that S. B. Nos. 46, 76 and 125 be laid on the table.

Senator Wolcott of Clear Creek called for the yeas and nays, and asked that the vote be taken upon each bill separately.

The question then being upon the motion to lay S. B. No. 46 on the table.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, Ellsworth, Gaussoin, Hall of Park, Haynes, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, and Wolcott of Gilpin.—19.

Those voting in the negative were:

Senators DeFrance, Gardner, Hall of Lake, Johnson, Rhodes, and Wolcott of Clear Creek.—6.

Absent and not voting:

Senator Webster.—1.

A majority having voted in the affirmative.

Motion prevailed.

The question then being upon the motion to lay S. B. No. 76 on the table.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Johnson, Maxwell, Parrish, Peck, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—20.

Those voting in the negative were:

Senators DeFrance, Gardner, Haynes, Neikirk, Rhodes, and Wolcott of Clear Creek.—6.

A majority having voted in favor of the motion.

Motion prevailed.

The question then being upon the motion to lay S. B. No. 125 upon the table.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Parrish, Peck, Rogers, Trujillo, Webster, and Wolcott of Clear Creek.—21.

Voting in the negative:

Senators DeFrance, Gardner, Neikirk, Rhodes, and Wolcott of Clear Creek.—5.

A majority having voted in favor of the motion.

Motion prevailed.

Senator Helm moved that S. B. No. 129 be laid on the table.

The yeas and nays being had upon the question, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Barela, Chacon, Hall of Park, Helm, Hill, John, Parrish, Peck, Trujillo, and Wolcott of Clear Creek.—11.

Those voting in the negative were:

Senators Butters, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Haynes, Johnson, Maxwell, Neikirk, Rhodes, Rogers, Webster, and Wolcott of Gilpin. —15.

A majority having voted in the negative.

The motion to lay S. B. No. 129 on the table was lost.

Senator Ellsworth moved that S. B. No. 129 be taken up for consideration.

Motion prevailed.

Senator Hall of Park moved that the Senate resolve itself into committee of the whole on S. B. No. 129.

The yeas and nays being demanded and had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Barela, Chacon, DeFrance, Gardner, Hall of Lake, Hall of Park, Helm, John, Peck, Rhodes, Trujillo, and Wolcott of Clear Creek.—13.

Voting in the negative:

Senators Butters, Church, Ellsworth, Haynes, Hill, Johnson, Maxwell, Neikirk, Parrish, Rogers, Webster, and Wolcott of Gilpin.—12.

A majority having voted in favor of the motion.

The motion prevailed.

The Senate went into committee of the whole on S. B. No. 129, with Senator Neikirk in the chair.

A message from the House having been announced, the president *pro tem.* resumed the chair, when the following message was read:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed the following bills, which are hereby transmitted:

H. B. No. 71, a bill for an act providing for a change of venue in criminal cases in the district court.

H. B. No. 77, a bill for an act to amend an act to provide for the assessment and collection of revenue, which bill received a number of votes sufficient to pass the emergency clause therein contained.

Also H. B. No. 87, a bill for an act concerning the appropriation of water for mining and milling purposes.

H. B. No. 88, a bill for an act to amend section 122 of an act concerning counties, county officers and county government.

And H. B. No. 141, a bill for an act to suppress intemperance.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has amended and passed substitute for S. B. No. 23, a bill for an act to amend an act to provide for the propagation, protection and preservation of fish.

And has passed H. B. No. 89, a bill to amend section 1 of chapter 77 of the general laws.

The House has also adopted H. C. R. No. 17, concerning a joint committee to confer with the Governor in relation to a special session of the General Assembly. All of which are hereby transmitted.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed with the emergency clause H. B. No. 22, a bill for an act concerning irrigation, which is herewith transmitted.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The message having been read, Senator Neikirk resumed the chair.

The committee rose and reported as follows:

Mr. President:

Your committee have had under consideration S. B. No. 129, and instruct me to report the same back to the Senate, with the recommendation that it be indefinitely postponed.

HENRY NEIKIRK,
Chairman.

Senator Neikirk moved that the report of the committee be received and adopted.

The yeas and nays being demanded and had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Barela, Chacon, Hall of Park, Helm, Hill, John, Peck, Rogers, and Trujillo.—10.

Those voting in the negative were:

Senators Butters, Church, DeFrance, Ellsworth, Gardner, Hall of Lake, Haynes, Johnson, Maxwell, Neikirk, Parrish, Rhodes, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—15.

A majority of the votes cast being in the negative.

The motion was lost.

Senator Helm moved that in considering S. B. No. 129, each Senator wishing to speak shall be limited to five minutes.

Motion prevailed.

Senator Rhodes offered an amendment to be known as section 11 of said bill, and moved its adoption.

The yeas and nays being demanded and had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Barela, Chacon, DeFrance, Helm, John, Rogers, and Wolcott of Clear Creek.—7.

Voting in the negative:

Senators Butters, Church, Ellsworth, Gardner, Hall of Lake, Hall of Park, Haynes, Hill, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—17.

A majority having voted in the negative.

The amended section was not adopted.

Senator Wolcott of Clear Creek offered an amendment to be known as section 11, and moved its adoption.

Senator Rhodes moved to strike out the words "undue and unreasonable" in the amended section offered by Senator Wolcott of Clear Creek.

The yeas and nays were demanded, which being had, resulted as follows:

Those voting in the affirmative were:

Senators Barela, Chacon, DeFrance, Helm, John, Rhodes, Trujillo, and Wolcott of Clear Creek.—8.

Voting in the negative:

Senators Baca, Butters, Church, Ellsworth, Gardner, Hall of Lake, Hall of Park, Haynes, Hill, Johnson, Maxwell, Neikirk, Parrish, Rogers, Webster, and Wolcott of Gilpin. —16.

So the motion to amend was lost.

Senator DeFrance moved to strike out the word "undue" in the amendment offered by Senator Wolcott of Clear Creek.

Senator Webster moved the previous question.

Motion prevailed.

The question then being upon the amendment to the amendment offered by Senator Wolcott of Clear Creek.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Chacon, DeFrance, Helm, Rogers, Trujillo, and Wolcott of Clear Creek.—7.

Those voting in the negative were:

Senators Baca, Butters, Church, Ellsworth, Gardner, Hall of Lake, Hall of Park, Haynes, John, Johnson, Maxwell, Neikirk, Parrish, Rogers, Webster, and Wolcott of Gilpin.—16.

A majority having voted in the negative, the motion to amend was lost.

The question then being upon the adoption of the amendment offered by Senator Wolcott of Gilpin.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Hall of Lake, Haynes, Johnson, Maxwell, Neikirk, Rhodes, Trujillo, Webster, and Wolcott of Clear Creek.—15.

Voting in the negative:

Senators Baca, Church, Hall of Park, Helm, Hill, John, Parrish, Peck, Rogers, and Wolcott of Gilpin.—10.

A majority having voted in the affirmative.

The amendment was adopted.

Senator Wolcott of Gilpin offered an amendment to be known as section 12.

On motion of Senator Butters, the amendment was adopted.

Senator Ellsworth moved that the bill with the amendments be ordered engrossed and placed on file for third reading and final passage, and moved the previous question.

Motion for previous question did not prevail.

Senator Rhodes offered an amendment to be known as section 13.

Senator DeFrance moved to amend by striking out the words "the case" in the sixth line in the amendment offered by Senator Rhodes.

Which amendment was accepted by Senator Rhodes.

Senator Helm moved the previous question.

Motion prevailed.

The question then being upon the adoption of the amendment offered by Senator Rhodes.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators DeFrance, Rhodes, and Wolcott of Clear Creek.—3.

Voting in the negative were:

Senators Baca, Barela, Butters, Chacon, Church, Ellsworth, Gardner, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—22.

A majority having voted in the negative.

The amendment was not adopted.

The question then being upon the motion to have the bill engrossed as amended, and placed on file for third reading and final passage.

The yeas and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators Butters, DeFrance, Ellsworth, Gardner, Hall of Lake, Haynes, Johnson, Maxwell, Neikirk, Rhodes, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin. —13.

Those voting in the negative were:

Senators Baca, Barela, Chacon, Church, Hall of Park, Helm, Hill, John, Parrish, Peck, Rogers, and Trujillo. —12.

A majority having voted in the affirmative.

The motion prevailed.

Report from joint committee on enrollment:

Mr. President:

The joint committee on enrollment presented S. B. Nos. 57, 44, 72, 95 and 96, S. C. R. No. 12, and H. J. M. No. 8 to His Excellency the Governor for his approval at 2 o'clock P. M.

Respectfully,

F. CHURCH,

Chairman on part of Senate.

Report from committee on enrollment:

Mr. President:

Your committee on enrollment, to whom was referred S. B. Nos. 49 and 98, beg leave to report the same back to the Senate, correctly enrolled.

F. C. PECK,

Chairman.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has amended and passed with the emergency clause S. B. No. 106, a bill for an act to change the names of the counties of Lake and Carbonate.

The House has also passed H. B. No. 111, a bill for an act making appropriations for the support of insane paupers.

H. B. 116, a bill for an act to provide for the ordinary expenses of the executive, legislative and judicial departments.

H. B. No. 114, a bill for an act making appropriations for the maintenance and support of the penitentiary.

H. B. No. 175, a bill for an act making appropriations for the support of the insane asylum.

H. B. No. 134, a bill for an act to encourage the formation of a State historical society.

H. B. No. 156, a bill for an act to provide for the payment of salaries to officers of the executive and judicial departments, which bill received a sufficient number of votes to pass the emergency clause.

The House also passed with an emergency clause H. B. No. 191, a bill for an act to enable the State board of agriculture to open the State agricultural college.

All of which are hereby transmitted.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

Report from committee on enrollment:

Mr. President:

The joint committee on enrollment have compared S. B. Nos. 49 and 98 and H. B. No. 64 with the engrossed copy, find the same correctly enrolled, and report them to the Senate, signed by the speaker of the House.

Respectfully,

F. CHURCH,

Chairman on part of Senate.

S. B. Nos. 49 and 98 and H. B. No. 64 were publicly read by their titles and signed by the president.

Senator Helm moved that when the Senate do adjourn, it adjourn until 7 o'clock P. M., and that S. B. No. 56 be made the special order for that time.

Motion prevailed.

The following communications were received from His Excellency the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 4th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 52, entitled, an act to amend an act entitled, an act to establish and maintain a system of free schools, approved March 20th, A. D. 1877, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 4th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed H. J. M. No. 8, relating to land surveys in Colorado, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 4th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 95, entitled, an act to reduce the law incorporating the city of Denver, etc., into one act, and to amend the same, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 4th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 44, entitled, an act to provide for the method of collecting and keeping account of moneys collected for State institutions, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 4th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. C. R. No. 12, relative to completion of military post at Pagosa Springs and wagon road leading thereto, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

On motion of Senator Haynes, the Senate took a recess until 7 o'clock P. M.

EVENING SESSION.

Senate met at 7 o'clock P. M.

President *pro tem.* in the chair.

Senator Webster was excused for the evening.

On motion of Senator Neikirk, H. B. No. 22 was read a first time and placed on file for second reading.

On motion of Senator Helm, the Senate resolved itself into committee of the whole on S. B. No. 56, with Senator Peck in the chair.

The committee rose and reported as follows:

Mr. President:

Your committee of the whole have had under consideration S. B. No. 56, and instruct me to report it back to the Senate, with the recommendation that the printed bill be substituted for the original, be considered engrossed and placed on file for third reading.

F. C. PECK,
Chairman.

Senator Neikirk moved to receive and adopt the report.

The yeas and nays being called for on that portion of the report of the committee as relates to the engrossment of the bill, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Butters, Chacon, DeFrance, Ellsworth, Hall of Lake, Haynes, Helm, Hill, John, Maxwell, Neikirk, Peck, Rhodes, and Trujillo.—15.

Voting in the negative, was:

Senator Rogers.—1.

So the motion to consider the bill engrossed was carried.

The question then being upon the adoption of the report of the committee.

A majority voting in the affirmative.

The report was adopted.

Senator Helm moved that the bill be read a third time, and that the vote upon the final passage thereof be made the special order for to-morrow, the 5th instant, at 10:30 o'clock A. M.

Motion prevailed.

The bill was read a third time.

On motion of Senator Butters, H. B. Nos. 71, 116, 114, 111, 141, 87, 175, 156, 77, 89, 191, 88 and 134, and H. C. R. No. 17, were read a first time and placed on file for second reading.

On motion of Senator Helm, the Senate adjourned until to-morrow, the 5th instant, at 10 o'clock A. M.

THIRTY-SIXTH DAY.

WEDNESDAY, FEBRUARY 5th, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Prayer by the chaplain.

Senator Helm moved that the reading and approval of the journal of the 4th instant be postponed until to-morrow.

Motion carried.

Senator Barela, from special committee to whom was referred the petition from settlers in southeastern portions of the State, presented the following report:

Mr. President:

Your committee, to whom was referred the consideration of a petition from certain settlers in the southeastern portion of the State, beg leave to report the following memorial to Congress, as embracing the only means within their knowledge by which the evils complained of may be remedied.

Respectfully submitted,

CASIMIRO BARELA,
THOS. C. PARRISH,
J. W. HILL.

S. M. No. 1, memorializing Congress to establish a military post in southeastern Colorado, as presented by the special committee, was read, and on motion of Senator Peck the rules were suspended and the memorial referred to the committee on printing.

Report from committee on military affairs:

Mr. President:

A majority of your committee on military affairs, to whom was referred S. B. No. 144, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it be engrossed and placed on file for third reading.

F. CHURCH,
Chairman.

Senator Wolcott of Gilpin moved that the report be received and the bill be engrossed and placed on file for third reading.

Motion prevailed.

Report from committee on mines and mining:

Mr. President:

Your committee on mines and mining, to whom was referred S. B. No. 141, beg leave to report the same back to the Senate with amendments, and recommend that the amendments be adopted and the bill do pass.

EDW'D O. WOLCOTT,
Chairman.

Senator Wolcott of Clear Creek moved that the bill as amended be engrossed and placed on file for third reading.

Motion prevailed.

Report from the committee on engrossment:

To the President of the Senate:

Your committee on engrossment, to whom was referred S. B. No. 129, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,
J. B. HALL,
Acting Chairman.

Report received.

Report from the committee on counties and county lines:

Mr. President:

Your committee on counties and county lines, to whom was referred H. B. No. 140 have had the same under con-

sideration, and instruct me to report said bill back to the Senate, with the recommendation that it do pass.

J. B. HALL,
Chairman.

On motion of Senator Helm, the report was received and adopted.

Report from the committee on agriculture:

Mr. President:

Your committee on agriculture, to whom was referred H. B. No. 118, have considered the same and recommend that the word "three" in line 16, be stricken out and "four" be inserted.

And insert in line 20 between the words "panel" and "a fence," the following, "said posts shall be not more than ten feet apart," that the bill as so amended do pass.

GARDNER.

On motion of Senator Gardner, the report was received.

On motion of Senator Neikirk, the bill was referred to the committee of the whole.

Senator Wolcott of Clear Creek presented the following resolution:

Resolved, That the officers of the Senate be entitled to the same mileage allowed by law to Senators, and that the secretary be authorized to issue certificates for the same.

Senator Wolcott of Clear Creek moved that the rules be suspended and the resolution adopted.

Motion lost.

On motion of Senator Butters, H. C. R. No. 17, relative to joint committee to confer with the Governor in relation to special session of the General Assembly, was taken up.

Senator Butters moved that the resolution be indefinitely postponed.

Motion prevailed.

S. B. No. 56 having been made the special order for 10:30 o'clock, was taken up for final passage.

Senator Rogers presented his written objection to the passage of the bill, and asked that they be spread upon the journal.

Senator Butters moved that the objections be spread upon the journal.

Senator Wolcott of Clear Creek moved that the objections of Senator Rogers be not spread upon the journal.

And the motion prevailed.

The question then being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Hall of Lake, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin. —21.

Voting in the negative were:

Senators Baca, Church, Gaussoin, and Rogers.—4.

Absent and not voting:

Senator Hall of Park.—1.

The question then being, shall the bill take effect as provided in the emergency clause.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—24.

Voting in the negative were:

Senators Church, and Rogers.—2.

A majority having voted in favor of the passage of the bill with the emergency clause.

The bill with the emergency clause passed, and the title was agreed to.

S. B. No. 67, having been returned from the House with amendments, was taken up for consideration.

Senator Maxwell moved to amend the House amendments by striking out the word "seven" and inserting the word "ten."

Motion prevailed.

Senator Maxwell moved to concur in the House amendments as amended by the Senate.

The yeas and nays being had upon the question, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—25.

Absent:

Senator Barela.

A majority having voted in the affirmative.

The amendments were concurred in.

Senator Gardner moved that the House amendments to S. B. No. 106 be concurred in.

The yeas and nays being had upon the question, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Butters, Chacon, Church, Ellsworth, Gardner, Hall of Park, Haynes, Helm, Johnson, Neikirk, Parrish, Peck, Rogers, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—17.

Those voting in the negative were:

Senators DeFrance, Gaussoin, Hall of Lake, Hill, John and Maxwell.—6.

Absent and not voting were:

Senators Barela, Rhodes, and Trujillo.—3.

A majority having voted in the affirmative.

The amendments were concurred in.

S. B. No. 23 having been returned from the House with amendments, was taken up for consideration.

Senator Webster moved to concur in the first three amendments of the House.

The yeas and nays being had upon the question, resulted as follows:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Park, Haynes, Helm, Hill, Johnson, Maxwell, Neikirk, Parrish, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Gentlemen voting in the negative were, none.

So the motion prevailed.

Senator Rhodes moved to amend the fourth amendment by adding after the word "July" the words, "the first fifteen days of."

The yeas and nays being had upon the question, resulted as follows:

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Butters, Chacon, Ellsworth, Gaussoin, Hall of Lake, Haynes, Webster, and Wolcott of Gilpin. —9.

Gentlemen voting in the negative were:

Senators Barela, Church, DeFrance, Gardner, Hall of Park, Helm, Hill, John, Johnson, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, and Wolcott of Clear Creek. —16.

Absent and not voting was:

Senator Maxwell.—1.

A majority having voted in the negative.

The amendment was not adopted.

Senator Rhodes moved to concur in the fourth amendment.

The question being upon concurring in the fourth amendment.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Barela, Church, DeFrance, Ellsworth, Hall of Lake, Haynes, Helm, Hill, John, Johnson, Neikirk, Parrish, Rhodes, Rogers, Trujillo, and Wolcott of Clear Creek. —16.

Gentlemen voting in the negative were:

Senators Baca, Butters, Gardner, Gaussoin, Hall of Park, Haynes, Webster, and Wolcott of Gilpin.—7.

Gentlemen absent and not voting were:

Senators Chacon, Maxwell, and Peck.—3.

A majority having voted in the affirmative.

The amendment was concurred in.

Senator Rhodes moved a committee of conference on the 5th amendment, to consist of one from the Senate and two from the House.

The yeas and nays being had, resulted as follows:

Gentlemen voting in the affirmative were:

Senators Baca, Butters, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Park, Haynes, Helm, Hill, John, Johnson, Neikirk, Parrish, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin. —21.

Gentlemen voting in the negative were:

Senators Barela, and Hall of Lake.—2.

Absent and not voting:

Senators Chacon, Maxwell, and Peck.—3.

A majority having voted in the affirmative.

Motion prevailed.

The president appointed as such committtee on the part of the Senate, Senator Hall of Park.

Third reading and final passage of bills.

S. B. No. 39, a bill for an act to amend an act entitled, an act to fix and regulate the fees of county officers, was taken up.

Senator Neikirk moved that the bill be laid upon the table.

The question being upon laying S. B. No. 39 on the table.

The yeas and nays were had, with the following result:

Voting in the affirmative:

Senators Barela, Butters, Gaussoin, Neikirk, and Rhodes. —5.

Voting in the negative:

Senators Baca, DeFrance, Ellsworth, Gardner, Hall of

Lake, Hall of Park, Helm, Hill, John, Johnson, Maxwell, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—19.

Absent and not voting:

Senators Chacon, and Church.—2.

A majority having voted in the negative.

The motion did not prevail.

Senator Wolcott of Clear Creek moved that the rules be suspended for the purpose of submitting amendments.

Motion prevailed.

Senator Wolcott of Clear Creek offered amendments which were adopted.

The bill was then read as amended.

The question being upon the passage of the bill as amended.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Parrish, Peck, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—20.

Gentlemen voting in the negative were:

Senators Neikirk, and Rhodes.—2.

Gentlemen absent and not voting were:

Senators Barela, Butters, Rhodes, and Webster.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

The question being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Parrish, Peck, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—18.

Gentlemen voting in the negative were:

Senators Neikirk, and Rogers.—2.

Gentlemen absent and not voting were, none.

A constitutional majority having voted in favor of the passage of the emergency clause.

The emergency clause was passed.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has concurred in S. C. R. No. 16, printing report of the State board of agriculture, and has passed:

H. B. No. 123, a bill for an act relating to commutation of sentence and pardons.

H. B. No. 124, a bill for an act to amend sections 10 and 11 of chapter 33, entitled, executive department.

H. B. No. 131, a bill for an act to provide a revenue for the school of mines at Golden.

H. B. No. 130, a bill for an act to amend sections 2,573 and 2,583 of the general laws.

H. B. No. 154, a bill for an act in relation to county courts.

H. B. No. 183, a bill for an act making the stealing of a dog larceny.

H. J. R. No. 5, relative to the construction of a military road in southwestern Colorado.

H. J. R. No. 7, relative to the establishment of a military post in northwestern Colorado.

H. J. M. No. 9, confirming equitable rights of settlers.

H. B. No. 110, a bill for an act making appropriations to reimburse the several counties, moneys heretofore expended for insane paupers.

H. B. No. 16, relative to herding and driving stock.

All of which are herewith transmitted.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

H. B. No. 127, a bill for an act concerning life insurance companies, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, and Wolcott of Clear Creek.—21.

Gentleman voting in the negative was:

Senator Wolcott of Gilpin.—1.

Absent and not voting:

Senators Barela, Butters, Chacon, and Webster.—4.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

On motion of Senator DeFrance, the Senate took a recess until 1:30 o'clock P. M.

AFTERNOON SESSION.

Senate met at 1:30 o'clock P. M.

President in the chair.

Report from committee on printing:

Mr. President:

Your committee on printing, to whom was referred S. B. No. 108 and the report of the special joint committee on code amendments, report the same back to the Senate, correctly printed.

Respectfully,

ALBERT JOHNSON,

Chairman.

Report from committee on engrossment:

Mr. President:

Your committee on engrossment, to whom was referred S. B. Nos. 144 and 141, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,

ALBERT JOHNSON,

Chairman.

Substitute to S. B. No. 108, a bill for an act to protect settlers on State lands, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Chacon, Ellsworth, Helm, Hill, John, Johnson, Parrish, Peck, Rhodes, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—14.

Those voting in the negative were:

Senators Butters, DeFrance, Gaussoin, Haynes, Maxwell, Neikirk, and Rhodes.—7.

Absent and not voting were:

Senators Barela, Church, Hall of Lake, Hall of Park.—5.

A majority having voted in the affirmative.

The bill passed, and the title was agreed to.

H. B. No. 25, a bill for an act apportioning bulls and cows, was read a third time.

Senator Wolcott of Clear Creek moved that the bill be indefinitely postponed.

The yeas and nays being had, resulted as follows:

Voting in the affirmative were:

Senators Baca, Barela, Chacon, DeFrance, Hall of Lake, Helm, Hill, John, Parrish, Rhodes, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—13.

Those voting in the negative were:

Senators Butters, Church, Ellsworth, Gardner, Gaussoin, Haynes, Johnson, Maxwell, Neikirk, Peck, Rogers, and Webster.—12.

A majority having voted in the affirmative.

The bill was indefinitely postponed.

Report from committee on printing:

Mr. President:

Your committee on printing, to whom was referred H. B. No. 53, beg leave to report the same back to the Senate, correctly printed.

Respectfully,

ALBERT JOHNSON,

Chairman.

Report from joint committee of conference:

Mr. President:

Your joint committee of conference, to whom was referred substitute for S. B. No. 23, have had the same under

consideration and instruct me to report the same back to the Senate, with the recommendation that the amendments as agreed to by the committee be adopted, and the bill as amended be passed.

J. H. P. VOORHIES,
T. J. CANTLON,
On behalf of the House.
A. HALL,
On behalf of the Senate.

Senator Ellsworth moved that the amendments as reported by the committee be agreed to.

Motion prevailed.

The question then being upon the adoption of the House amendments as reported by the conference committee.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Chacon, Church, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, John, Johnson, Maxwell, Parrish, Peck, Rhodes, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—20.

Gentlemen voting in the negative were:

Senators Butters, DeFrance, Hill, Neikirk, and Rogers.—6.

Gentlemen absent and not voting were, none.

A majority having voted in favor of concurring.

The amendments were concurred in.

S. B. No. 141 was read a third time.

Senator Wolcott of Clear Creek moved to refer the bill to the committee on mines and mining.

Motion prevailed.

S. B. No. 129 was taken up, and Senator John moved to lay the bill on the table.

The yeas and nays being had upon the question, resulted as follows:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Chacon, Church, DeFrance, Gaussoin, Hall of Park, Helm, Hill, John, Parrish, Rhodes, Rogers, and Trujillo.—14.

Gentlemen voting in the negative were:

Senators Butters, Ellsworth, Gardner, Hall of Lake, Haynes, Johnson, Maxwell, Neikirk, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—11.

A majority having voted in favor of the motion to lay on the table.

The motion prevailed.

S. B. No. 75, a bill for an act concerning grand juries, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Church, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Maxwell, Neikirk, Peck, Rhodes, and Rogers.—15.

Those voting in the negative were:

Senators Baca, Chacon, DeFrance, Gardner, Haynes, Johnson, Parrish, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—11.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

Senator Peck moved to reconsider the motion by which S. B. No. 129 was laid on the table.

Senator Helm moved to lay the motion on the table.

The yeas and nays being had upon the question, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Barela, Chacon, Church, DeFrance, Gaussoin, Hall of Park, Helm, Hill, John, Neikirk, Parrish, Peck, Rhodes, Rogers, and Trujillo.—16.

Voting in the negative:

Senators Butters, Ellsworth, Gardner, Haynes, Johnson, Maxwell, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—9.

A majority having voted in the affirmative upon the question.

The motion to lay on the table prevailed.

S. B. No. 140, a bill for an act in relation to suits against corporations, where the same shall be commenced, and how service of process shall be had upon corporations, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Barela, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin. —21.

Gentleman voting in the negative was:

Senator Webster.—1.

Absent and not voting:

Senators Baca, Butters, Church, and Hall of Lake.—4.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 69, a bill for an act to amend an act entitled, an act to provide for the appointment of sheep inspectors, was read a third time.

Senator John offered amendments to the bill, which were adopted.

The question then being upon the passage of the bill as amended.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Gardner, Gaussoin, Hall of Park, Haynes, Helm, Hill, John, Johnson, Parrish, Peck, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—18.

Gentlemen voting in the negative were:

Senators Neikirk, Rhodes, and Rogers.—3.

Absent and not voting were:

Senators Church, Ellsworth, Hall of Lake, Maxwell, and Webster.—5.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 75, a bill for an act to enable cities and towns to purchase and manage ditches and canals to supply water for irrigation, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Barela, Butters, DeFrance, Gardner, Gaussoin, Hall of Park, Haynes, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—20.

Gentlemen voting in the negative were, none.

The question being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Gardner, Gaussoin, Hall of Park, Haynes, Helm, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—22.

Gentlemen voting in the negative were, none.

Absent and not voting:

Senators Ellsworth, Hall of Lake, Johnson, and Wolcott of Clear Creek.—4.

A constitutional majority having voted in favor of the passage of the bill and the emergency clause.

The bill and the emergency clause passed, and the title was agreed to.

S. B. No. 103, a bill for an act to repeal a part of section 3 of an act of the Legislative Assembly of the Territory of Colorado entitled, an act to incorporate the Colorado land and mineral association, approved January 11, 1867, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Gardner, Gaussoin, Haynes, Hill, Johnson, Maxwell, Neikirk, Parrish, Peck,

Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—17.

Voting in the negative were:

Senators Church, DeFrance, John, and Rhodes.—4.

Absent and not voting:

Senators Chacon, Ellsworth, Hall of Lake, Hall of Park, and Helm.—5.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

S. B. No. 144, a bill for an act authorizing the county treasurers to transfer certain funds to the general fund of their respective counties, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, DeFrance, Gardner, Gaussoin, Hall of Lake, Haynes, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—19.

Gentlemen voting in the negative were:

Senators Church, Rhodes, Rogers.—3.

Gentlemen absent and not voting were:

Senators Baca, Chacon, DeFrance, Ellsworth.—4.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

S. B. No. 53, a bill for an act to provide for the establishment of a board of commissioners of immigration, and for the maintenance of the same, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Barela, Butters, Church, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—19.

Voting in the negative was:

Senator Rhodes.

Gentlemen absent and not voting were:

Senators Baca, Chacon, Ellsworth, Helm, and John.—5.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 29, a bill for an act concerning cases in any district or county court, the venue of which has been changed thereto, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Gardner, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Parrish, Peck, Rhodes, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—21.

Gentlemen voting in the negative were:

Senators Church, Neikirk, and Rogers.—3.

Gentlemen absent and not voting were:

Senators Ellsworth, and Gaussoin.—2.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and title agreed to.

The question being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Gardner, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Parrish, Peck, Rhodes, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—20.

Gentlemen voting in the negative were:

Senators Church, Neikirk, Rogers, and Webster.—4.

Gentlemen absent and not voting were:

Senators Ellsworth, and Gaussoin.—2.

A constitutional majority having voted in favor of the emergency clause.

The emergency clause passed.

Senator Helm moved to reconsider the vote by which H. B. No. 25 was laid on the table.

Motion prevailed.

Senator Butters moved to postpone the consideration of H. B. No. 25 until to-morrow, at 10 o'clock and 30 minutes.

Motion prevailed.

Senator Neikirk moved to recur to the order of second reading of bills, and that H. B. No. 22 be read a second time.

Motion prevailed.

Senator Neikirk moved to refer S. B. No. 22 to the committee on printed.

Motion prevailed.

On motion of Senator Haynes S. B. No. 111 was made the special order for to-morrow, the 6th instant, at 10:30 o'clock A. M.

Senator Hill moved to recur to the order of second reading of bills.

Motion prevailed.

H. B. Nos. 77, 88, 111, 116, 114, 175, 156, 191, 176, 115, 190 and 168 were read a second time, and referred to the committee on finance, ways and means.

H. B. No. 141 was read a second time, and referred to the printing committee.

H. B. Nos. 36 and 87 were read a second time, and referred to the committee on mines and mining.

H. B. Nos. 71, 105 and 133 were read a second time, and referred to the committee on judiciary.

H. B. No. 89 was read a second time, and referred to committee on penitentiary.

H. B. No. 134 was read a second time, and referred to the committee on education.

H. B. No. 144 was read a second time, and referred to the committee on State institutions.

H. B. No. 145, was read a second time, and referred to the committee on public lands.

H. J. R. No. 10 was read a second time, and placed on file for third reading.

H. B. No. 102 was read a second time, and referred to the committee on State institutions.

H. J. M. No. 12 was read a second time, and referred to the committee on military affairs.

H. B. No. 137 was read a second time, and referred to the committee on roads and bridges.

H. B. Nos. 174 and 125 were read a second time, and referred to the committee of the whole.

H. B. No. 67 was read a second time, and referred to the committee on incorporations and railroads.

Report from committee on enrollment:

Mr. President:

Your committee on enrollment, to whom was referred S. B. Nos. 106, 91 and 21, and S. C. R. No. 16, beg leave to report the same back to the Senate, correctly enrolled, and signed by the speaker of the House.

F. CHURCH, *Chairman.*

S. B. Nos. 21, 91 and 106, and S. C. R. No. 16, were publicly read by titles and signed by the president.

Senator Butters moved to recur to the order of first reading of bills. Motion prevailed.

H. B. Nos. 124, 131, 160, 130, 154, 183, 123 and 110, and H. J. R. Nos. 7 and 5, and H. J. M. No. 9, were read a first time, and placed on file for second reading.

The following message was received from His Excellency the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 5th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you, that I have this day signed S. B. No. 96, entitled, an act to amend the act incorporating the city of Denver, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN, *Governor.*

On motion of Senator DeFrance, the Senate adjourned until to-morrow, the 6th instant, at 10 o'clock A. M.

THIRTY-SEVENTH DAY.

THURSDAY, FEBRUARY 6th, 1879.

Senate met at 10 o'clock A. M.

President *pro tem.* in the chair.

Roll called.

Present:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Prayer by the chaplain.

Senator Helm moved to dispense with the reading and approval of the journal for to-day.

Motion prevailed.

Report from committee on printing:

To the President of the Senate:

Your committee on printing, to whom was referred H. B. No. 22, and S. M. No. 1, beg leave to report the same back to the Senate, correctly printed.

Respectfully,

ALBERT JOHNSON,

Chairman.

On motion of Senator Helm, S. M. No. 1 was placed on file for third reading.

On motion of Senator Haynes, H. B. No. 22 was referred to the committee on irrigation.

Report from committee on mines and mining:

Mr. President:

Your committee on mines and mining, to whom was referred S. B. No. 141, have had the same under consideration and instruct me to report said bill back to the Senate with amendments, and recommend that the bill with amendments be engrossed and placed on file for third reading.

E. O. WOLCOTT, *Chairman.*

Report received.

Senator Wolcott of Clear Creek moved that the bill be made the special order for 10:30 o'clock A. M.

Motion prevailed.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed the following bills, which are hereby transmitted:

H. B. No. 177, a bill for an act to amend an act to prescribe certain powers and duties of the officers of the executive department.

H. B. No. 180, a bill for an act to regulate the service of summons and other process issued by justices of the peace.

H. B. No. 195, a bill for an act to amend an act incorporating the city of Denver.

H. B. No. 203, a bill for an act providing for certain entries to be made by county clerks.

H. B. No 39, a bill for an act concerning garnishment, which bill was passed with the emergency clause.

H. B. No. 58, a bill for an act relative to drainage.

H. B. No. 78, a bill for an act to amend section 12 of chapter 34 of the general laws.

And H. B. No. 179, changing the county lines between Douglass and Jefferson counties.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed the following bills, which are herewith transmitted:

H. B. No. 24, a bill for an act to provide for assignments for creditors.

H. B. No. 104, a bill for an act concerning the protection of owners and proprietors of hotels.

H. B. No. 45, a bill for an act for the relief of the town of Ouray.

H. B. No. 84, a bill for an act to provide for the maintenance, government and police of the penitentiary, which bill received a sufficient number of votes to pass the emergency clause contained therein.

H. B. No. 93, a bill for an act to repeal section 3 of chapter 5 of the general laws.

H. B. No. 117, a bill for an act to authorize the State treasurer to pay interest on State warrants.

H. B. No. 119, a bill for an act to amend an act incorporating the city of Denver.

H. B. No. 129, a bill for an act relating to mining districts.

H. B. No. 135, a bill for an act to amend an act providing for the maintenance, government and police of the penitentiary.

H. B. No. 153, a bill for an act to amend an act in relation to municipal corporations.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House requests the return of H. B. No. 154, a bill for an act in relation to county courts.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has agreed to report of committee of conference on S. B. No. 25, a bill for an act to provide for the protection, preservation and propagation of fish, which is hereby returned.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

Senator Helm moved that H. B. No. 154 be returned to the House as requested.

Motion prevailed.

The president announced the following communication:

TOPEKA, Kas., Feb. 4th, 1879.

To the President of the Senate and House of Representatives of Colorado, Denver, Colorado:

It would give us pleasure to show to the members of the legislature of Colorado the progress we are making with our extension through their State, and I hereby tender to the members of both Houses a complimentary excursion from Denver via Pueblo, Trinidad and the Raton Mountains and return. I would be glad to have you name a day when it would be agreeable to make excursion, if the invitation shall be accepted.

Very respectfully,

W. B. STRONG,

Vice President and Gen'l Manager

A., T. & S. F. Railroad Co.

Senator John moved that a committee of two be appointed to take into consideration the invitation.

Motion prevailed.

The president appointed as such committee Senators John and Wolcott of Gilpin.

Report from committee on finance, ways and means:

Mr. President:

Your committee on finance, ways and means, to whom was referred H. B. No. 191, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that it lie on the table.

ALFRED BUTTERS,

Chairman.

Senator Neikirk moved to refer the bill to the committee on finance, ways and means.

Motion lost.

Senator Wolcott of Clear Creek moved to place the bill on general file for consideration in committee of the whole.

Motion prevailed.

The committee further reported as follows:

Mr. President:

Your committee on finance, ways and means, to whom was referred H. B. No. 77, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that it be placed on general file.

ALFRED BUTTERS,
Chairman.

On motion of Senator Butters, the report was received and adopted, and the bill placed on general file for consideration in committee of the whole.

The committee further reported as follows:

Mr. President:

Your committee on finance, ways and means, to whom was referred H. B. No. 191, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that it lie on the table.

ALFRED BUTTERS,
Chairman.

Report not adopted, and the bill and report of committee was placed on general file for consideration in committee of the whole.

The committee further reported as follows:

Mr. President:

Your committee on finance, ways and means, to whom was referred H. B. Nos. 90, 88, 76, 112 and 109, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that they be placed on file for third reading.

ALFRED BUTTERS,
Chairman.

On motion of Senator Wolcott of Clear Creek the report of the committee was received and adopted, except as to H. B. No. 109.

Senator DeFrance moved that the report be amended, and H. B. No. 109 be placed on general file for consideration in committee of the whole.

Motion prevailed.

The report of the committee as amended was then adopted.

The committee further reported as follows:

Mr. President:

Your committee on finance, ways and means, to whom was referred H. B. Nos. 115, 132 and 168, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that the amendments herewith submitted be adopted and engrossed, and the bill placed on file for third reading.

ALFRED BUTTERS,
Chairman.

Senator Butters moved to amend the report of the committee by offering additional amendments to H. B. No. 115, which amendments were agreed to.

Senator Butters moved to receive and adopt the report of the committee as amended.

The yeas and nays being demanded and had, resulted as follows, to-wit:

Gentlemen voting in the affirmative were:

Senators Baca, Butters, Chacon, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Johnson, Maxwell, Neikirk, Peck, and Wolcott of Gilpin.—14.

Gentlemen voting in the negative were:

Senators Rhodes, Rogers, Trujillo, and Wolcott of Clear Creek.—4.

A majority having voted in the affirmative.

The motion prevailed.

Senator Neikirk moved that the report of the committee as to H. B. No. 132 be received and adopted.

Motion prevailed.

Senator Wolcott of Clear Creek moved that the report of the committee as to H. B. No. 168 be received and adopted.

Motion prevailed.

Report from the committee on military affairs:

Mr. President:

Your committee on military affairs, to whom was referred

H. J. M. No. 12, have had the same under consideration and instruct me to report said memorial back to the Senate, with the recommendation that it be considered engrossed and placed on file for third reading.

F. CHURCH,
Chairman.

On motion of Senator Wolcott of Clear Creek, the report was received and adopted.

S. B. No. 111 having been made the special order for 10 o'clock and 30 minutes A. M., and the hour having arrived, S. B. No. 111 was taken up and on motion of Senator Ellsworth, the bill was placed on file for third reading and final passage.

S. B. No. 141, under the head of special order, was taken up, and Senator Wolcott of Clear Creek moved that the report of the committee on mines and mining, as amended, be adopted, and the bill as amended be ordered engrossed and placed on file for third reading.

Motion prevailed.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has refused to concur in the Senate amendment to the House amendment to section 1 of S. B. No. 67, a bill for an act to provide an additional fund for the current expenses of the State university, and for the improvement of the buildings and ground thereof, and asks a committee of conference upon the difference between the two Houses.

Also that the House has passed H. B. No. 162, relative to amending several sections of an act to secure liens to mechanics and others, which is herewith transmitted.

Respectfully,

W. B. FELTON,
Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed H. B. No. 198, a bill for an act to pro-

vide for appeals from judgments rendered by justices of the peace against complaining witnesses on preliminary examinations in all criminal cases, which is hereby transmitted.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

H. B. No. 25, a bill for an act apportioning bulls and cows, was taken up under the head of special order, and having previously been read a third time, was placed upon its final passage.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Butters, Church, Ellsworth, Gardner, Gaussoin, Haynes, Johnson, Maxwell, Neikirk, Peck, Rogers, and Webster.—12.

Voting in the negative were:

Senators Baca, Barela, Chacon, DeFrance, Helm, Hill, John, Parrish, Rhodes, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—12.

The bill not having received a sufficient number of votes.

The bill was not passed.

Report from the committee on education:

Mr. President:

Your committee on education, to whom was referred H. B. No. 134, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it be considered engrossed and placed on file for third reading.

F. CHURCH,

Chairman.

On motion of Senator Peck the report was received and adopted.

Report from the committee on State institutions:

Mr. President:

Your committee on State institutions, to whom was referred H. B. No. 144, beg leave to report the same back to the Senate, with the recommendation that it pass.

J. B. HALL,

Chairman.

Senator Butters moved that the bill be placed on the general file for consideration in committee of the whole.

The yeas and nays being demanded and had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Butters, Chacon, Ellsworth, Hall of Park, Haynes, John, Johnson, Neikirk, Rogers, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—13.

Voting in the negative were:

Senators Barela, Church, DeFrance, Gardner, Gaussoin, Helm, Hill, Maxwell, Parrish, Peck, Rhodes, and Trujillo. —12.

A majority having voted in the affirmative.

Motion prevailed.

Senator Helm moved that the bill be made the special order for 3 o'clock P. M.

Motion prevailed.

Report from joint committee on enrollment:

Mr. President:

The joint committee on enrollment presented S. B. Nos. 49 and 98, H. B. No. 64, S. B. Nos. 21, 91 and 106, and S. C. R. No. 16, to His Excellency the Governor, for his approval at 10 o'clock A. M.

Respectfully,
F. CHURCH,
Chairman on part of Senate.

Report of committee on corporations:

Mr. President:

Your committee on corporations, to whom was referred S. B. No. 67, beg leave to report the same back to the Senate, with the recommendation that it be placed on file for consideration in committee of the whole.

On motion of Senator Wolcott of Gilpin, H. B. No. 67, was made the special order for to-morrow, the 7th instant, at 10:30 o'clock A. M.

Report from committee on roads and bridges:

Mr. President:

Your committee, to whom was referred H. B. No. 137,

have had the same under consideration and instruct me to report said bill back to the Senate, with the recommendation that it be considered engrossed and placed on file for third reading.

F. CHURCH,
Acting Chairman.

On motion of Senator Wolcott of Gilpin, the report was received and adopted.

Report from committee on fees and salaries:

Mr. President:

Your committee on fees and salaries, to whom was referred H. B. No. 47, have had the same under consideration, and report that it be placed on file for third reading.

H. NEIKIRK,
Chairman.

On motion of Senator Neikirk the report was received and adopted.

Report from the committee on penitentiary:

Mr. President:

Your committee on penitentiary, to whom was referred H. B. No. 89, beg leave to report the same back to the Senate, with the recommendation that it be placed on file for third reading.

THOS. C. PARRISH,
Chairman.

The following resolution, introduced by Senator Wolcott of Clear Creek, to-wit:

Resolved, That the officers of the Senate be entitled to the same mileage allowed by law to Senators, and that the secretary be authorized to issue certificates for the same, was taken up for consideration.

Senator Church moved that the resolution be indefinitely postponed.

The yeas and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators Butters, Church, Ellsworth, Hall of Lake, Haynes, Maxwell, Neikirk, Rogers, Webster, and Wolcott of Gilpin.—10.

Those voting in the negative were:

Senators Baca, Barela, Chacon, DeFrance, Gardner, Gaussoin, Hall of Park, Helm, Hill, John, Johnson, Parrish, Peck, Rhodes, Trujillo, and Wolcott of Clear Creek. —16.

A majority having voted in the negative.

The motion to indefinitely postpone was lost.

Senator Neikirk moved to amend by striking out the word "officers" in the resolution and insert the word "interpreters."

The yeas and nays being had upon the amendment, resulted as follows:

Those voting in the affirmative were:

Senators Butters, Church, Ellsworth, Hall of Lake, Haynes, Neikirk, Rogers, and Webster.—8.

Those voting in the negative:

Senators Baca, Barela, Chacon, De France, Gardner, Gaussoin, Hall of Park, Helm, Hill, John, Johnson, Maxwell, Parrish, Peck, Rhodes, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—18.

A majority having voted against the amendment.

The amendment was not adopted.

Senator Webster moved to refer the resolution to the committee on judiciary, with instructions to inquire into its constitutionality.

The yeas and nays called for on the question and had, resulted as follows:

Those voting in the affirmative were:

Senators Butters, Church, Ellsworth, Hall of Lake, Hall of Park, Haynes, Johnson, Maxwell, Neikirk, Rogers, Webster, and Wolcott of Gilpin.—12.

Those voting in the negative were:

Senators Baca, Barela, Chacon, DeFrance, Gardner, Gaussoin, Helm, Hill, John, Parrish, Peck, Rhodes, Trujillo, and Wolcott of Clear Creek.—14.

A majority having voted in the negative.

The motion to refer was not adopted.

Senator Rogers moved to adjourn.

Motion lost.

The question being upon the passage of the resolution.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Chacon, DeFrance, Gardner, Gaussoin, Hall of Park, Helm, Hill, John, Johnson, Parrish, Peck, Rhodes, Trujillo, and Wolcott of Clear Creek. —16.

Those voting in the negative were:

Senators Butters, Church, Ellsworth, Hall of Lake, Maxwell, Neikirk, Rogers, Webster, and Wolcott of Gilpin.—10.

A majority having voted in favor of the adoption of the resolution.

The resolution was adopted.

Senator DeFrance moved a recess until 2 o'clock P. M.

Motion lost.

H. B. No. 108 was read a first time and placed on file for second reading.

Senator Hall of Park moved that S. B. No. 109 be taken from the general file for consideration.

Motion prevailed.

Senator Hall of Park moved that the bill be indefinitely postponed.

Motion prevailed.

Report from committee on engrossment:

To the President of the Senate:

Your committee on engrossment, to whom was referred S. B. No. 141, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,

ALBERT JOHNSON,

Chairman.

Report from the committee on public lands:

Mr. President:

Your committee on public lands, to whom was referred H. B. No. 145, beg leave to report the same back to the Senate with sundry amendments, and recommend that the

amendments be ordered printed, and that the bill do pass as amended.

W. W. WEBSTER,
Chairman.

Report received and adopted.

Senator Wolcott of Clear Creek moved that S. B. No. 141 be read a third time and placed upon its final passage.

Motion prevailed.

S. B. No. 141 was read a third time, when Senator Wolcott of Clear Creek moved to defer the final passage of the bill, and that the amendments be referred to the committee on printing.

Motion prevailed.

Senator Wolcott of Clear Creek moved a recess until 2 o'clock P. M.

Motion prevailed.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President *pro tem.* in the chair.

Quorum present.

Report from committee on engrossment:

To the President of the Senate:

Your committee on engrossment, to whom was referred H. B. Nos. 115, 132 and 168, beg leave to report the same back to the Senate, correctly engrossed.

Respectfully,
ALBERT JOHNSON,
Chairman.

The president appointed as committee on conference on S. B. No. 67, Senators Neikirk, and Wolcott of Gilpin.

On motion of Senator Butters, the Senate went into committee of the whole, with Senator Butters in the chair.

The committee rose and reported progress on several bills, and asked time to sit again.

Report from committee on printing:

Mr. President:

Your committee on printing, to whom was referred S. B.

No. 141, beg leave to report the same back to the Senate, correctly printed.

ALBERT JOHNSON,
Chairman.

Report from the committee on judiciary:

Mr. President:

Your committee on judiciary, to whom was referred S. B. No. 104, beg leave to report the same back to the Senate, with the recommendation that it do pass.

S. B. A. HAYNES,
Chairman.

On motion of Senator Rogers, the report was received and adopted, and the bill ordered engrossed aud placed on file for third reading.

On motion of Senator Wolcott of Clear Creek, S. B. No. 141, a bill for an act in relation to mineral lands within the State of Colorado, was taken up and read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Butters, Chacon, Church, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Parrish, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Gentlemen voting in the negative were, none:

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title agreed to.

On motion of Senator Rogers, S. B. No. 104, a bill for an act to amend chapter 74 of the general laws of 1877, concerning the partition of estates, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Butters, Chacon, Church, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—22.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Senators Barela, DeFrance, Ellsworth, and Peck.—4.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

The Senate resolved itself into committee of the whole, with Senator Butters in the chair.

The committee rose and reported as follows:

Mr. President:

Your committee have had under consideration H. B. Nos. 33 and 38, and S. B. No. 127, and instruct me to report them back to the Senate as follows:

H. B. No. 38, with the recommendation that it be placed on file for third reading and final passage, and that the amendments herewith submitted be agreed to.

H. B. No. 33, with the recommendation that it be placed on file for third reading and final passage.

S. B. No. 127, with the recommendation that it be referred to the committee on judiciary.

ALFRED BUTTERS,
Chairman.

Report received.

Senator Peck moved that the Senate do again resolve itself into committee of the whole.

Motion prevailed.

Senate went into committee of the whole with Senator Haynes in the chair.

A message having been announced from the House, the president *pro tem.* resumed the chair, when the following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has amended and passed S. B. No. 54, a bill for an act to enable counties to fund their floating indebtedness, which is herewith returned.

Respectfully,
W. B. FELTON,
Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed with the emergency clause S. B. No. 6, a bill for an act in relation to attachments issuing out of justices' courts.

And S. B. No. 40, a bill for an act giving justices of the peace jurisdiction in replevin, and regulating the practice therein.

Which bill also received a sufficient number of votes to pass the emergency clause contained therein.

The House has also passed with amendments S. B. No. 31, a bill for an act to amend chapter 88 of the general laws, concerning roads and public highways. All of which are herewith returned.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has amended and passed with the emergency clause S. B. No. 22, a bill for an act to amend an act to provide for and regulate the holding of the district courts in the several judicial districts, which is herewith returned.

The House also requests the return of H. B. No. 195, a bill for an act to amend section 90 of an act incorporating the city of Denver.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The messages having been delivered, Senator Haynes resumed the chair.

The committee rose and reported as follows:

Mr. President:

Your committee have had under consideration H. B. Nos. 144 and 191 and instruct me to report the same back as follows:

H. B. No. 144, with the recommendation that it be referred to a special committee, to consist of Senators Wolcott of Clear Creek, Rogers, Webster, Hill, and Rhodes.

And H. B. No. 191, with the recommendation that the amendments herewith submitted be agreed to, and the amendments ordered engrossed and placed on file for third reading.

S. B. A. HAYNES,
Chairman.

Report adopted.

Report from committee on printing:

To the President of the Senate:

Your committee on printing, to whom was referred H. B. No. 141 and amendments to H. B. No. 145, beg leave to report the same back to the Senate, correctly printed.

Respectfully,
ALBERT JOHNSON,
Chairman.

Senator Webster moved that S. B. No. 145 be placed on general file for consideration in committee of the whole.

Motion prevailed.

H. B. No. 141 was placed on general file for consideration in committee of the whole.

Senator Helm moved to recur to the eighth order of business.

Motion prevailed.

Senator Helm moved to concur in the House amendments to S. B. No. 22.

The yeas and nays being had upon the motion to concur.

Those voting in the affirmative were:

Senators Barela, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Parrish, Peck, Rogers, Webster, and Wolcott of Clear Creek.—19.

Voting in the negative, none.

Absent and not voting:

Senators Baca, Butters, Church, Neikirk, Rhodes, Trujillo, and Wolcott of Gilpin.—7.

A majority having voted in the affirmative.

The amendments were concurred in.

Senator Wolcott of Clear Creek moved that H. B. No. 195 be returned to the House as requested.

Motion prevailed.

Senator Webster moved that S. B. No. 31 be placed on general file for consideration in committee of the whole.

Motion prevailed.

On motion of Senator Rogers, the Senate took a recess until 7:30 o'clock P. M.

EVENING SESSION.

Senate met at 7:30 o'clock P. M.

President *pro tem.* in the chair.

H. B. Nos. 39, 177, 135, 153, 180, 213, 24, 162, 104, 84 and 45 were read a first time and placed on file for second reading.

Report from the committee on finance, ways and means:

Mr. President:

Your committee on finance, ways and means, to whom was referred H. B. No. 114, beg leave to report the same back to the Senate with amendments, and recommend that the amendments be concurred in, engrossed, and the bill placed on file for third reading.

ALFRED BUTTERS,
Chairman.

Senator Butters moved that the report be received and adopted.

The following communication was received from His Excellency the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 6th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 49, entitled, an act to authorize the clerk of the United States circuit or district court to take

acknowledgments of deeds and other instruments of writing, and have filed the same with the secretary of State.

Very respectfully,

FREDERICK W. PITKIN,

Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 6th, 1879.

HON. HORACE A. W. TABOR,

President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 98, entitled, an act to amend the act incorporating the city of Denver, and have filed the same with the secretary of State.

Very respectfully,

FREDERICK W. PITKIN,

Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 6th, 1879.

HON. HORACE A. W. TABOR,

President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 91, entitled, an act to provide for clerical expenses in the office of the secretary of State, and have filed the same with the secretary of State.

Very respectfully,

FREDERICK W. PITKIN,

Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 6th, 1879.

HON. HORACE A. W. TABOR,

President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 21, entitled, an act to amend an act

providing for the branding, herding and care of stock, etc., and have filed the same with the secretary of State.

Very respectfully,

FREDERICK W. PITKIN,

Governor.

Senator Butters moved to take up bills on third reading. Motion carried.

H. B. No. 168, a bill for an act to amend an act entitled, an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, approved March 20, 1877, was read a third time as amended.

The yeas and nays being had upon the final passage of the bill, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, John, Johnson, Maxwell, Neikirk, Peck, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—19.

Those voting in the negative were:

Senators Church, Rhodes, Rogers, and Trujillo.—4.

Absent and not voting:

Senators Chacon, Helm, and Parrish.—3.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

S. M. No. 1, memorializing Congress to establish a military post in southeastern Colorado, was read a third time.

The question being upon the passage of the memorial.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Gentlemen voting in the negative were, none.

The memorial having received a majority of all the votes cast.

The memorial was passed, and the title agreed to.

H. J. M. No. 12, relative to Charles Antobias, was read a third time.

The question being upon the passage of the memorial.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, Wolcott of Gilpin.—25.

Voting in the negative were, none.

Absent and not voting was:

Senator Parrish.—1.

A constitutional majority having voted in favor of the passage of the memorial.

The memorial passed, and the title was agreed to.

H. B. No. 137 was read a third time, and on motion of Senator Wolcott of Clear Creek, was referred to the committee on finance, ways and means.

H. B. No. 89, a bill for an act to amend section 1 of chapter 77 of the general laws of Colorado entitled, penitentiary, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, John, Johnson, Maxwell, Neikirk, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, Wolcott of Gilpin.—24.

Voting in the negative, none.

Absent and not voting:

Senators Helm, and Parrish.—2.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 90, a bill for an act to provide for the purchase

of law books for the library of the supreme court, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gaussoin, Hall of Lake, Haynes, Hill, John, Johnson, Maxwell, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin. —21.

Gentlemen voting in the negative, none.

Absent and not voting:

Senators Gardner, Hall of Park, Neikirk, and Parrish. —5.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed.

The question being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, John, Maxwell, Neikirk, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—21.

Gentlemen voting in the negative were, none.

A constitutional majority having voted in favor of the passage of the emergency clause.

The emergency clause passed.

H. B. No. 176, a bill for an act making appropriations for expenses of re-locating lands donated to the State by the United States, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gaussoin, Hall of Lake, Hall of Park,

Haynes, Hill, John, Johnson, Maxwell, Neikirk, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—22.

Gentlemen voting in the negative were, none.

Absent and not voting were:

Senators Gardner, Helm, Parrish, and Rhodes.—4.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

Report from committee on irrigation:

Mr. President:

Your committee on irrigation, to whom was referred H. B. No. 22, report the same back with amendments, and recommend that the amendments be engrossed, and the bill as amended placed on file for third reading and final passage.

HENRY NEIKIRK,
Chairman.

Action on report deferred.

H. B. No. 112, a bill for an act making appropriations for the State board of health, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Butters, DeFrance, Ellsworth, Gaussoin, Hall of Lake, Haynes, Hill, John, Johnson, Maxwell, Neikirk, Peck, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—15.

Gentlemen voting in the negative were:

Senators Baca, Hall of Park, Rhodes, Rogers.—4.

Gentlemen absent and not voting were:

Senators Barela, Chacon, Church, Gardner, Helm, Parrish, Trujillo.—7.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 132, a bill for an act providing that the State

treasurer shall countersign all warrants issued by the auditor of State, and keep a record of the same, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, DeFrance, Ellsworth, Gaussoin, Hall of Lake, Haynes, Hill, John, Johnson, Maxwell, Neikirk, Peck, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—18.

Gentlemen voting in the negative were:

Senators Rhodes, and Rogers.—2.

Gentlemen absent and not voting were:

Senators Chacon, Church, Gardner, Hall of Park, Helm, and Parrish.—6.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 33, a bill for an act entitled, an act to amend section 4 of chapter 31 of the general laws of Colorado, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Trujillo, Wolcott of Clear Creek, Wolcott of Gilpin.—23.

Voting in the negative was:

Senators Rogers.

Gentlemen absent and not voting were:

Senators Gardner, Helm, Webster.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed.

The question being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.

Voting in the negative were, none.

Gentlemen absent and not voting were:

Senators Gardner, Haynes, Helm, Webster.

A constitutional majority having voted in favor of the passage of the bill.

The emergency clause passed, and the title of the bill was agreed to.

H. J. R. No. 10, relative to pre-emption and homestead law, was read a third time.

The question being upon the adoption of the resolution.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, John, Johnson, Maxwell, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Clear Creek.—21.

Voting in the negative was:

Senator Neikirk.—1.

Gentlemen absent and not voting were:

Senators Gardner, Helm, Parrish, and Wolcott of Gilpin. —4.

A constitutional majority having voted in favor of the passage of the bill.

The resolution was adopted.

H. B. No. 88 was read a third time, and on motion of Senator Wolcott of Clear Creek, was referred to the committee on judiciary.

H. B. No. 134, a bill for an act to encourage the formation and establishment of a State historical and natural history society, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin. —21.

Gentlemen voting in the negative were:

Senators John, and Rogers.—2.

Gentlemen absent and not voting were:

Senators Church, Gardner, and Helm.—3.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 47, a bill for an act to amend section 30 of chapter 34 of the general laws of Colorado entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Barela, Butters, DeFrance, Gaussoin, Hall of Park, Haynes, Hill, John, Parrish, Peck, Trujillo, and Webster.—12.

Gentlemen voting in the negative were:

Senators Baca, Chacon, Church, Ellsworth, Hall of Lake, Johnson, Maxwell, Neikirk, Rhodes, Rogers, and Wolcott of Clear Creek.—11.

Gentlemen absent and not voting:

Senators Gardner, Helm, and Wolcott of Gilpin.

The bill not having received a constitutional majority of all the votes cast.

The bill was not passed.

H. B. No. 115, a bill for an act making appropriations to pay expenses and claims under the law concerning fugitives from justice, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Butters, DeFrance, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Hill, John, Johnson, Maxwell, Neikirk, Peck, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—16.

Gentlemen voting in the negative were:

Senators Barela, Church, Haynes, Rhodes, and Rogers. —5.

Gentlemen absent and not voting were:

Senators Chacon, Gardner, Parrish, Helm, and Trujillo.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 38, a bill for an act to amend an act to repeal all existing laws in relation to the creation, jurisdiction, powers, proceedings and practice of the county courts of the State of Colorado, and to enact other provisions in lieu thereof, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, John, Johnson, Maxwell, Neikirk, Peck, Rogers, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—19.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Senators Church, Gardner, Haynes, Helm, Hill, Rhodes.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 114, a bill for an act making appropriations for the maintenance and support of the State penitentiary for the years 1879 and 1880, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ells-

worth, Gaussoin, Hall of Lake, Hall of Park, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin. —20.

Voting in the negative:

Senator Rhodes.—1.

Gentlemen absent and not voting were:

Senators Church, Gardner, Haynes, Helm, and Hill.—5.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

Senator Neikirk moved that the amendments, as reported by the committee on irrigation to H. B. No. 22, be agreed to, ordered engrossed, and the bill placed on file for third reading.

Motion prevailed.

H. B. No. 131 was read a third time, and on motion of Senator DeFrance, was referred to the committee on mines and mining.

H. B. No. 195 was read a first time, and on motion of Senator Butters, was referred to the Senators from the 8th district.

Senator Rhodes moved to recur to the order of first reading of bills.

Motion prevailed.

H. B. Nos. 179, 129, 119 and 117 were read a first time and placed on file for second reading.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House hereby returns H. B. No. 195, a bill for an act to amend section 90 of an act incorporating the city of Denver, for your favorable consideration.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

Report from the committee on judiciary:

Mr. President:

Your committee on judiciary, to whom was referred H. B. No. 88, beg leave to report the same back, without recommendation.

M. A. ROGERS,
Chairman pro tem.

Senator Wolcott of Clear Creek moved to receive report and place S. B. No. 88 on file for third reading.

On motion, the Senate recurred to the order of second reading of bills.

H. B. No. 110 was read a second time and referred to the committee on finance, ways and means.

H. B. No. 140 was read a second time and placed on file for third reading.

H. J. M. Nos. 5, 9 and 7 were read a second time and placed on file for third reading.

H. B. No. 123 was read a second time and placed on file for third reading.

H. B. No. 183 was read a second time and referred to the committee on judiciary.

H. B. Nos. 130 and 160 were read a second time and referred to the committee on stock.

H. B. No. 124 was read a second time and was referred to the committee on finance, ways and means.

THIRTY-EIGHTH DAY.

FRIDAY, FEBRUARY 7th, 1879.

Senate met at 10 o'clock A. M.

President in the chair.

Roll called.

Present:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall

of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

Quorum present.

Senator Helm moved that the reading and approving of the journal be deferred until the 8th instant.

Motion prevailed.

Report from committee on enrollment:

To the President of the Senate:

Your committee on enrollment, to whom was referred S. B. Nos. 22, 23 and 40, beg leave to report the same back to the Senate, correctly enrolled.

Respectfully,

F. C. PECK,

Chairman.

Report from joint committee on enrollment:

Mr. President:

The joint committee on enrollment have compared H. B. Nos. 69, 53, 29 and 75 with the engrossed copy, find the same correctly enrolled, and report them to the Senate, signed by the speaker of the House.

Respectfully,

F. CHURCH,

Chairman on part of Senate.

H. B. Nos. 53, 29, 75 and 69 were publicly read by title and signed by the president.

On motion of Senator Wolcott of Clear Creek, H. B. No. 183 was recalled from the committee on judiciary and referred to a special committee, consisting of Senator Ellsworth.

S. B. No. 54 having been returned from the House with amendments, was taken up, and Senator Peck moved that the Senate concur in the House amendments.

The yeas and nays being had, resulted as follows:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, and Wolcott of Clear Creek.—21.

Gentlemen voting in the negative were, none.

Absent and not voting :

Senators Chacon, Church, DeFrance, Webster, and Wolcott of Gilpin.—5.

A constitutional majority having voted in favor of concurring.

The amendments were concurred in.

On motion of Senator Rhodes, the rules were suspended, and H. B. No. 191, a bill for an act to loan $2,000 to enable the State board of agriculture to open the State agricultural college for public instruction, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Rhodes, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—22.

Voting in the negative was:

Senator Rogers.—1.

Gentlemen absent and not voting were:

Senators DeFrance, Peck, and Webster.—3.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed.

The question then being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Parrish, Peck, Rhodes, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—23.

Voting in the negative was:

Senator Rogers.

A constitutional majority having voted in favor of the passage of the emergency clause.

The emergency clause passed, and the title to the bill was agreed to.

S. B. No. 111, a bill for an act to establish impartial suffrage, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Butters, Ellsworth, Gardner, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, and Wolcott of Clear Creek.—14.

Gentlemen voting in the negative were:

Senators Baca, Barela, Chacon, Church, DeFrance, Gaussoin, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

There being no objection, Senator Ellsworth, from special committee on H. B. No. 183, reported as follows:

Mr. President:

Your special committee, to whom was referred H. B. No. 183, beg leave to report the same back to the Senate, with the recommendation that it be placed on file for third reading and that it do pass.

Your committee would say that he has consulted with a number of his constituents, and believes the passage of the bill would give general satisfaction to the people, and so far as he has been able to ascertain, fully believes that it would give equal satisfaction to the dog.

L. C. ELLSWORTH,
Chairman.

On motion of Senator Peck, the report was received and adopted.

H. B. No. 183, a bill for an act making the stealing of a dog, larceny, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Barela, Butters, Church, DeFrance, Ellsworth, Gardner, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Parrish, Peck, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—18.

Those voting in the negative were:

Senators Baca, Chacon, Gaussoin, Hall of Lake, Rhodes, and Rogers.—6.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title agreed to.

H. B. No. 67 having been made the special order for 10:30 o'clock this A. M., was taken up for consideration.

Senator Wolcott of Gilpin moved that the amendments reported by the committee on incorporations and railroads, be adopted.

Motion prevailed.

Senator Rogers moved to amend the amendment by inserting in line 7 of section 1, after the word "corporations," the words "or any creditor thereof, or any attorney or agent of such creditors."

The question being upon the adoption of the amendments.

The yeas and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Helm, John, Peck, Rogers, and Trujillo.—10.

Those voting in the negative were:

Senators Baca, Barela, Butters, Chacon, Hall of Park, Johnson, Maxwell, Neikirk, Parrish, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—12.

A majority of all the votes cast having been in the negative.

The amendment was not adopted.

On motion of Senator Wolcott of Gilpin, was referred to printing committee.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that

the House refuses to concur in Senate amendments to H. B. No. 168, a bill for an act to amend an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, which is herewith returned.

The House has amended and passed S. B. No. 62, a bill for an act to amend chapter 19 of the general laws, entitled corporations.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed H. B. No. 164, a bill for an act requiring purchasers of hides to keep a record, which bill is herewith transmitted.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

Senator Neikirk moved that H. B. No. 22 be taken from the general file for third reading, and that it be made the special order for 2 o'clock P. M.

Motion prevailed.

H. B. No. 168 having been returned from the House with the notice that the House had refused to concur in the amendments made by the Senate, was taken up for action.

Senator Butters moved that the Senate do insist upon its amendments.

Motion prevailed.

H. B. Nos. 39, 93, 45, 198, 162, 180, 24 and 104 were read a second time, and referred to the committee on judiciary.

H. B. No. 117 was read a second time and referred to the committee on finance, ways and means.

H. B. No. 129 was read a second time and referred to the committee on mines and mining.

H. B. No. 58 was read a second time and referred to the committee on agriculture.

H. B. No. 78 was read a second time and was placed on file for third reading and final passage.

H. B. No. 79 was read a second time and referred to the county and county lines.

H. B. No. 119 was read a second time and referred to committee on corporations.

H. B. No. 135 was read a second time and referred to committee on penitentiary.

H. B. No. 117 was read a second time and referred to the committee on finance, ways and means.

H. B. No. 203 was read a second time and referred to the committee on fees and salaries.

H. B. No. 153 was read a second time and referred to the committee on corporations.

H. B. No. 84 was read a second time and referred to the committee on penitentiary.

H. B. No. 164 was read a first time and placed on file for second reading.

Report from committee on incorporations and railroads:

Mr. President:

Your committee on incorporations and railroads, to whom was referred House amendments to S. B. No. 62, beg leave to report the same back to the Senate, with the recommendation that the amendments be concurred in.

L. C. ELLSWORTH,
Chairman.

Senator Ellsworth moved that the report be received and adopted, and the amendments concurred in.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gardner, Gaussoin, Hall of Lake, Haynes, Hill, Maxwell, Neikirk, Parrish, Peck, Trujillo, and Wolcott of Gilpin.—18.

Gentleman voting in the negative was:

Senator Rhodes.

Absent and not voting:

Senators Hall of Park, Helm, John, Johnson, Rogers, Webster, and Wolcott of Clear Creek.—7.

A majority having voted in the affirmative.

The motion prevailed.

The order of third reading of bills was recurred to, and H. B. No. 88, a bill for an act to amend section 122 of an act entitled, an act concerning counties, county officers and county government, and repealing laws on these subjects, approved March 24th, 1877, was read a third time.

The question being upon the final passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Ellsworth, Gardner, Gaussoin, Maxwell, Neikirk, and Parrish.—9.

Voting in the negative were:

Senators Chacon, Church, DeFrance, Hall of Lake, Helm, Peck, Rhodes, Rogers, and Trujillo.—9.

The bill not having received a sufficient number of votes in the affirmative.

The bill was not passed.

H. B. No. 140, a bill for an act to strike off a portion of the county of Saguache and to add the same to the county of Rio Grande, was read a third time and amended.

The question being upon the passage of the bill as amended.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Hall of Lake, Helm, Hill, John, Maxwell, Parrish, Peck, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—20.

Gentlemen voting in the negative were:

Senators Neikirk, and Webster.—2.

Absent and not voting:

Senators Gaussoin, Hall of Park, Haynes, and Johnson.—4.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

Report from committee on enrollment:

Mr. President:

Your committee on enrollment, to whom was referred S. B. No. 6, beg leave to report the same back to the Senate, correctly enrolled.

F. C. PECK,
Chairman.

H. J. M. No. 5, relative to the construction of a military road in southwestern Colorado, was read a third time.

The question being upon the passage of the memorial.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Hall of Lake, Haynes, Helm, Maxwell, Neikirk, Parrish, Peck, Rhodes, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—18.

Gentlemen voting the negative were, none.

Absent and not voting:

Senators Church, Gardner, Gaussoin, Hall of Park, Hill, John, Johnson, and Rogers.—8.

A majority having voted in favor of the passage of the memorial.

The memorial passed.

Senator Blank moved a recess until 2 o'clock P. M.

Motion prevailed.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

President *pro tem.* in the chair.

Quorum present.

Report from committee on stock:

Mr. President:

Your committee on stock, to whom was referred H. B. No. 60, beg leave to report the same back to the Senate, with the recommendation that it lie on the table.

ALFRED BUTTERS,
Chairman.

On motion of Senator Barela, the report was received and adopted.

The committee on stock further reported as follows:

Mr. President:

Your committee on stock, to whom was referred H. B. No. 130, have had the same under consideration, and have amended the same, and instruct me to report said bill back to the Senate, with the recommendation that the amendments be adopted, and the bill as amended be placed on file for third reading.

ALFRED BUTTERS,
Chairman.

Senator Butters moved that the amendments be agreed to, and the report be received and adopted.

Motion prevailed.

The committee on corporations and railroads reported as follows:

Mr. President:

Your committee on incorporations and railroads, to whom was referred H. B. No. 119, an act to amend an act to reduce the law incorporating the city of Denver, and the several acts amendatory thereof, into one act, and to revise and amend the same so as to enable the city council to establish a system of sewerage, beg leave to report that they have had the same under consideration and report the same back to the Senate, with the recommendation that the bill be placed on file for third reading, and that the bill do pass.

Respectfully,
L. C. ELLSWORTH,
Chairman.

On motion of Senator Ellsworth, the report was adopted.

The committee on penitentiary reported as follows:

Mr. President:

Your committee on penitentiary, to whom was referred H. B. No. 135, beg leave to report the same back to the

Senate, with the recommendation that it be placed on file for third reading, and that it do pass.

THOS. C. PARRISH,
Chairman.

On motion of Senator Parrish, the report was received and adopted.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House requests a committee of conference upon the differences between the two branches relative to H. B. No. 168, amending an act to provide for the assessment and collection of revenue. In anticipation of favorable action to the request of the House, Messrs. Roe, and Brush have been appointed on said committee on the part of the House.

Respectfully,
W. B. FELTON,
Chief Clerk of the House.

Senator Butters moved the request of the House, in regard to the appointment of a conference committee, be granted.

Motion prevailed.

The president appointed as such committee, Senators Butters, and Webster.

H. B. No. 22, a bill for an act to regulate the use of water for irrigation, and providing for selling the priority of right thereto, and for payment of the expenses thereof, and for payment of all costs and expenses incident to said regulation of use, having been made the special order for 2 o'clock P. M., was taken up and read as amended.

Senator Butters moved to amend by striking out all of section 42 after the word "commissioner" in the 5th line, and inserting in lieu thereof the words "to be paid in the same manner as is herein provided for paying the water commissioners."

Motion prevailed.

Senator Rhodes moved to strike out all after the enacting clause.

The yeas and nays being demanded and had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Barela, Chacon, DeFrance, Gaussoin, John, Rhodes, and Trujillo.—8.

Those voting in the negative were:

Senators Butters, Ellsworth, Gardner, Hall of Lake, Hall of Park, Haynes, Helm, Johnson, Maxwell, Neikirk, Parrish, Peck, and Rogers.—13.

A majority of the votes cast having been in the negative.

The motion did not prevail.

Senator Haynes moved to amend by striking out all after section 16, to and including section 36, and also to strike out section 44.

The yeas and nays being demanded and had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, Neikirk, Rhodes, and Trujillo.—15.

Voting in the negative:

Senators Helm, Johnson, Maxwell, Rogers, and Wolcott of Gilpin.—5.

A majority having voted in the affirmative.

The motion prevailed.

Senator Rogers moved to amend by striking out all after the word "provided," in line 13 of section 2 in the printed bill, to the word "but," in line 14 of same section.

Motion prevailed.

Senator Parrish moved the appointment of a special committee, to consist of three from the Senate, to confer with the committee on irrigation, of the House, for the purpose of taking into consideration H. B. No. 22.

Motion prevailed.

The president appointed as such committee, Senators Haynes, Helm, and Neikirk.

The committee on incorporations and railroads reported as follows:

Mr. President:

Your committee on incorporations and railroads, to whom was referred H. B. No. 203, an act providing for certain entries to be made by county clerks and recorders in the receiving book and general index kept by them, beg leave to report that they have had the same under consideration and report the same back to the Senate, with the recommendation that the same be placed on file for third reading, and that the bill do pass.

Respectfully,

L. C. ELLSWORTH,

Chairman.

On motion of Senator Ellsworth, the report was received and adopted.

The committee further reported as follows:

Mr. President:

Your committee on incorporations and railroads, to whom was referred H. B. No. 153, an act entitled, an act in relation to municipal corporations, beg leave to report the same back to the Senate, with the recommendation that the bill be laid upon the table.

Respectfully,

L. C. ELLSWORTH,

Chairman.

On motion of Senator Ellsworth, the report was received and adopted.

Report from the committee on mines and mining:

Mr. President:

Your committee on mines and mining, to whom was referred H. B. No. 131, beg leave to report the same back to the Senate with amendments, and recommend that the amendments be engrossed, and that the bill with amendments be placed on file for third reading and final passage.

EDWARD O. WOLCOTT,

Chairman.

On motion of Senator Wolcott of Clear Creek, the report was received and adopted, the amendments ordered engrossed, and the bill and amendments placed on file for third reading.

Report from committee on agriculture:

Mr. President:

Your committee on agriculture, to whom was referred H. B. No. 58, beg leave to report the same back to the Senate, with the recommendation that it be placed on file for third reading.

J. F. GARDNER,
Chairman.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted H. C. R. No. 18, relating to allowing mileage to the officers and employés of the General Assembly, which is herewith transmitted.

Respectfully,
W. B. FELTON,
Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has refused to adopt the report of the committee of conference on S. B. No 67, a bill for an act to provide an additional fund for the current expenses of the State university, and for the improvement of the buildings and grounds thereof, and ask another committee of conference upon the differences between the two bodies.

S. B. No. 67, is herewith transmitted.

Respectfully,
W. B. FELTON,
Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has concurred in the Senate amendments to H. B. Nos. 114, 115, 140, 33 and 191.

Respectfully,
W. B. FELTON,
Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has amended and passed with the emergency clause S. B. No. 50, a bill for an act concerning the enrollment and organization of the State militia, which is herewith returned.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

Report from committee on printing:

Mr. President:

Your committee on printing, to whom was referred amended H. B. No. 67, beg leave to report the same back to the Senate, correctly printed.

Respectfully,

ALBERT JOHNSON,

Chairman.

Report from the committee on judiciary:

Mr. President:

Your committee on judiciary, to whom was referred H. B. Nos. 105, 180, 24, 71, 45, 93, 104, 162, 198 and 133, have had the same under consideration and report said bills back with the following recommendations:

As to H. B. Nos. 133, 198, 162, 104, 93, 45 and 71, that they lie on the table.

As to H. B. No. 24, that it be placed on general file.

As to H. B. Nos. 105 and 180, that they do pass.

S. B. A. HAYNES,

Chairman.

H. J. M. No. 9, relative to the confirming of the equitable rights of settlers upon the Maxwell land grant in Colorado, was read a third time.

The question being upon the final passage of the memorial.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Chacon, DeFrance, Ellsworth, Gardner,

Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—21.

Gentlemen voting in the negative were, none.

A constitutional majority having voted in favor of the passage of the memorial.

The memorial passed.

H. J. R. No. 7, relative to the establishment of a military post in northwestern Colorado, was read a third time.

The question being upon the adoption of the resolution.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Chacon, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Hill, John, Johnson, Maxwell, Neikirk, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—19.

Gentlemen voting in the negative were, none.

A majority having voted in favor of the adoption of the resolution.

The resolution was adopted.

H. B. No. 123, a bill for an act in relation to commutation of sentences and pardons, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hill, John, Johnson, Maxwell, Neikirk, Peck, Rhodes, and Trujillo.—14.

Gentlemen voting in the negative were, none.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 78, a bill for an act to amend section 12 of chapter 34, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Chacon, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Peck, Rhodes, Rogers, Trujillo, and Wolcott of Clear Creek.—19.

Voting in the negative, none.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 105, a bill for an act providing for a change of venue in preliminary examinations before justices of the peace, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Chacon, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek.

Voting in the negative, none.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 130, a bill for an act to amend section 2572, and 2583, of the general laws, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Butters, Chacon, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Peck, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—19.

Gentlemen voting in the negative were:

Senators DeFrance, Rhodes, and Rogers.—3.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

Senator Rogers moved to recur to the 8th order of business.

Motion prevailed.

Senator Rogers moved to concur in House amendments to S. B. No. 50.

The yeas and nays being had, resulted as follows:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—24.

Voting in the negative was:

Senator Rhodes.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

Report from committee on enrollment:

To the President of the Senate:

Your committee on enrollment, to whom was referred S. B. Nos. 54 and 62, beg leave to report the same back to the Senate, correctly enrolled.

Respectfully,

F. C. PECK,

Chairman.

Report from special committee on H. B. No. 22:

Mr. President:

Your special committee, to whom was referred H. B. No. 22, and to confer with the committee on irrigation, of the House, beg leave to report the bill back to the Senate, with the information that the committee of the House decline to confer with us upon the subject, and we therefore recommend the appointment of a joint committee consisting of three members of the Senate and three members of the House, to consider said bill.

HENRY NEIKIRK,
S. B. A. HAYNES,
J. C. HELM.

Report received and adopted, and the president appointed as such committee, Senators Haynes, Helm, and Neikirk.

Report from the committee on judiciary:

Mr. President:

Your committee on judiciary, to whom was referred H. B. No. 39, beg leave to report the same back to the Senate, with the recommendation that it do pass, and that it be at once placed on file for third reading and final passage.

S. B. A. HAYNES,
Chairman.

Report from committee of conference on H. B. No. 168:

Mr. President:

Your committee of conference, to whom was referred the points of difference between the two Houses in relation to H. B. No. 168, have had the same under consideration, and beg leave to report that they recommend that the House concur in the Senate amendments.

ALFRED BUTTERS,
W. W. WEBSTER,
J. L. BRUSH.

Report received and adopted.

Report from the committee on State institutions:

Mr. President:

Your committee on State institutions, to whom was referred H. B. No. 102, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that it be passed.

J. C. HELM,
Chairman.

On motion of Senator Helm, the report was received and adopted.

Report from special committee on H. B. No. 144:

Mr. President:

Your special committee, to whom was referred H. B. No. 144, have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that the amendments herewith submitted be ordered printed, and the bill and amendments be placed on file for third reading.

JOHN.

Report received and the amendments ordered printed.

Report from committee on engrossment:

To the President of the Senate:

Your committee on engrossment, to whom was referred H. B. No. 131, beg leave to report the same back to the Senate, correctly engrossed.

ALBERT JOHNSON,
Chairman.

Report from special committee to consider printing contract:

Mr. President:

A majority of the special committee, to whom was referred the matter of investigating the printing contract recently awarded by Hon. Wm. M. Clark, secretary of State, and determine whether the same was let to the lowest bidder, beg leave to submit the following report:

Said committee have examined all the original papers in the case, taken the testimony of a number of witnesses and given the subject the most careful and complete consideration possible under the press of business before the General Assembly.

Upon a careful consideration of the papers and evidence aforesaid, we are decidedly of the opinion that said contract was let to the lowest bidder, and we deem it but simple justice to say that Mr. Clark not only acted honestly, conscientiously and impartially in the matter, but also with an unusual degree of thoughtfulness and care, and that while injustice was done no bidder for the contract, the interests of the State were carefully and completely protected.

Respectfully submitted,

J. C. HELM,
On part of the Senate.
R. DOUGLASS,
WM. D. TODD,
On part of the House.

Senator Helm moved that action upon the report of the committee be made the special order for 2 o'clock P. M. to-morrow, the 8th instant.

Motion prevailed.

On motion of Senator Webster, the Senate went into committee of the whole on the general file, with Senator Wolcott of Clear Creek in the chair.

The committee rose and reported as follows:

Mr. President:

Your committee of the whole have had under consideration H. B. No. 145, and instruct me to report the same back to the Senate, with the recommendation that the amendments herewith submitted be agreed to, amendments ordered engrossed and placed, together with the bill, on file for third reading.

E. O. WOLCOTT,
Chairman.

Report received and adopted.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has amended and passed with the emergency clause S. B. No. 56, a bill to amend the code, which is herewith transmitted.

Respectfully,
W. B. FELTON,
Chief Clerk of the House.

Senator Hall of Lake moved that the vote by which H. B. No. 130 was passed, be reconsidered.

Motion prevailed.

Senator Hall of Lake moved to amend by inserting in line 3, after the word "State," the words, "without a mother."

Amendment adopted.

The question then being upon the final passage of the bill as amended.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, De-France, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Johnson, Maxwell, Peck, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—20.

Voting in the negative:

Senator Rhodes.—1.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

Report from special committee on H. B. No. 195:

Mr. President:

The majority of your special committee, to whom was referred H. B. No. 195, an act to amend section 90 of an act entitled, an act to reduce the law incorporating the city of Denver, and the several acts amendatory thereof, into one act, and to revise and amend the same, approved April 6th, 1877, beg leave to report that they have had the same under consideration, and recommend that the printed bill herewith be considered as an amendment, and that said bill so amended be placed on file for third reading, and that the bill do pass.

Respectfully,

L. C. ELLSWORTH,
ALFRED BUTTERS,
FRANK CHURCH.

On motion of Senator DeFrance, H. B. No. 131, an act to provide a revenue for the support of the school of mines at Golden, and to repeal section 12 of chapter 91 of the general laws, was taken and read a third time.

Senator Butters moved to adjourn.

Motion lost.

The question being upon the passage of H. B. No. 131.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Chacon, Church, DeFrance, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Johnson, Maxwell, Neikirk, Peck, Rhodes, and Trujillo.

Gentlemen voting in the negative were:

Senators Butters, Parrish, Rogers, Webster, and Wolcott of Gilpin.

Gentlemen absent and not voting were:

Senators Gardner, Haynes, and Wolcott of Clear Creek.

A majority having voted in favor of the passage of the bill.

The bill passed without the emergency clause, and the title was agreed to.

S. B. No. 56, having been returned from the House, amended.

Senator Helm moved that the Senate do concur in the amendments, with the exception of the one next to the last.

The question being upon concurring in the amendments.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Hall of Lake, Hall of Park, Hill, John, Maxwell, Neikirk, Parrish, Peck, Rhodes, Trujillo, Webster, and Wolcott of Gilpin.—18.

Gentlemen voting in the negative were:

Senators Helm, and Rogers.

A majority having voted in favor of concurring.

The amendments were concurred in.

Senator John moved to concur in the balance of the amendments.

The question being upon concurring in the balance of the amendments.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senators Baca, Barela, Chacon, Church, DeFrance, Gaussoin, Hall of Lake, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Trujillo, Webster, and Wolcott of Gilpin.

Those voting in the negative were:

Senators Butters, and Rogers.

A majority having voted in favor of concurring.

The amendments were concurred in.

On motion of Senator Webster, H. B. No. 145, a bill for an act relating to the powers and duties of the State board of land commissioners and the management of the State

lands, and defining the duties of the secretary of the board, was taken up, and on motion of Senator Webster, the amendments proposed by Senate committee on public lands were concurred in, and the bill as amended was read a third time.

The question being upon the passage of the bill as amended.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, Hall of Lake, Helm, Hill, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, and Webster.—16.

Those voting in the negative were:

Senators DeFrance, and Gaussoin.—2.

Absent and not voting were:

Senators Ellsworth, Gardner, Hall of Park, Haynes, John, Johnson, Wolcott of Clear Creek, and Wolcott of Gilpin.—8.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

THIRTY-NINTH DAY.

SATURDAY, FEBRUARY 8th, 1879.

Senate met at 9 o'clock A. M.

President *pro tem.* in the chair.

Journals of February 4th, 5th and 7th read and approved.

The reading of the journal of the 6th was postponed on motion of Senator Webster.

Roll called.

Quorum present.

On motion of Senator Rogers, H. B. No. 135 was re-

called from the House, for the purpose of re-considering the vote by which it was passed.

On motion of Senator Webster, the rules were suspended, and H. B. No. 145 was taken up.

The question being upon the passage of the emergency clause contained therein.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Butters, Chacon, DeFrance, Ellsworth, Gardner, Hall of Lake, Hall of Park, Haynes, Helm, Johnson, Maxwell, Neikirk, Parrish, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—19.

Voting in the negative:

Senator Gaussoin.—1.

A constitutional majority having voted in favor of the passage of the emergency clause.

The emergency clause passed.

Senator Neikirk moved that the Senate do recede from its amendments to the House amendments to S. B. No. 67.

The yeas and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators Baca, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, John, Johnson, Maxwell, Neikirk, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—21.

Gentlemen voting in the negative were, none.

A majority having voted in the affirmative.

The motion prevailed.

Report from committee on penitentiary:

Mr. President:

Your committee on penitentiary, to whom was referred H. B. No. 84, beg leave to report the same back to the Senate, with the recommendation that it be placed on file for third reading and passed.

THOS. C. PARRISH,
Chairman.

Report received and adopted.

Report from committee on printing:

Mr. President:

Your committee on printing, to whom was referred H. B. No. 144, beg leave to report the same back to the Senate, with amendments printed.

Respectfully,

ALBERT JOHNSON,

Chairman.

Report from committee on finance, ways, and means:

Mr. President:

Your committee on finance, ways and means, to whom was referred H. B. No. 175, beg leave to report the same back to the Senate, with the recommendation that it be placed on general file.

ALFRED BUTTERS,

Chairman.

Senator Butters moved to receive and adopt the report.

Motion prevailed.

The committee reported also as follows:

Mr. President:

Your committee on finance, ways and means, to whom was referred H. B. Nos. 110, 156 and 116, beg leave to report the same back to the Senate, with the recommendation that the amendments herewith submitted be adopted, and the bill as amended placed on file for third reading.

ALFRED BUTTERS,

Chairman.

On motion of Senator Butters, the report was received and adopted, and the amendments agreed to, and bills and amendments placed on file for third reading.

The committee also reported as follows:

Mr. President:

Your committee on finance, ways and means, to whom was referred H. B. Nos. 177, 124 and 137, beg leave to report the same back to the Senate, with the recommendation that they be placed on file for third reading and final passage.

ALFRED BUTTERS,

Chairman.

On motion of Senator Butters, the report of the committee was received and adopted.

The committee further reported as follows:

Mr. President:

Your committee on finance, ways and means, to whom was referred H. B. No. 111 and S. B. Nos. 121, 117, 143, 133 and 145, beg leave to report the same back to the Senate, with the recommendation that they lie on the table.

ALFRED BUTTERS,
Chairman.

Report from committee on mines and mining:

Mr. President:

Your committee on mines and mining, to whom was referred H. B. Nos. 87, 129 and 36, beg leave to report the same back to the Senate, without recommendation.

E. O. WOLCOTT,
Chairman.

Senator Hall of Park moved that H. B. Nos. 87, 129 and 36 be placed on file for consideration in committee of the whole.

Motion prevailed.

Senator Helm moved to recur to the 12th order of business.

Motion prevailed.

Senator Rhodes moved that H. B. No. 45 be taken from the table and placed on file for third reading.

Motion prevailed.

Senator Wolcott of Clear Creek moved to suspend the rules, and reconsider the vote by which H. B. No. 88 was not passed.

Motion lost.

Under the motion of Senator Helm, H. B. No. 144, a bill for an act to establish the Colorado inebriate and insane asylum, and providing for its location, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Maxwell, Parrish, Peck, Rhodes, Trujillo, and Wolcott of Clear Creek.—18.

Gentlemen voting in the negative were:

Senators Butters, Haynes, Johnson, Neikirk, Rogers, Webster.—6.

Gentlemen absent and not voting were:

Senators Church, and Wolcott of Gilpin.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

The question being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Trujillo, Webster, and Wolcott of Clear Creek.—22.

Gentlemen voting in the negative were:

Senators Haynes, and Rogers.—2.

Gentlemen absent and not voting were:

Senators Church, Haynes, and Wolcott of Gilpin.—3.

A constitutional majority having voted in favor of the passage of the emergency clause.

The emergency clause passed.

H. B. No. 135, a bill for an act to amend section 42 of an act entitled, an act to provide for the maintenance, government and police of the penitentiary, and the modes of appointing officers and fixing the salary of the same, and to repeal several acts relating thereto, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Hall of Lake, Hall of Park, Haynes, John,

Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, and Webster.—19.

Voting in the negative were, none.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 102, a bill for an act to amend chapter 61 of the general laws concerning lunatics, was read a third time.

Senator Rogers moved to amend, by inserting after the word "jail," in 16th line of section 28, the words "or other convenient place."

Amendments adopted.

The bill was then read as amended.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Gardner, Gaussoin, Hall of Park. Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Clear Creek.—18.

Voting in the negative were, none.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

The question being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Ellsworth, Gardner, Gaussoin, Hall of Park, Haynes, Helm, Hill, Johnson, Maxwell, Neikirk, Peck, Rogers, Trujillo, Webster, and Wolcott of Clear Creek.—18.

Gentlemen voting in the negative were, none.

A majority having voted in favor of the passage of the emergency clause.

The emergency clause passed.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed S. B. No. 38 with emergency clause.

Has amended and passed S. B. No. 68 with the emergency clause.

Has passed S. B. No. 107 with the emergency clause.

And has also passed S. B. No. 135 with the emergency clause.

Also S. B. Nos. 35, 43, 86, 30, 29 and 63 have been passed without amendment or the emergency clause.

All of which bills are herewith transmitted.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House refuses to concur in Senate amendments to H. B. No. 145, relating to the powers and duties of the State board of land commissioners, and asks for the appointment of a conference committee.

Anticipating a favorable consideration of this request, Messrs. Todd, Brush, and Pease have been appointed such committee on part of the House.

H. B. No. 145 is herewith transmitted.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

Senator Webster moved that the request of the House in regard to the conference committee be agreed to.

Motion prevailed.

The president appointed as such committee on the part of the Senate, Senators Webster, Wolcott of Clear Creek, and DeFrance.

H. B. No. 203, a bill for an act providing for certain entries to be made by county clerks and recorders in the receiving book and general index kept by them, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Trujillo, and Webster.—20.

Voting in the negative:

Senator Rogers.—1.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 58 was taken up, and Senator Rhodes moved that the bill be referred to the committee on agriculture.

Motion prevailed.

H. B. No. 119, a bill for an act to amend an act entitled, an act to reduce the law incorporating the city of Denver, and the several acts amendatory thereof, into one act, and to revise and amend the same so as to enable the city council to establish a system of sewerage, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gaussoin, Hall of Park, Haynes, Helm, Hill, John, Maxwell, Neikirk, Peck, Rhodes, Rogers, Trujillo, and Wolcott of Clear Creek.—19.

Gentlemen voting in the negative were, none.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 180, a bill for an act to regulate the service of summons and other process issued by justices of the peace, was read a third time and amended.

The question being upon the passage of the bill as amended.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Butters, Chacon, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, Johnson, Neikirk, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Clear Creek.—18.

Voting in the negative:

Senator Maxwell.—1.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 67 was taken up for third reading, and Senator Rogers moved to refer the bill to the committee on irrigation.

Motion prevailed.

H. B. No. 39, a bill for an act concerning garnishment in courts of record and before justices of the peace on judgments rendered, and in relation to the proceedings and practice in garnishment and attachment, was read a third time, and amended on motion of Senator Helm.

The question being upon the passage of the bill as amended.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin. —21.

Gentlemen voting in the negative were, none.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

The question being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Haynes, Helm, Hill,

John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—22.

Gentlemen voting in the negative were, none.

A constitutional majority having voted in favor of the emergency clause.

The emergency clause passed.

Senator Ellsworth moved to recur to the order of second reading of bills.

Motion prevailed.

H. B. No. 195 was read a second time and placed on file for third reading.

H. J. R. No. 18 was read a second time and placed on file for third reading.

On motion of Senator Peck, the Senate took a recess until 1:30 o'clock P. M.

AFTERNOON SESSION.

Senate met at 1:30 o'clock P. M.

President *pro tem.* in the chair.

On motion of Senator Butters, the Senate went into committee of the whole, with Senator Butters in the chair.

The committee rose without making a report.

Senator Wolcott of Clear Creek moved that S. B. No. 56 be recalled from committee on enrollment.

Motion prevailed.

Senator Wolcott of Clear Creek moved to reconsider the vote by which the amendments of the House to section 14 of S. B. No. 56 were concurred in.

Motion prevailed.

Senator Wolcott of Clear Creek moved that the Senate do not concur in the House amendments to section 14 of S. B. No. 56, and to ask for a conference committee on the points of difference.

Motion prevailed.

Report from joint committee on enrollment:

Mr. President:

The joint committee on enrollment have compared S. B. Nos. 6, 23 and 40, H. J. R. Nos. 10 and 12, H. B. Nos. 183,

112, 134, 176, 89, 90 and 132, and S. B. Nos. 54 and 62, with the engrossed copy, find the same correctly enrolled, and report it back to the Senate signed by the speaker of the House.

Respectfully,

F. CHURCH,

Chairman on part of Senate.

Report from joint committee on receipts and disbursements of the military fund:

Mr. President:

Your members of the joint committee, to whom was referred the matter of inquiring into the receipts and disbursements of the military fund of the State of Colorado, have had the same under consideration, and instruct me to report as follows:

The total receipts of said fund amount to $6,366.38.

The total disbursements, $5,734.89.

Company B, 1st regiment, Colorado militia, as per vouchers of the State treasurer, have received the sum of $2,360.21.

The vouchers of Adjutant-General Roe, divided as by exhibit herewith transmitted, which do not include items charged to Company B (being items of sundries, such items of sundries consist of freight, transportation and repairs), amounting to the sum of $3,374.68.

We find that for Company B and the Chaffee Light Artillery, the sum of $1,000 for rent of armory has been expended.

That for gas for same, the sum of $306.01 has been expended.

That for water for same, the sum of $94 has been expended.

That for janitor's services, the sum of $325 has been expended.

That for armorer for same, the sum of $360 has been expended.

That for sundries for same not itemized, $275.20 has been expended.

We further find that no company organized under the militia law of the State of Colorado, of which there are now about seven, has received any of the military fund from the treasurer of the State of Colorado belonging to their respective companies, excepting the two companies above named.

We further find that county treasurers of several counties of the State are derelict in their duty in not transmitting the funds belonging to the military fund of the State of Colorado.

The time given your committee in which to report being so short, and being after the time prescribed by the constitution of the State when bills can be introduced, prevents them from reporting by a bill, but respectfully recommend that S. B. No. 50 do pass and become a law, and prevent the many errors which have heretofore occurred.

Respectfully,

THOS. C. PARRISH,

Chairman.

Senator Ellsworth moved that the report be received and adopted.

Motion carried.

Senator Parrish moved that the witnesses who were in attendance before the committee be allowed the same compensation as is allowed in courts of record, and that the secretary be instructed to issue certificates for the same.

Motion prevailed.

Senator Wolcott of Clear Creek moved that the vote by which H. B. No. 88 was not passed, be reconsidered.

Motion prevailed.

The question then being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Butters, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin. —21.

Gentlemen voting in the negative were:

Senators Chacon, Church, and Rogers.—3.

The president appointed as a committee of conference on S. B. No. 56, Senators Wolcott of Clear Creek, and Helm.

The report of the special committee on printing contracts having been made the special order for 2 o'clock this P. M., was taken up, and on motion of Senator Helm, was made the special order for 9 o'clock P. M.

Senator Peck moved that H. B. No. 67 be recalled from committee on incorporations.

Senator Rogers moved to lay the motion on the table.

Senator DeFrance moved a call of the House.

Which being had, it was found that Senators Johnson, and Rhodes were absent.

The sergeant-at-arms was dispatched after the absentees.

Returned with Senator Johnson, who was excused for his absence.

Senator Wolcott of Clear Creek moved to dispense with the call.

Motion lost.

Senator Ellsworth moved to dispense with the call.

Motion prevailed.

The question then being upon the motion of Senator Rogers to lay the motion of Senator Peck upon the table.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Church, DeFrance, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Johnson, Maxwell, Neikirk, Parrish, Rogers, Trujillo, and Webster.—18.

Gentlemen voting in the negative were:

Senators Chacon, Gardner, John, Wolcott of Clear Creek, and Wolcott of Gilpin.—6.

A constitutional majority having voted in favor of the motion.

The motion prevailed.

Mr. President:

Your conference committee on H. B. No. 145 beg leave to make the following report:

First Senate amendment, that the House concur therein.

Second Senate amendment, that the Senate recede from said amendment, and that section 3 be amended by striking out the words and figures "one thousand (1,000) dollars," and insert in lieu thereof the words "five hundred (500) dollars," and as amended be agreed to.

Third Senate amendment, that the said amendment be agreed to with the following amendment: Strike out all after the word "improvements" in the 5th line.

Fourth Senate amendment, the House concur therein.

Fifth Senate amendment, the House concur therein.

Sixth Senate amendment, the House concur therein.

Seventh Senate amendment, the House concur therein.

Eighth Senate amendment, the House concur therein.

Ninth Senate amendment, that the amendment be agreed to with the following amendment: Insert in the 9th line, after the word "shall," "if they shall deem the same advisable."

W. W. WEBSTER,
EDW'D O. WOLCOTT,
A. H. DEFRANCE,
Conference on the part of the Senate.
WM. D. TODD,
J. L. BRUSH,
J. G. PEASE,
Conference on the part of the House.

Senator Webster moved to receive and adopt the report.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Hall of Lake, Hall of Park, Haynes, Helm, John, Maxwell, Neikirk, Parrish, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—21.

Gentlemen voting in the negative were, none.

A majority having voted in the affirmative.

The motion prevailed.

Report from joint committee on H. B. No. 22:

Mr. President:

The joint committee of the Senate and House of Representatives, appointed to consider H. B. No. 22, report that they have considered the same, and recommend that the bill as printed by order of the Senate be amended as follows, to-wit:

Stike out all of line 11 in section 2 after the word "sold," and the words "thoughout the entire length thereof" in line 12 of said section, also strike out the words "any person or persons feeling aggrieved by such decision, may appeal therefrom to the district court, upon giving bond in the sum of five hundred dollars, but," in lines 13 and 14 in said section.

Strike out section 5.

Strike out the words "which recommendation shall be made by said county commissioners, at their first regular meeting, after the passage of this act," in lines 4 and 5 of section 17.

Amend section 21, by striking out the word "March" in line 1, and insert the word "July" in lieu thereof.

In line 1 of section 14, strike out the word "scapage" and insert the word "leakage" in lieu thereof.

In section 42, strike out all of the section after the word "commissioner" in line 5, and insert in lieu thereof the words "in the same manner as provided for paying water commissioners."

In section 45 insert the words "or water box" after the word "gate" in line 1, and strike out the words "when under the charge of the water commissioner," and the words "from said commissioner" in line 2.

And your committee recommend that said bill when so amended do pass.

Respectfully,

S. B. A. HAYNES,
NEIKIRK,
HELM,

Committee on the part of the Senate.

On motion of Senator Rhodes, the report of the committee was made the special order for 10 o'clock this P. M.

On motion of Senator Butters, the Senate went into committee of the whole, with Senator Butters in the chair.

A message from the House having been announced.

The president resumed the chair.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted H. C. R. No. 19, in relation to claims, which is hereby transmitted, together with the message from the Governor touching the same subject.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has amended and passed S. B. No. 83, providing for publication, purchase and distribution of decisions of the supreme court.

And has passed with the emergency clause S. B. No. 84, providing a salary for the reporter of the decisions of the supreme court, both of which bills are herewith returned.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

I am also instructed to inform your Honorable Body that the House has adopted the conference committee report relative to H. B. No. 145, relative to powers and duties of the State board of land commissioners.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The message having been read, Senator Butters resumed the chair.

A message having again been announced from the House.

The president *pro tem.* resumed the chair.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed the following bills:

S. B. Nos. 15, 80, 82 and 102.

Has passed with the emergency clause, amended S. B. No. 94.

Has amended and passed S. B. Nos. 100 and 73.

And refused to pass S. B. No. 66.

All of which are herewith returned.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

Report from special committee on S. B. No. 56:

Mr. President:

Your special committee of conference on amendments to the code of civil procedure of the State of Colorado, to whom has been referred the matter of conferring with a like committee from the Senate, on the matter of agreeing to amendments to be made to the code of civil procedure, have had the same under consideration, and instruct me to report that section 14 of S. B. No. 56 be stricken out, and that section 119 of the code of civil procedure be repealed.

E. O. WOLCOTT,
J. C. HELM,
On part of the Senate.
THOS. J. CANTLON,
JNO. D. LIVESAY,
A. T. GUNNELL.

Senator Wolcott of Clear Creek moved that the amendments as reported by the committee, be agreed to.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Trujillo, Wolcott of Clear Creek, and Wolcott of Gilpin.—22.

Gentlemen voting in the negative were:

Senators Rogers, and Webster.

A majority having voted in the affirmative.

The motion prevailed.

The committee of the whole resumed the work before them.

The committee rose and reported as follows:

Mr. President:

Your committee of the whole have had under consideration sundry bills, and instruct me to report them back to the Senate as follows:

H. B. No. 77, with the recommendation that it be placed on file for third reading.

S. B. Nos. 90, 126 and 47, with the recommendation that they lie upon the table.

H. B. Nos. 109 and 174, with the recommendation that they do pass.

H. J. R. No. 6, with the recommendation that it do pass.

S. B. No. 31, with the recommendation that it do pass as amended by the House.

H. B. No. 129, with the recommendation that it be indefinitely postponed.

H. B. No. 87, with the recommendation that it be referred to a special committee to consist of Senators Hall of Lake, Hall of Park, Webster, Johnson, and Wolcott of Clear Creek.

H. B. No. 125, 141 and 175, with the recommendation that they do pass.

H. B. No. 24, with the recommendation that it be laid on the table.

H. B. No. 36, with the recommendation that it be indefinitely postponed.

Respectfully,

ALFRED BUTTERS.

Senator Webster moved that H. B. No. 129 be referred to the special committee on H. B. No. 87.

Motion prevailed.

Senator Neikirk moved the adoption of the balance of the report.

Motion prevailed.

H. B. No. 109, a bill for an act making appropriations to pay the outstanding State certificates of indebtedness, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—24.

Voting in the negative were, none.

A constitutional majority having voted in the affirmative.

The bill passed, and the title was agreed to.

H. B. No. 110, a bill for an act making appropriations to reimburse the several counties of the State for moneys heretofore or hereafter expended by them in the support of insane paupers, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—26.

Gentlemen voting in the negative were, none.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 116, a bill for an act to provide for the ordinary expenses of executive, legislative and judicial departments of the State, and interest on the public debt for the years 1879 and 1880, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, John, Johnson, Maxwell, Neikirk, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—21.

Gentlemen voting in the negative were, none.

The question being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—22.

Gentlemen voting in the negative were, none.

So the bill and the emergency clause passed, and the title was agreed to.

Senators Baca and Barela were excused from further attendance at this session, from the adjournment of this evening.

Report from enrollment committee:

Mr. President:

Your committee on enrollment, to whom was referred S. B. No. 86, beg leave to report the same back to the Senate, correctly enrolled.

Respectfully,

F. C. PECK,
Chairman

Also the further report:

Mr. President:

Your committee on enrollment, to whom was referred S. B. Nos. 30, 43, 67, 15 and 107, beg leave to report the same back to the Senate, correctly enrolled.

Respectfully,

F. C. PECK,
Chairman.

Report from joint committee on enrollment:

Mr. President:

The joint committee on enrollment presented H. J. M. Nos. 10 and 12, and H. B. Nos. 134, 89, 176, 90, 183, 112, 132, 75, 29, 53 and 69, and S. B. Nos. 62, 6, 22, 40, 23 and 54, to His Excellency the Governor, for his approval, at 11:30 o'clock A. M.

Respectfully,

F. CHURCH,

Chairman on part of the Senate.

H. B. No. 156, a bill for an act to amend an act entitled, an act to provide for the payment of salaries to officers of the executive and judicial departments of the State of Colorado, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—22.

Gentlemen voting in the negative were, none.

The question being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—22.

Gentlemen voting in the negative were, none.

So the bill passed with the emergency clause, and the title was agreed to.

H. B. No. 174, a bill for an act to amend chapter 72 of the general laws, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Butters, Chacon, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, John, Maxwell, Peck, Rogers, Webster, and Wolcott of Gilpin. —16.

Voting in the negative was:

Senator Neikirk.—1.

A constitutional majority having voted in the affirmative.

The bill passed, and the title was agreed to.

H. B. No. 177, a bill for an act to amend an act entitled, an act to prescribe certain powers and duties of the officers of the executive department, and certain rules in relation to the fiscal affairs of the State in connection therewith, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Barela, Butters, Chacon, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, John, Maxwell, Neikirk, Peck, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—18.

Gentlemen voting in the negative were, none.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 124, a bill for an act to amend sections 10 and 11 of article 4 of chapter 33 entitled, executive department of the general laws of the State of Colorado, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Hall of Park, Haynes, Hill, John, Maxwell, Neikirk, Peck, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—19.

Gentlemen voting in the negative were, none.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 175, a bill for an act making appropriations for the support of the insane asylum for the years 1879 and 1880, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Hall of Lake, Hall of Park, Haynes, Hill, John, Maxwell, Neikirk, Peck, and Trujillo.—16.

Gentlemen voting in the negative were:

Senators Rogers, Webster, and Wolcott of Gilpin.—3.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. J. M. No. 6, relative to establishing a military post in eastern Colorado, was read a third time.

The question being upon the passage of the memorial.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, DeFrance, Ellsworth, Gardner, Hall of Lake, Hall of Park, Haynes, Hill, John, Johnson, Maxwell, Neikirk, Peck, Rogers, Trujillo, Webster, and Wolcott of Gilpin.—19.

Those voting in the negative were, none.

A constitutional majority having voted in favor of the passage.

The memorial passed.

H. B. No. 45, a bill for an act for the relief of the town of Ouray, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Those voting in the affirmative were:

Senator Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Peck, and Trujillo. —17.

Gentlemen voting in the negative were:

Senators Baca, Rogers, Webster, and Wolcott of Gilpin. —4.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

S. B. No. 31 having been returned from the House with amendments.

Senator Webster moved that the amendments be concurred in.

The question being upon concurring in House amendments.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Peck, Rogers, Webster, and Wolcott of Gilpin.—20.

Gentlemen voting in the negative were, none.

So the motion to concur in House amendments to S. B. No. 31 prevailed.

H. B. No. 18, a bill for an act declaring what shall be a lawful fence, was read a third time, and on motion of Senator DeFrance, was referred to Senator Gardner.

S. B. No. 83 having been returned from the House with amendments.

Senator John moved that the amendments be concurred in.

The question being upon concurring in the amendments of the House to S. B. No. 83.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin. —20.

Voting in the negative:

Senator Rogers.—1.

A majority having voted in favor of concurring.

The amendments were concurred in.

The following communication was received from His Excellency the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 40, entitled, an act giving justices of the peace jurisdiction in action of replevin and regulating the practice thereof, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 6, entitled, an act in relation to attachments issued out of justice's courts, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed H. J. M. No. 12, asking pension for Charles Antobias, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed H. J. R. No. 10, relative to settlers on public lands, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 62, entitled, an act to amend chapter 19 of the general laws, entitled corporations, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

S. B. No. 68 having been returned from the House with amendments.

Senator Ellsworth moved that the amendments be not concurred in.

The question being upon non-concurring in amendments to S. B. No. 68.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Helm, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—21.

Gentlemen voting in the negative were, none.

A constitutional majority having voted in favor of non-concurring in the House amendments.

The amendments were not concurred in.

A communication from the Governor having been announced by the president.

Senator Webster moved that the communication be made the special order for 8 o'clock this P. M., in executive session.

Motion prevailed.

Senator John moved the appointment of a conference committee on S. B. No. 68, consisting of two from Senate and two from the House.

Motion prevailed.

And the president appointed as such committee on the part of the Senate, Senators Barela, and Butters.

H. B. No. 84, a bill for an act to amend section 2 of an act entitled, an act to provide for the maintenance and government of the penitentiary, also the mode of appointing officers and fixing the salary of the same, and to repeal several acts relating thereto, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin. —21.

Gentlemen voting in the negative were, none.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

The question being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—22.

Gentlemen voting in the negative were, none.

So the emergency clause passed.

H. B. No. 77, a bill for an act to amend an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Barela, Butters, Ellsworth, Gardner, Gaussoin, Hall of Lake, Haynes, Hill, John, and Trujillo.—10.

Gentlemen voting in the negative were:

Senators DeFrance, Hall of Park, Maxwell, Neikirk, Rogers, Webster, and Wolcott of Gilpin.—7.

A constitutional majority having voted against the passage of the bill.

The bill was not passed.

On motion of Senator Wolcott of Clear Creek, the Senate took a recess until 7:30 o'clock P. M.

EVENING SESSION.

Senate met at 7:30 o'clock P. M.

President *pro tem.* in the chair.

H. B. No. 141, a bill for an act to suppress intemperance, was read a third time and amended.

The question being upon the final passage of the bill as amended.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Butters, DeFrance, Ellsworth, Gardner, Hall of Park, Helm, Hill, Johnson, Maxwell, Neikirk, Parrish, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—16.

Gentlemen voting in the negative were:

Senators Baca, and Chacon.—2.

A majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 137 was taken up for third reading.

Senator Wolcott of Gilpin moved that the bill be laid upon the table.

Motion prevailed.

H. B. No. 125, a bill for an act relating to the exemption of volunteer firemen as jurors and from paying poll tax, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Chacon, Ellsworth, Gardner, Hall of Lake, Hall of Park, Helm, John, Johnson, Maxwell, Neikirk, Parrish, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—17.

Gentlemen voting in the negative were, none.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

Report from the committee on agriculture:

Mr. President:

Your committee on agriculture, to whom was referred H. B. No. 118, beg leave to report the same back, with the following amendments:

Strike out the title, and insert the following:

An act to amend an act concerning fences and enclosures, approved March 22, 1877.

Prefix to section 1, the following:

Section 1 of said act is amended to read as follows:

Strike out section 3.

And recommend that the amendments be agreed to.

Respectfully,

GARDNER,

Chairman.

Amendments agreed to, and the report received and adopted.

And H. B. No. 118, a bill for an act declaring what shall be a lawful fence, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Butters, Chacon, DeFrance, Gardner, Haynes, Helm, John, Maxwell, Neikirk, Peck, Rhodes, Rogers, Trujillo, Webster, and Wolcott of Clear Creek. —16.

Gentlemen voting in the negative were, none.

So the bill passed, and the title was agreed to.

On motion of Senator Rogers, the Senate went into executive session.

Having completed the business before them, the executive session dissolved.

When the following communication was read:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to submit to the Senate, for confirmation, the following appointments:

State militia, first division:

For major-general, David Hook of Arapahoe.

For brigadier-generals, William A. Hamill of Clear Creek, Charles A. White of Weld.

State militia, second division:

For major-general, Joseph C. Wilson of Lake.

For brigadier-generals, Daniel L. Sheets of La Plata, Fred Walsen of Huerfano.

For adjutant-general, Frank Hall of Arapahoe.

For inspector-general, E. B. Sopris of Las Animas.

For aids, A. H. Jones of Arapahoe, Phil Trounstine of Arapahoe.

For military secretary, M. B. Carpenter of Arapahoe.

For trustees school of mines, James Monyham of Park, Frederick Steinhauer of Arapahoe, J. R. Eads of Jefferson vice W. A. H. Loveland resigned.

For officers of the penitentiary:

Warden, Mark N. Megrue of Fremont.

Commissioners, O. H. P. Baxter of Pueblo, David H. Nichols of Boulder, Willard B. Felton of Saguache.

For members of the State board of health, Dr. H. K. Palmer of Las Animas, in place of Dr. A. V. Small of Las Animas, resigned; Dr. John Russell of Ouray, in place of Dr. T. N. Metcalf of Rio Grande, resigned.

For members of the State board of agriculture, Samuel W. Horner of Rio Grande, Ozro Brockett of Douglass.

For fish commissioner, William E. Sisty of Clear Creek.

For trustees mute and blind institute, Dr. R. G. Buckingham of Arapahoe, Matt France of El Paso, George H. Stewart of El Paso.

Very respectfully, etc.,

FREDERICK W. PITKIN,

Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8th, 1879.

HON. HORACE A. W. TABOR,

President of the Senate:

SIR: Since submitting to the Senate the nominations for commissioners of the penitentiary, a bill has become a law classifying the commissioners, and requiring the Governor to designate the terms for which they are respectively appointed.

I have the honor, under the new law, to submit the following nominations for commissioners in place of those transmitted earlier in the day:

O. H. P. Baxter of Pueblo, for the term of two years.

Willard B. Felton of Saguache, for the term of four years.

David H. Nichols of Boulder, for the term of six years.

Very respectfully,

FREDERICK W. PITKIN,

Governor.

Senator Butters moved that the appointments of His Excellency the Governor be confirmed.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, DeFrance, Ellsworth,

Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—23.

Gentlemen voting in the negative were, none.

A majority having voted in the affirmative.

The motion prevailed.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that Messrs. Todd, and Voorhies have been appointed as conference committee on the part of the House on S. B. No. 68, requiring the secretary of State to collect the laws of the territory.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

Also, that the House has refused to concur in Senate amendments to H. B. No. 118, and asks that a conference committee be appointed on said bill, which relates to lawful fences, and which is hereby transmitted.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

S. B. No. 84, having been returned from the House with amendments, was taken up, and Senator Rhodes moved that the Senate do not concur in the amendments, and asked for a committee of conference.

Motion prevailed.

The president appointed as such committee, Senators Rhodes, and Parrish.

Senator Gardner moved a conference committee on H. B. No. 118.

Motion carried.

The president appointed as such committee, Senators Gardner, and Neikirk.

A communication from the Honorable Nathaniel P. Hill, extending an invitation to the members and officers of the

Senate, to visit the smelting works at Argo on Monday, was read and on motion of Senator Rhodes, the invitation was accepted with thanks.

The reports of the committee on printing contracts having been made the special order for 9 o'clock this P. M., and that hour having arrived, Senator Helm moved that the special order be taken up.

Motion prevailed.

Senator DeFrance submitted the following minority report:

Mr. President:

The undersigned, members of the joint committee appointed to investigate the question as to whether the public printing contract was awarded according to law, by the late secretary of State, the Hon. Wm. M. Clark, regret that they are unable to concur with the majority of the committee in their report, and respectfully report their findings and conclusions as follows:

That while they are of the opinion that the printing contract, as awarded by said secretary, will cost the State less if its provisions are properly carried out, than though the contract had been awarded to the lowest bidder, yet they cannot agree with the majority of the committee in their conclusions of law and fact in several particulars;—among which is the one that the secretary of State may allow a party to explain his bid after bids have been opened, which was done in this case.

They further find that the said secretary did not comply with the law in his advertisements for bids, in one particular at least, to-wit: That the size of the paper was not required to be given by the bidders; and this the law requires.

They further find that after the bids were opened, the bidder to whom the contract was finally awarded was allowed to explain his bid, in one particular at least, to-wit: In the item of folding and stitching, from three cents per section of eight pages as advertised for, to that of three cents per section of eight pages per quire, which makes a vast difference as to the amount.

They further find that the contract, as they understood the evidence, was not awarded to the lowest bidder, as to the first and second class of printing as per bids made.

They further find that after having specified lithographing as one of the items to be included in the bids, he, after opening said bids, rejected that item.

They further believe from the evidence that the said secretary did not make any correct estimate of the amount of public printing to be done under such contract before letting the same, without which no one could correctly determine the lowest bidder.

All of which is respectfully submitted.

A. H. DEFRANCE,
Of the Senate.
J. H. P. VOORHIES,
Of the House.

Senator Butters moved that the majority report of the special committee on printing contracts be adopted.

The yeas and nays being had, resulted as follows:

Gentlemen voting in the affirmative were:

Senators Butters, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Haynes, Johnson, Maxwell, Neikirk, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—13.

Gentlemen voting in the negative were:

Senators Barela, Chacon, DeFrance, John, Parrish, Rhodes, Rogers, and Trujillo.--8.

Gentlemen absent and not voting were:

Senators Church, Gardner, Helm, Hill, and Peck.—5.

A majority having voted in the affirmative.

The motion prevailed.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has appointed Messrs. Luther, and Voorhies a committee of conference on the part of the House on S. B. No. 84, providing a salary for the reporter of decisions of the supreme court.

And that the House has adopted the report of the conference committee on S. B. No. 68, requiring the secretary of State to collect the laws of the territory now in force, which is herewith returned.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The committee of conference on S. B. No. 84 reported as follows:

Mr. President:

Your committee of conference, to take into consideration S. B. No. 84, would report that they have agreed that the words "five hundred dollars," in the 5th line of said bill as amended, shall read "$750."

L. R. RHODES,
THOS. C. PARRISH,

Committee on part of the Senate.

Senator Rhodes moved the adoption of the report.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Haynes, Helm, John, Maxwell, Neikirk, Parrish, Rhodes, Trujillo, and Wolcott of Gilpin. —17.

Gentlemen voting in the negative were:

Senators Hall of Lake, and Rogers.—2.

A majority having voted in the affirmative.

The motion prevailed.

The committee on enrollment reported as follows:

Mr. President:

Your committee on enrollment, to whom was referred S. B. Nos. 102, 83, 56, 77, 144, 29, 69, 94, 80, 63, 135, 35, 31, 82 and 38, have had the same under consideration, and instruct me to report the same back to the Senate, correctly enrolled.

Respectfully,

F. C. PECK,

Chairman.

The consideration of S. B. No. 22 having been made the special order for 10 o'clock this P. M., and that hour having arrived, Senator Neikirk moved that S. B. No. 22 be taken up.

Motion prevailed.

Senator Neikirk moved that the bill be read a second time.

Motion prevailed.

Senator Haynes moved that the bill be amended as proposed by the committee of conference.

Motion prevailed.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed S. J. M. No. 1, to establish a military post in southeastern Colorado.

S. B. No. 105, concerning limitations in actions, which are herewith returned.

Also that the House has adopted the report of the conference committee on S. B. No. 84, providing a salary for reporter of decisions of the supreme court.

And that the House has passed S. B. No. 104, to amend section 74 of the general laws, which are herewith returned.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

Senator Rhodes moved that the amendments be referred to the printing committee.

Senator Butters moved to amend by considering the amendments engrossed, and the bill and amendments be placed on file for third reading.

Senator Rhodes moved a call of the House, which was had.

Senators Church, Gardner, Helm, and Hill being absent.

The sergeant-at-arms was dispatched after the absentees, and returned with them.

On motion of Senator Webster, they were excused for their absence.

Senator Neikirk moved to dispense with the call.

Motion prevailed.

On motion of Senator Neikirk, the Senate went into committee of the whole, with Senator Neikirk in the chair.

The committee rose and reported as follows:

Mr. President:

Your committee have had under consideration H. B. No. 22, and instruct me to report the same back with the recommendation that the amendments be considered engrossed, and the bill as amended placed on file for third reading and final passage.

Respectfully,

HENRY NEIKIRK,
Chairman.

Senator Neikirk moved to receive and adopt the report.

The yeas and nays being had, resulted as follows:

Those voting in the affirmative were:

Senators Butters, Church, Gardner, Hall of Lake, Hall of Park, Haynes, Helm, Johnson, Maxwell, Neikirk, Peck, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin. —14.

Voting in the negative:

Senators Baca, Barela, Chacon, DeFrance, Gaussoin, Hill, John, Rhodes, Rogers, and Trujillo.—10.

A majority having voted in the affirmative.

The report of the committee was adopted.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has adopted the report of the conference committee on S. B. No. 56, providing a system of procedure in civil courts.

Respectfully,

W. B. FELTON,
Chief Clerk of the House.

Senator Parrish moved to recur to the 8th order of business.

Motion prevailed.

S. B. No. 100 having been returned from the House with amendments, was taken up.

Senator Parrish moved to concur in the amendments as proposed by the House.

The question being upon concurring in the amendments.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—23.

Gentlemen voting in the negative were:

Senators Rhodes, and Rogers.—2.

A majority having voted in the affirmative.

The motion prevailed.

Report from committee on enrollment:

Mr. President:

Your committee on enrollment, to whom was referred S. B. Nos. 1 and 105, beg leave to report the same back to the Senate, correctly enrolled.

Respectfully,

F. C. PECK,

Chairman.

The committee further reported as follows:

Mr. President:

Your committee on enrollment, to whom was referred S. B. Nos. 74, 84 and 104, beg leave to report the same back to the Senate, correctly enrolled.

Report from joint committee on enrollment:

Mr. President:

The joint committee on enrollment have compared S. B. Nos. 144, 77, 83, 69, 94, 29 and 56, H. B. Nos. 125, 45 and 102, S. B. Nos. 102, 63, 135, 35, 31, 82 and 80, H. B. Nos. 109, 175, 88, 174, 168 and 84, S. B. Nos. 107, 67, 15, 38 and 50, H. B. Nos. 144, 119, 135, 130, 203 and 131, S. B. Nos. 43 and 30, H. B. Nos. 127, 123, 140 and 14,

H. J. R. Nos. 5 and 7, H. J. M. No. 9, H. B. Nos. 33, 78, 191, 105, 38 and 115, and S. B. No. 86 with the engrossed copy, find the same correctly enrolled, and report it to the Senate, signed by the speaker of the House.

Respectfully,

F. CHURCH,

Chairman on part of Senate.

All of the bills as reported by the joint committee on enrollment were publicly read by their titles and signed by the president.

The following communication was received from His Excellency the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8th, 1879.

HON. H. A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 57, entitled, an act to establish the county of Carbonate, etc., and have filed the same with the secretary of State.

Very respectfully,

FREDERICK W. PITKIN,
Governor.

S. B. No. 73 having been reported back from the House, with amendments, was taken up for consideration.

Senator Helm moved that the amendments of the House be concurred in.

Senator Rhodes moved to non-concur, and asked the appointment of a committee of conference.

Senator Wolcott of Clear Creek moved to lay the matter on the table.

The question being upon the motion to lay the motion of Senator Rhodes on the table.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Park, Haynes, Helm,

John, Johnson, Maxwell, Neikirk, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—20.

Gentlemen voting in the negative were:

Senators Helm, and Hill.

A majority having voted in the affirmative.

The motion prevailed.

Reports from joint committee on enrollment:

Mr. President:

The joint committee on enrollment presented H. B. No. 102, S. B. Nos. 102, 63, 135, 35, 31, 82 and 80 to His Excellency the Governor, for his approval, at 10:30 o'clock P. M.

Respectfully,

F. CHURCH,

Chairman on part of the Senate.

The committee further reported as follows:

Mr. President:

The joint committee on enrollment presented H. B. Nos. 127, 123, 140 and 14, H. J. M. No. 9, H. B. Nos. 33, 78, 191, 105, 38 and 115, S. B. No. 86, H. B. Nos. 135, 130, 203 and 131, S. B. Nos. 43, 30, 107, 67, 15, 38 and 50, and H. B. Nos. 144 and 119 to His Excellency the Governor, for his approval, at 10 o'clock P. M.

Respectfully,

F. CHURCH.

Chairman on part of the Senate.

The committee further reported as follows:

Mr. President:

The joint committee on enrollment presented H. B. Nos. 109, 175, 88, 174, 168 and 84 to His Excellency the Governor, for his approval, at 11:30 o'clock P. M.

Respectfully,

F. CHURCH,

Chairman on part of the Senate.

The committee further reported as follows:

Report from joint committee on enrollment:

To the President of the Senate:

The joint committee on enrollment presented S. B. Nos. 144, 77, 83, 69, 94, 29 and 56, and H. B. Nos. 125 and 45 to His Excellency the Governor, at 12 o'clock P. M.

Respectfully,

F. CHURCH,

Chairman on part of the Senate of the Joint Committee on Enrollment.

On motion of Senator Webster, the Senate adjourned until to-morrow, the 9th instant, at 12 o'clock and 40 minutes.

FORTIETH DAY.

SUNDAY, FEBRUARY 9th, 1879.

Senate met at 12 o'clock and 40 minutes A. M.

President *pro tem.* in the chair.

Roll called.

Present:

Senators Baca, Butters, Chacon, Church, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.

On motion of Senator Rogers, the 2d order of business was dispensed with.

Senator Wolcott of Gilpin moved that the reading of the journal be dispensed with.

Motion prevailed.

Senator Webster moved to pass to the order of third reading of bills, or the 12th order of business.

The question being upon passing to the 12th order of business.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Ellsworth, Gardner, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—21.

Gentlemen voting in the negative were:

Senators DeFrance, John, and Rhodes.—3.

A majority having voted in the affirmative.

The motion prevailed.

Report from the special committee on H. B. No. 129:

Mr. President:

Your special committee appointed to consider H. B. No. 129, beg leave to report the same back to the Senate with amendments, and recommend that the amendments be adopted, and the bill be placed on file for third reading and final passage.

Respectfully,

J. B. HALL,
Chairman.

Report received and adopted.

H. B. No. 129, a bill for an act relating to district laws, locations and representations of placer mining claims, was read a third time as amended.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Gardner, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Maxwell, Neikirk, Parrish, Peck, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—18.

Gentlemen voting in the negative were:

Senators Gaussoin, Rogers, and Trujillo.—3.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

Report from committee of conference on H. B. No. 118:

Mr. President:

Your committee of conference on H. B. No. 118 beg leave to report that the House concurs in amendments Nos. 1, 2 and 4, and that the Senate recede from its amendment No. 3.

Respectfully,

J. L. BRUSH,
R. A. SOUTHWORTH,
J. F. GARDNER,
HENRY NEIKIRK.

Senator Neikirk moved that the report of the committee be received and adopted, and that the Senate do recede from its amendment No. 3.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, Gardner, Hall of Lake, Hall of Park, Haynes, Johnson, Maxwell, Neikirk, Parrish, Peck, Rogers, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—18.

Gentlemen voting in the negative were:

Senators DeFrance, Gaussoin, and John.—3.

A majority having voted in the affirmative.

The motion prevailed.

Report from committee on enrollment:

Mr. President:

Your committee on enrollment, to whom was referred S. B. Nos. 73, 100 and 68, beg leave to report the same back to the Senate, correctly enrolled.

Respectfully,

F. C. PECK,
Chairman.

Report from committee of conference on S. B. No. 68:

Mr. President:

Your conference committee on S. B. No. 68, make the following report:

That the House recede from its amendment to the bill and agree to the Senate bill.

CASIMIRO BARELA,
ALFRED BUTTERS,
Conference on the part of the Senate.

WM. D. TODD,
J. H. P. VOORHIES,
Conference on the part of the House.

Senator Barela moved that the report be received and adopted and the amendments agreed to.

Motion prevailed.

H. B. No. 22, a bill for an act entitled, an act concerning irrigation, was read a third time as amended.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Butters, Church, Ellsworth, Gardner, Hall of Lake, Hall of Park, Haynes, Helm, Johnson, Maxwell, Neikirk, Parrish, Peck, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—16.

Gentlemen voting in the negative were:

Senators Baca, Barela, Chacon, DeFrance, Gaussoin, John, Rhodes, Rogers, and Trujillo.—9.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

The question being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Gardner, Hall of Lake, Hall of Park, Haynes, Helm, Maxwell, Neikirk, Rhodes, Wolcott of Clear Creek, and Wolcott of Gilpin.—10.

Gentlemen voting in the negative:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gaussoin, Helm, John, Johnson, Parrish, Peck, Rogers, Trujillo, and Webster.—15.

A majority having voted in the negative.

The emergency clause was not passed.

Report from joint committee on enrollment:

To the President of the Senate:

The joint committee on enrollment have compared S. B. Nos. 68 and 73 with the engrossed copy, find the same correctly enrolled, and report it to the Senate signed by the speaker of the House.

Respectfully,

F. CHURCH.

Chairman on part of the Senate
of the Joint Committee on Enrollment.

Report from joint committee on enrollment:

To the President of the Senate:

The joint committee on enrollment presented S. B. Nos. 68 and 73 to His Excellency the Governor, for his approval, at 2:45 o'clock A. M.

Respectfully,

F. CHURCH,

Chairman on part of the Senate
of the Joint Committee on Enrollment.

Report from joint committee on enrollment:

To the President of the Senate:

The joint committee on enrollment have compared S. B. No. 100, H. B. Nos. 177, 110, 124 and 145, and H. J. R. No. 6 with the engrossed copy, find the same correctly enrolled, and report it to the Senate, signed by the speaker of the House.

Respectfully,

F. CHURCH,

Chairman on part of the Senate
of the Joint Committee on Enrollment.

Report from joint committee on enrollment:

To the President of the Senate:

The joint committee on enrollment presented S. B. No. 100, H. B. Nos. 177, 110, 124 and 145, and H. J. R.

No. 6 to His Excellency the Governor, for his approval, at 2:30 o'clock A. M.

Respectfully,

F. CHURCH,

Chairman on part of the Senate
of the Joint Committee on Enrollment.

Report from joint committee on enrollment:

To the President of the Senate:

The joint committee on enrollment have compared S. B. Nos. 74, 104, 84 and 105, and S. M. No. 1 with the engrossed copy, find the same correctly enrolled and report it to the Senate, signed by the speaker of the House.

Respectfully,

F. CHURCH,

Chairman on part of the Senate
of the Joint Committee on Enrollment.

Report from joint committee on enrollment:

To the President of the Senate:

The joint committee on enrollment presented S. B. Nos. 74, 104, 84 and 105 to His Excellency the Governor, for his approval, at 1:15 o'clock A. M.

Respectfully,

F. CHURCH,

Chairman on part of the Senate
of the Joint Committee on Enrollment.

Senator Parrish offered the following resolution, which was unanimously adopted:

WHEREAS, In order to transact the business accumulated before, the session of Saturday, February 8th, was prolonged to midnight, and it being impossible to secure needed refreshments, and

WHEREAS, Senator H. R. Wolcott, with thoughful care, provided a most bountiful repast, and caused it to be served in the ante rooms of the Senate chamber;

Resolved, That the members of the Senate tender their hearty thanks for this manifestation of his thoughtfulness, and assure him that it is fully appreciated.

The following communication from the Honorable H. A. W. Tabor was presented by the president *pro tem.:*

The Senate have my thanks for their kindness while presiding over them. I feel proud of having presided over so able a body of men, and would have remained until the close, but am not able.

Your obedient servant,

H. A. W. TABOR.

H. B. No. 195, a bill for an act to amend section 90 of 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 revise and amend the same, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Baca, Barela, Butters, Chacon, DeFrance, Ellsworth, Gardner, Gaussoin, Hall of Lake, Haynes, Helm, Hill, Johnson, Maxwell, Neikirk, Peck, Trujillo, Webster, Wolcott of Clear Creek, and Wolcott of Gilpin.—20.

Gentlemen voting in the negative were:

Senators Rhodes, and Rogers.—2.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

The following communications were received from His Excellency the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 15, entitled, an act relating to official bonds, etc., and have filed the same with the secretary of State.

Very respectfully,

FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 86, entitled, an act to amend section 128 of the election law, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 50, entitled, an act concerning the organization and enrollment of the militia of the State, etc., and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8th, 1879.

HON. HORACE A. W. TABOR,
President of the Senate:

SIR: I have the honor to inform you that I have this day signed S. B. No. 107, entitled, an act to amend section 40 of chapter 19 of the general laws, etc., and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

H. C. R. No. 18, relative to allowing mileage to the officers of the General Assembly, was taken up.

Senator Wolcott of Clear Creek moved to suspend the rules and adopt the resolution.

The chair decided the motion out of order.

Senator Wolcott of Clear Creek appealed from the decision of the chair.

The question being, shall the decision of the chair be the decision of the Senate.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Senators Butters, Gardner, Hall of Lake, Hall of Park, Haynes, Johnson, Maxwell, Neikirk, Rogers, Webster, and Wolcott of Gilpin.—11.

Gentlemen voting in the negative were:

Senators Baca, Barela, Chacon, DeFrance, Gaussoin, Parrish, Peck, Rhodes, Rogers, Trujillo, and Wolcott of Clear Creek.—11.

So the chair was sustained.

The following resolution was offered by Senator DeFrance, and unanimously adopted.

Resolved, That the thanks of this Senate be and the same are hereby tendered to the Hon. H. A. W. Tabor, Lieutenant-Governor of this State, for the able, faithful and impartial manner in which he has presided over the deliberations of this body.

Report from joint committee on enrollment:

To the President of the Senate:

The joint committee on enrollment have compared H. B. Nos. 141, 156, 116 and 39 with the engrossed copy, find the same correctly enrolled, and report it to the Senate signed by the speaker of the House.

Respectfully,

F. CHURCH,

Chairman on part of the Senate
of the Joint Committee on Enrollment.

Report from joint committee on enrollment:

To the President of the Senate:

The joint committee on enrollment presented H. B. Nos.

141, 156, 116 and 39 to His Excellency the Governor, for his approval, at 2 o'clock A. M.

Respectfully,

F. CHURCH,

Chairman on part of the Senate
of the Joint Committee on Enrollment.

The following resolution, introduced by Senator Rogers, was unanimously adopted:

Resolved, That although Bro. Rhodes has on some occasions been "too late" in addressing the president, yet he and his democratic associates are earnestly assured that he and they are no laggards in the affections of the republicans of this Senate.

The following resolution was introduced by Senator J. W. Hill:

Resolved, That the thanks of this Senate are due and are hereby tendered to the Hon. J. P. Maxwell, president *pro tem.*, for the impartial manner in which he has performed the arduous duties of presiding over this body, and the thanks of this body are also hereby tendered to all the officers of the Senate for their prompt and efficient services.

J. W. HILL.

Unanimously adopted.

Senator Butters suggested that it was necessary at the close of the session to elect a president *pro tem.* in order to conform to the rules and usages of the Senate, and placed in nomination for that position the Hon. James P. Maxwell.

The Senate made no other nomination, and the Hon. James P. Maxwell was unanimously elected president *pro tem.*

On motion of Senator DeFrance, the journals of the 7th, 8th and 9th were considered read.

H. C. R. No. 19 was taken up.

Senator Wolcott of Gilpin moved that it be laid on the table.

Motion prevailed.

The following resolution was offered by Senator Butters, which was unanimously adopted:

S. C. R. No. 19:

Resolved by the Senate, the House concurring, That the secretary of State be instructed to publish five hundred copies of the journal of each house of the present General Assembly.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has passed S. B. No. 74, a bill for an act in relation to habeas corpus.

Substitute for S. B. No. 77, authorizing counties to cancel certain uncollectable taxes.

S. B. No. 144, authorizing county commissioners to transfer certain funds to the general fund.

And has passed with the emergency clause S. B. No. 69, a bill for an act concerning masonic bodies, all of which are herewith returned.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

The following resolution was offered by Senator Webster, and unanimously adopted:

Resolved by the Senate, the House concurring, That there be a joint committee appointed, consisting of two members of the Senate and three members of the House, to take into consideration and report the hour at which the General Assembly will adjourn *sine die*.

The president appointed as such committee, Senators DeFrance, and Webster.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has amended and passed S. C. R. No. 19, relative to printing the journals of the two Houses.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

S. C. R. No. 19:

Resolved by the Senate, the House concurring, That the secretary of State be instructed to publish five hundred copies of the journals of each House of the present General Assembly.

Reported back by the House with the following amendments:

Strike out "five hundred" in line 3 of engrossed copy and insert "two hundred and fifty," and add to the resolution the following:

The journals of the two Houses be bound together in one volume.

On motion of Senator Webster, the amendments were concurred in.

The following message was received from the House:

Mr. President:

I am instructed to inform you Honorable Body that the House has adopted H. C. R. No. —, relative to the hour for final adjournment of the 2d General Assembly, which is herewith transmitted.

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

H. C. R. No. 20:

Resolved by the House of Representatives, the Senate concurring therein, That the 2d General Assembly adjourn at 6 o'clock A. M., February 9th, 1879.

The following resolution was offered by Senator Peck, which was unanimously adopted:

Resolved, That the thanks of the Senate are due and are hereby tendered to the Hon. Albert Johnson for his able and efficient services during the present session as chairman of the committees on printing and engrossment.

The following message was received from the House:

Mr. President:

I am instructed to inform your Honorable Body that the House has appointed Messrs. Todd, W. J. Mann, and Brush on a committee on the part of the House, to act with a like committee on the part of the Senate, to wait on the

Governor to ascertain if he has any further communications to make to the General Assembly before it adjourns *sine die*.

Respectfully,

W. B. FELTON,
Chief Clerk of the House.

Senator Butters moved a like committee on the part of the Senate.

Motion prevailed.

The president appointed as such committee, Senators Butters, Hall of Park, and Rhodes.

Senator Webster, from joint committee appointed to report upon an hour for final adjournment, reported as follows:

Mr. President:

Your committee appointed to report upon an hour for final adjournment of this second session of the General Assembly, respectfully report that they have agreed upon the hour of 6 o'clock A. M., this 9th day of February, A. D. 1879, for final adjournment.

Senator Wolcott of Clear Creek moved that the report be received and the committee discharged.

Senator Rogers offered the following resolution, which was unanimously adopted:

Resolved, That the thanks of the Senate are due and are hereby tendered to Honorable Frank Church, for his able and efficient services as chairman on the joint committee on enrollment.

Report from committee appointed to wait upon the Governor:

Mr. President:

Your committee appointed to wait with a like committee upon the Governor to receive any communication he might desire to make, beg leave to report that they have performed that duty, and received a message which is herewith transmitted.

Respectfully,

A. BUTTERS,
L. R. RHODES.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8th, 1879.

HON. HORACE A. W. TABOR,

President of the Senate:

SIR: I have the honor to announce that I have no further communications to make to your Honorable Body.

I also take pleasure in bearing testimony to the very faithful manner in which your duties as legislators have been discharged.

In my opinion no General Assembly has ever been more diligent, faithful or conscientious in the service of its constituents, and I am sure the people of the State will join with me in congratulating you upon the successful termination of your session.

Thanking you for your uniform courtesy and kindness to myself, and wishing you all a safe return to your homes, I remain, very respectfully,

Your obedient servant,
FREDERICK W. PITKIN,
Governor.

Report from joint committee on enrollment:

To the President of the Senate:

The joint committee on enrollment presented H. B. Nos. 118, 129 and 22 to His Excellency the Governor, for his approval, at 5:30 o'clock A. M.

Respectfully,
F. CHURCH,
Chairman on part of the Senate
of the Joint Committee on Enrollment.

Report from joint committee on enrollment:

To the President of the Senate:

The joint committee on enrollment have compared H. B. Nos. 118, 129 and 22 with the engrossed copy, find the

same correctly enrolled, and report it to the Senate signed by the speaker of the House.

Respectfully,

F. CHURCH,

Chairman on part of the Senate
of the Joint Committee on Enrollment.

On motion of Senator Butters, the journals of the 8th and 9th were considered read and approved.

Senator Butters moved that the Senate do now adjourn *sine die.*

Motion prevailed.

Approved,

H. A. W. TABOR,

President of the Senate.

Attest:

W. W. ORRICK,

Secretary of the Senate.

W. J. KRAM,

Assistant Secretary.

Index to Senate Journal.

A

ABATEMENT—
an act concurring in ex-actions, 15, 38, 43, 45, 51, 63, 156, 156, 159, 185, 186, 204, 205.

ABSENCE—
Baca, Juan Antonio, 12, 14, 113, 118, 125, 133, 140, 147, 154, 161, 169.
Barela, Casimiro, 75.
Butters, Alfred, 14, 15, 113, 118, 125, 154.
Chacon, Juan F.
DeFrance, Allison H., 14, 15, 44, 125, 140; 147.
Ellsworth, Lewis C., 113, 118, 125, 197, 306.
Gardner, James F., 12, 14, 52.
Gaussion, Eugene.
Hall, Assyria, 169.
Hall, Jason B., 14, 161.
Haynes, Silas B. A., 75, 140, 254, 167.
Helm, Joseph C., 14, 75, 154.
Hill, Isaac W., 14, 154.
John, James M., 14, 118.
Johnson, Albert, 14, 75, 113, 118, 125, 133, 140, 147.
Maxwell, James P., 147.
Neikirk, Henry, 14, 44, 140, 154, 161.
Parrish, Thomas C., 125.
Peck, Fred C.
Rhodes, Ledrue N., 52, 59, 65, 118, 188.
Rogers, Merrick A., 125, 161.
Trujillo, Clemente, 169.
Webster, William W., 44, 52, 59.
Wolcott, Edward O., 15, 133, 154.
Wolcott, Henry R., 65, 154.

ACKNOWLEDGMENTS—
act in relation to, 149, 170, 170, 220, 253, 261, 263, 414, 436, 440, 442, 442.

AGRICULTURE—
act to amend chapter 7 of general laws, entitled, 71.
agriculture, State board of, (see State board of agriculture).

AGRICULTURAL COLLEGE—
act to amend chapter 3 of general laws entitled, 204, 214, 223, 233, 256, 267, 288.
act to enable State board of agriculture to open, 324, 327, 345, 350, 351, 362, 377, 388, 436, 437.

APPEALS—
act to provide for, in certain cases, 353, 380, 389.

APOTHECARIES—
act to license, 137, 142, 163, 164, 227, 290, 294.

APPROPRIATIONS—
for expenses district judges and district attorneys, 47, 58, 62, 62, 132, 149, 414, 417, 435, 437, 444.
for witnesses in Boyd-DeFrance election contest, 112, 113, 114, 114, 120, 120, 404, 432, 435, 437.
for clerical expense in office secretary of State, 171, 181, 202, 346, 346, 355, 365.
for David P. Wilson, 171, 181, 209, 209, 231.
for purchase of Colorado reports, 190, 199, 260, 261.
for outstanding certificates of indebtedness, 266, 272, 291, 351, 351, 358, 415, 416, 435, 437.
for re-imbursement of counties for support insane paupers, 336, 346, 375, 400, 416, 442, 442.
for re-imbursement of counties for support insane paupers, 324, 327, 345, 401.
for State board of health, 267, 272, 291, 351, 369, 418.
for penitentiary, 324, 327, 345, 364, 373, 388.
for fugitives from justice, 296, 312, 345, 359, 372, 388, 436, 437.
for expenses executive, legislative and judicial departments, 324, 327, 345, 400, 416, 446, 447.
for insane asylum, 314, 327, 345, 400, 415, 420, 435, 437.
for expense of locating, etc., State lands, 296, 312, 345, 368, 418.

ARBITRATIONS AND AWARDS—
act concerning, 189, 199, 260, 261.

ASSESSMENTS—
act to promote uniformity in, 189, 199, 230, 230, 401.

ASSESSORS, COUNTY—
act authorizing, to collect statistical information and make return thereof, 164, 172, 196, 196, 301, 301, 302.

ASSIGNMENTS—
act to provide for, of creditors, 347, 364, 380, 389, 415.

ASSISTANT SECRETARY—
election of, 7.

ASSISTANT ENGROSSING CLERK—
election of, 8.

ASSISTANT ENROLLING CLERK—
election of, 8.

ASSISTANT FIREMAN—

ASSISTANT SERGEANT-AT-ARMS—
election of, 7.

ATTACHMENTS—
act relating to, issued by justices of the peace, 42, 47, 58, 117, 131, 163, 231, 242, 262, 283, 418, 422.
act exempting monthly wages from, in certain cases, 190, 199, 255.
act concerning, 190, 199.

ATTORNEYS AT LAW—
act to repeal section 3 of chapter 5 of general laws, entitled, 349, 380, 389.

ATTORNEY GENERAL—
act to prescribe certain duties of, 297, 312, 345, 389.

B

BACA, JUAN ANTONIO—
credentials of, 6.
oath of, 7.

BARELA, CASIMIRO—
credentials of, 6.
motions by, 8, 67, 70, 229, 441.
bills introduced by, 47, 87, 156, 158, 164.
resolutions by, 45.
nominations by, 107.
petition presented by, 213.

BASTARDY—
act in relation to, 172, 181, 224, 224, 231, 249, 250, 414, 432, 435, 437.

BOARD OF AGRICULTURE—
(See State Board of Agriculture).

BOARD OF HEALTH—
(See State Board of Health).

BOARD OF IMMIGRATION—
act to establish and define duties of, 110, 117, 138, 138, 175, 194, 343.

BONDS—
act relating to official, 47, 58, 62, 62, 132, 149, 414, 417, 435, 437, 444.
act to enable school districts to refund, 51, 65, 66, 79, 80, 110, 138, 138, 163, 168, 169, 175.

BOOKS OF RECORD—
act to promote uniformity in, etc., 61, 66, 66, 76, 77, 115, 134, 139, 140.

BUTTERS, ALFRED—
Senate called to order by, 2.
appointment of on committee on credentials, 5.
credentials of, 6.
nominations by, 7.

BUTTERS, ALFRED—Continued.
motions by, 7, 9, 9, 14, 38, 45, 48, 64, 70, 73, 74, 75, 81, 110, 111, 129, 130, 134, 140, 142, 145, 151, 155, 164, 168, 174, 183, 202, 203, 210, 212, 221, 222, 227, 232, 233, 272, 274, 279, 289, 290, 291, 302, 306, 308, 309, 309, 310, 313, 322, 327, 330, 331, 344, 346, 352, 352, 355, 359, 361, 364, 366, 380, 384, 385, 385, 396, 400, 400, 401, 407, 413, 428, 431, 433, 450, 452, 452.
resolutions by, 10, 52, 57, 67, 447.
bills introduced by, 57, 158, 176, 190.
communications presented by, 128, 129.

C

CARBONATE COUNTY—
act to establish, 127, 136, 147, 147, 170, 179, 179, 194, 197, 198, 201, 203, 204, 206, 206, 208, 208, 209, 275, 294, 307, 307, 323, 436.
act to change name of, 180, 192, 211, 221, 227, 244, 323, 332, 346, 346, 355.

CARVER, AARON—
election of Assistant Seargeant-at-Arms, 7.

CERTIFICATES OF INDEBTEDNESS—
act making appropriation to pay, 266, 272, 291, 351, 351, 358, 415, 416, 435, 437.

CERTIORARI—
act in relation to issuing writs of, 157, 165, 188, 231, 256, 265.

CHACON, JUAN F.—
credentials of, 6.
motion by.
bills introduced by, 181.

CHANCERY—
act concerning practice in, 42, 45, 47, 70, 156, 156, 159, 185, 186, 204, 205, 207.
act concerning masters in, 42, 47, 62, 62, 156, 156, 159, 185, 186, 204, 205, 207.

CHAPLAIN—
election of, 8.

CHATTEL MORTGAGES—
act to amend chapter 12, general laws, entitled, 42, 47, 58, 115, 131, 136, 141, 142, 227.

CHILDREN—
act authorizing superintendent poor to bind out indigent, 162, 165, 172, 227, 245, 254, 288, 288.

CHURCH, FRANK—
elected temporary secretary, 5.
oath of, 6.
motions by, 66, 80, 110, 125, 130, 188, 199, 218, 300, 356.
bills introduced by, 42, 51, 82, 141, 164, 171, 195.

CITIES AND TOWNS—
act to enable, to purchase and maintain ditches, 204, 214, 223, 246, 269, 342, 376, 376, 418.
CLEAR CREEK COUNTY—
act for relief of, 191, 199, 224, 224, 401.
CLERKS—
act to further define duties of, of district and county courts, 42, 47, 65, 66, 156, 156, 159, 185, 186, 204, 205, 207.
act providing for certain entries to be made by county clerks, 348, 381, 387, 404, 435, 437.
CODE OF CIVIL PROCEDURE—
act to amend act entitled, 126, 136, 146, 146, 156, 156, 159, 308, 308, 324, 326, 327, 327, 330, 395, 397, 407, 410, 414, 432, 434, 435, 438.
act to repeal a portion of sections 121 and 127 of, 127, 136, 147, 147, 156, 156, 159.
act to repeal section 169 of, 190, 199, 255, 255.
act to repeal, 191, 199, 224, 224.
act to amend, 195, 199, 224, 224.
report of special joint committee on, 280 to 286.
COLORADO LAND AND MINERAL ASSOCIATION—
act to amend act incorporating, 176, 181, 221, 253, 256, 257, 309, 342.
COMMISSIONER OF MINES--
act to repeal part of section 13 of chapter 15 of general laws, 165, 172, 184, 185, 213, 227, 228.
COMMITTEE ON CREDENTIALS—
appointment of, 5.
report of, 5.
COMMITTEE OF THE WHOLE—
report on S. B. No. 13, 71.
report on S. B. No. 19, 74.
report on S. B. Nos. 22–23, 78.
report on S. B. No. 23, 81.
report on S. B. Nos. 22–27, 81.
report on S. B. No. 19, 108.
S. B. No. 25, referred to, 109.
report on S. B. No. 14, 111.
report on S. B. Nos. 25–31, 117, 118.
report on S. B. No. 14, 122.
report on S. B. Nos. 4–6–24–27, 131.
report on S. B. Nos. 4–22, 136, 137.
report on S. B. Nos. 28–35, 139.
report on S. B. Nos 29–35–42–44–51–52, S. C. R. No. 12, H. B. Nos. 6–25, H. J. M. No. 1, 152, 153.
report on S. B. Nos. 49–71–55–24–1–3–7–8–9–10–11–12–56–58, 155, 156.

COMMITTEE OF THE WHOLE—Continued.
report on S. B. Nos. 1–21, 169.
report on S. B. Nos. 1–3–7–8–9–10–11–12, 185.
report on S. C. R. No. 13, S. B. Nos. 16–53–54–57–65–66, 194, 195.
report on S. B. Nos. 22–24–62–63–66–67–68–70–77–97, 219.
report on S. B. Nos. 26–40–64–88–106, H. B. Nos. 9–10–30–64, H. J. R. No. 3, 227, 228.
report on S. B. No. 54, 252.
report on S. B. Nos. 51–54–60–73–84–93–94, 252, 253.
report on S. B. No. 128, 269.
report on S. B. Nos. 83–84–86–66, 279.
report on S. B. Nos. 39–75–87–108–111–140, H. B. No. 75, 301.
report on S. B. No. 56, 327.
report on H. B. Nos. 33–38, S. B. No. 127, 361.
report on H. B. Nos. 144–191, 362.
report on H. B. No. 145, 395.
report on S. B. Nos. 31–47–90–126, H. B. Nos. 24–36–77–87–109–125–129–141–174–175, 415.
report on H. B. No. 22, 424.

COMMUNICATIONS—
from secretary of State, 36.
from Jos. C. Shattuck, 44.
from Geo. O. Scott, 44.
from Matilda Fletcher, 50.
from State board of agriculture, 60.
from Matilda Fletcher, 60.
from W. N. Babcock, 63.
from Joseph A. Sewell, 78.
from Gov. John L. Routt, 82.
from auditor of State, 115.
relative to unadjusted claims for safes furnished State, 128.
relative to unadjusted claims for services in constitutional convention, 129, 135.
relative to unadjusted claims for services in constitutional convention, 129, 135.
from John Evans, 181.
from W. B. Strong, 350.
from N. P. Hill, 439.
from Horace A. W. Tabor, 444.

CONFIDENCE GAMES—
act to define and punish for practicing, 162, 165, 172, 227, 245, 254, 288, 288.

CONSTABLES—
act concerning, 191, 199, 255, 255.

CONSTITUTION, STATE—
act submitting amendment to section 9 of article 14, 67, 70, 109, 109, 133.

CONSTITUTION, STATE—Continued.
act submitting amendment to section 3 of article 10, 77, 81, 109, 110, 256, 258, 265, 265, 404, 417, 435, 437.

CONVEYANCES—
act to amend chapter 18 of general laws, entitled, 81, 108, 124, 125, 155, 307, 323, 324, 355, 364.

CORONERS—
act to further define duties of, 43, 47, 65, 66, 156, 156, 159, 185, 204, 205, 244.

CORPORATIONS—
act concerning, formed for religious, educational and benevolent purposes, 61, 133, 147, 147, 155, 155, 157, 165, 404, 432, 435, 438.
act to repeal section 65 of chapter 19 of general laws, entitled, 77, 81, 109, 110, 162.
act concerning, consolidated under revised statutes, 123, 127, 127, 156, 159.
act to amend chapter 19 of general laws concerning, 135, 142, 155, 155, 162, 219, 223, 224, 380, 381, 392, 418, 423.
act to amend chapter 19 of general laws, entitled, 171, 181, 230, 230, 246, 264, 273.
act to amend section 40 of chapter 19 general laws, entitled, 180, 192, 211, 221, 226, 404, 417, 435, 437, 445.
act to legalize certain, 190.
act in relation to suits against, 191, 199, 271, 271, 288, 294, 295, 299, 301, 301, 329, 341.
act concerning consolidation of mining, 191, 199, 271, 271.
act to amend act providing for formation of, 300, 312, 346, 379, 389, 406, 410.

COUNTIES—
act to enable, to fund floating indebtedness, 123, 138, 138, 175, 177, 192, 193, 194, 247, 247, 252, 253, 271, 275, 278, 361, 376, 392, 418, 448.
act to establish county of Carbonate, 127.
act to relieve, of certain delinquent taxes, 156, 165, 179, 179, 219, 289, 294, 295, 432, 435, 438.
act to change name of Park and Carbonate, 180.
act to amend section 122 of act concerning, 319, 327, 345, 351, 371, 375, 375, 382, 401, 409, 435, 437.
act to reimburse, for support of insane paupers, 336, 346, 375, 400, 416, 442, 442.

COUNTY ASSESSORS—
act authorizing, to collect statistical information, etc., 164, 172, 196, 196, 301, 301, 302.

COUNTY COURTS—
act concerning jurisdiction, powers and practice of, 158, 165, 188, 231, 247, 249.

COUNTY COURTS—Continued.
act concerning jurisdiction of, in cases of injunction, 158, 165, 179, 179, 231, 256, 262, 414, 432, 435, 437.
act concerning jurisdiction of, 164, 172, 188, 231.
act to amend act to repeal all existing laws in relation to, 162, 165, 172, 361, 373, 436, 437.
act in relation to, 336, 346, 349, 350.

COUNTY CLERKS—
act to provide for making of certain entries by, 348, 381, 387, 404, 435, 437.

COUNTY SEATS—
act providing manner of changing, and repeal of certain acts pertaining thereto, 171, 181, 209, 209, 216, 219, 225.

COUNTY TREASURERS—
act authorizing, to transfer certain funds to general fund, 191, 199, 255, 255, 329, 337, 343, 432, 435, 438, 448.

CREDENTIALS—
appointment of committee on, 5.
report of committee on, 5.

CRIMINAL CODE—
act to repeal section 198 of, 162, 165, 172, 227.
act to amend sections 258 and 259 of, 178.

CUSTER COUNTY—
act to amend act creating, 51, 58, 62, 62, 117, 145.

D

DAMAGES—
act to amend section 140 of chapter 25 of general laws entitled, 190, 199, 257, 263, 289, 292, 415.

DEFRANCE, ALLISON H—
credentials of, 6.
motions by, 49, 81, 112, 130, 139, 145, 146, 213, 276, 321, 346, 351, 358, 396, 410, 447.
bills introduced by, 70, 165, 189, 190, 191.
resolution by, 446.
memorials presented by, 58.

DENVER, CITY OF—
act to amend section 17 of act to reduce the law incorporating, etc. 171, 181, 209, 209, 212, 216, 291, 308, 311, 312, 323, 325.
act to amend section 34 of act to reduce the law incorporating, etc., 171, 181, 198, 198, 204, 217, 291, 308, 311, 312, 323, 346.
act to amend section 59 of act to reduce the law incorporating, etc., 171, 181, 198, 198, 204, 217, 291, 300, 323, 324, 355, 365.
act to amend act incorporating, 349, 374, 381, 384, 405, 435, 437.
act to amend act incorporating, 348, 362, 364, 374, 374, 396, 407.

DEPOSITIONS—
act concerning, 189, 199, 160, 161.
DISTRICT ATTORNEYS—
act to authorize the appointment of deputies, 88, 117, 138, 138, 148, 153, 325.
act to provide for expense of when absent from county of residence, 47, 58, 62, 62, 87, 87, 111, 111, 121, 121, 122, 122, 123, 125, 125, 127, 177.
DISTRICT COURTS—
act to amend act to provide for and regulate the hearings of, 57, 61, 71, 71, 75, 75, 78, 137, 148, 174, 219, 231, 243, 258, 345, 362, 363, 376, 418, 433.
act providing for holding annual term of in Rio Grande county, 267 273.
DISTRICT JUDGES—
act to provide additional, 88.
act to provide for expense of when absent from county of residence, 47, 58, 62, 62, 87, 87, 111, 111, 121, 121, 122, 122, 123, 125, 125, 127, 177.
DITCHES—
act to enable cities and towns to purchase and manage, 204.
DOGS—
act making stealing of larceny, 336, 346, 375, 376, 378, 378, 418.
DOUGLASS COUNTY—
act changing boundaries of, 348, 374.
DOORKEEPER—
election of, 8.
DRAINAGE—
act relative to, 348, 380, 388, 405.
DRUGGISTS—
act to license, 135, 142, 163, 164, 227, 290, 294.

E

EJECTMENT—
act concerning actions in, 42, 47, 62, 62, 156, 156, 159, 185, 186, 204, 205, 244.
ELECTIONS—
vote for executive officers' election 1878, 16, 17.
act to prescribe educational qualifications of electors, 59, 61, 63, 133, 133, 163, 211, 211, 221, 223, 227, 229, 247, 278.
act to amend section 128 of chapter 30 of general laws entitled, 164, 172, 196, 196, 218, 225, 279, 404, 417, 436, 437, 445.

ELLIOTT, V. A.—
administration of oath by, 6.

ELLSWORTH, LEWIS C.—
credentials of, 6.
motions by, 10, 15, 37, 43, 43, 47, 51, 52, 61, 61, 62, 62, 65, 68, 88, 108, 110, 138, 141, 147, 151, 152, 155, 162, 186, 192, 204, 208, 241, 270, 287, 305, 305, 305, 314, 318, 322, 339, 353, 381, 384, 387, 387, 407, 409, 410, 423.
bills introduced by, 9, 61, 64, 80, 135, 138, 191.
resolutions by, 9, 11.

ENGROSSING CLERK—
election of, 8.

ENROLLING CLERK—
election of, 7.

EVIDENCE AND DEPOSITIONS—
act concerning, 189, 199, 260, 261.

EXECUTIVE DEPARTMENT—
act to amend section 16 of article 7 of chapter 33 of general laws entitled, 86, 107, 117, 141, 150, 159, 177, 178, 435, 437.
act to amend sections 10 and 11 of chapter 33 of general laws entitled, 336, 346, 375, 419, 442, 442.
act to amend act concerning powers and duties of officers of, 348, 364, 419, 442, 442.

FEES AND SALARIES—
act in relation to payment of, 70, 77, 109, 109, 134.
act in relation to fees chargeable by county, precinct and other officers, 76, 81, 127, 261, 301, 301, 334.
act to amend an act entitled, an act to fix and and regulate fees of county, precinct and other officers, 172, 181, 198, 198.
act to amend section 30 of chapter 34 of general laws entitled, 243, 256, 273, 356, 372.
act to amend section 12 of chapter 34 of general laws entitled, 348, 381, 390, 436, 437.

FENCES—
act regarding barbed wire for, 135, 142, 163, 163, 232, 253.
act declaring what shall constitute lawful, 267, 273, 330, 426, 426, 429, 429, 439, 440, 451, 451.

FENCE DISTRICTS—
act to enable, to fund indebtedness, 204, 214, 223, 338, 376, 376, 184.

FIREMEN—
election of, 8.
act to amend act exempting, from jury duty and poll tax, 296, 312, 346, 415, 426, 435, 438.

FIRES—
act to amend act to prevent, on prairies, 61, 67, 72, 73, 246, 248, 264, 404, 417, 435, 437.
FISH—
act to amend act for protection, preservation and propagation of, 57, 61, 69, 70, 74, 78, 81, 81, 160, 160, 319, 332, 338, 376, 418.
act to amend act for protection, preservation and propagation of, 181, 199, 277, 279, 291.
appointment fish commissioner, 428.
FORCIBLE ENTRY AND DETAINER—
act to amend chapter 38 of general laws entitled, 191, 199, 255, 255.
FORECLOSURE—
act to regulate, of mortgages and trust deeds, 58, 61, 69, 70, 131, 156, 156, 159, 164, 164, 174, 219.
FRAZIER, JOHN—
election of, messenger, 8.
oath of, 11.
FUGITIVES FROM JUSTICE—
appropriation for apprehension of, 296, 312, 345, 352, 359, 372, 388, 436, 437.

G

GAME—
act to protect, 80, 108, 124, 125, 270, 415.
act to repeal section 7 of chapter 41 of general laws entitled, 191, 199, 255, 255, 288, 294, 295, 299.
GARDNER, JAMES F.—
credentials of, 6.
motions by, 330, 332, 429.
GARNISHMENT—
act concerning, 190, 199.
act concerning, 348, 364, 380, 393, 406, 446, 447.
GAUSSOIN, EUGENE—
credentials of, 6.
motions by, 157, 158, 179.
bills introduced by, 149, 156, 165, 168.
resolutions by, 76.
petition presented by, 179.
GENERAL LAWS—
act to amend chapter 12 entitled, chattel mortgages, 42, 47, 58, 115, 131, 136, 141, 142, 227.
act to amend chapter 87 entitled, revenue, 59, 61, 69, 70, 74, 109, 109, 117, 129, 142, 309, 349.

GENERAL LAWS—Continued.

act to amend chapter 88 entitled, roads and highways, 64, 67, 72, 73, 79, 79, 81, 110, 110, 118, 118, 129, 140, 143, 145, 362, 364, 415, 421, 432, 435, 437.

act to amend section 112 of chapter 103 entitled, wills, executors and administrators, 70, 77, 109, 109, 134, 139, 144, 144, 230, 257, 274.

act to amend chapter 7 entitled, Board of Agriculture, 71, 77, 109, 109, 139, 152, 164, 164, 174, 404, 432, 437.

act to repeal section 65 of chapter 19 entitled, corporations, 77, 81, 109, 110, 162,

act to amend chapter 18 entitled, conveyances, 81, 108, 124, 125, 155, 307, 323, 324, 355, 364.

act to repeal chapter 105 entitled, wolves and coyotes, 86, 108, 117, 149, 155, 155, 166, 173, 200, 203, 203, 203, 211, 213, 222, 222, 257, 257.

an act to amend chapter 19 entitled, corporations, 135, 142, 155, 155, 162, 219, 223, 224, 380, 381, 392, 418, 423.

an act to amend section 876 of general laws, concerning indigent defendants in criminal cases, 145, 149, 156, 159.

act to repeal chapter 24 entitled, criminal code, 162, 165, 172, 227.

act to amend section 128 of chapter 30 entitled, elections, 164, 172, 196, 196, 218, 225, 279, 404, 417, 436, 437, 445.

act to repeal part of section 13 of chapter 15 entitled, commissioner of mines, 165, 172, 184, 185, 213, 227, 228.

act to amend chapter 19 entitled, corporations, 171, 181, 230, 230, 246, 264, 273.

act to amend section 561, concerning vacancies in county offices, 171, 181, 196, 196, 253, 261, 265.

act to amend section 74, concerning report State Board Agriculture, 176, 181, 196, 196, 360, 360, 433, 435, 443, 443.

act to amend sections 258, 259 of chapter 24 entitled, criminal code, 177, 178, 181, 199, 231.

act to amend section 40 of chapter 19 entitled, corporations, 180, 192, 211, 221, 226, 404, 417, 435, 437, 445.

act to amend chapter 53, concerning judgments and executions, 189, 199, 271, 271, 292.

act repealing chapter 91 entitled, school of mines, 190, 199, 247, 269, 271, 272, 274, 274, 290, 298.

act to amend section 140 of chapter 25 entitled, damages, 190, 199, 257, 263, 289, 292, 415.

act to amend chapter 38 entitled, forcible entry and detainer, 191, 199, 255, 255.

act to repeal section 7 of chapter 41 entitled, game, 191, 199, 255, 255, 288, 294, 295, 299.

act to amend section 167 article 7 of chapter 33, entitled, executive department, and section 4 of chapter 49 entitled, interest, 86, 107, 117, 141, 150, 159, 177, 178, 435, 437.

GENERAL LAWS—Continued.
act to amend section 4 of chapter 31 entitled, eminent domain, 162, 165, 172, 199, 241, 361, 370, 388, 436, 437.
act to amend section 30 of chapter 34 entitled, fees, 243, 256, 273, 356, 372.
act to amend section 12 of chapter 34 entitled, fees, 348, 381, 390, 436, 437.
act to amend section 1 of chapter 77 entitled, penitentiary, 319, 327, 345, 356, 367, 418.
act to repeal section 3 of chapter 5 entitled, attorneys at law, 349, 380, 389.
act to amend chapter 61 entitled, lunatics, 296, 312, 346, 393, 403, 435, 437.
act to amend sections 10 and 11 of chapter 33 entitled, executive department, 336, 346, 375, 419, 442, 442.
act to amend sections 2,573 and 2,583, concerning stock, 336, 346, 375, 384, 391, 395, 435, 437.
act to amend chapter 100 entitled, towns and cities, 297, 312, 346, 355, 367, 425.
act to amend chapter 72 of general laws, 297, 312, 346, 415, 418, 435, 437.
GOVERNOR—
act to establish advisory board to, 182, 199, 221.
governor's message (Routt), 18 to 35.
governor's message (Pitkin), 89 to 106.
GILPIN COUNTY—
act for relief of, 191, 199, 271, 271.
GRAHAM, J. F.—
election of, chaplain, 8.
GRAND JURIES—
act concerning, 149, 157, 158, 170, 170, 220, 301, 305, 305, 340.

H

HABEAS CORPUS—
act in relation to, 149, 170, 170, 231, 247, 251, 435, 443, 443.
HALL, ASSYRIA—
credentials of, 6.
oath of, 6.
motions by, 147, 242, 291, 318, 358, 358, 401.
bills introduced by, 57, 127, 127, 137, 164, 181.
HALL, JASON B.—
credentials of, 6.
oath of.

HALL, JASON B.—Continued.
motions by, 194, 199, 206, 208, 289, 395.
bills introduced by, 126, 171, 180, 190, 191.
petitions presented by, 170.

HAYNES, SILAS B. A.—
elected temporary president, 5.
credentials of, 5.
motions by, 79, 106, 113, 113, 114, 115, 117, 118, 120, 121, 125, 127, 134, 163, 268, 269, 270, 277, 300, 326, 345, 347, 386, 433.
nominations by, 7, 107.
bills introduced by, 123, 126.
resolutions by, 66, 80.

HELM, JOSEPH C.—
appointment of, on committee on credentials, 5.
credentials of, 6.
oath of, 6.
motions by, 9, 14, 40, 49, 58, 59, 71, 71, 72, 74, 74, 106, 106, 108, 110, 117, 123, 124, 129, 169, 174, 184, 187, 197, 226, 228, 230, 243, 254, 258, 276, 278, 306, 317, 320, 322, 324, 327, 327, 328, 330, 340, 344, 347, 355, 363, 376, 393, 394, 397, 401, 401, 410, 430, 436.
bills introduced by, 14, 51, 57, 57, 171.
resolutions by, 37, 46, 129, 135, 228.

HIDES—
act requiring purchasers of, to keep record, 380, 381.

HILL, ISAAC W.—
appointment of, on committee on credentials, 5.
credentials of, 6.
motions by, 159, 242, 345.
bills introduced by, 145, 191.
resolutions by, 39, 219.

HISTORICAL SOCIETY, STATE—
act to encourage formation of, 324, 327, 345, 354, 371, 418.

HOTELS—
act to protect owners of, 348, 364, 380, 389.

HOUSE BILLS—
No. 4, an act entitled stallions, jacks, bulls, rams and boars, 162, 165, 182, 257, 257.
No. 6, an act providing what shall constitute a private seal, 86, 108, 148, 153, 158, 186, 189, 197.
No. 8, an act authorizing the State treasurer to apply certain money to payment of interest, 67, 68, 77, 87, 131.
No. 9, an act to define and punish the obtaining of money by confidence games, 162, 165, 172, 227, 245, 254, 288, 288.

HOUSE BILLS—Continued.

No. 10, an act to authorize the superintendent of the poor to bind out indigent children, 162, 165, 172, 227, 245, 254, 288, 288.

No. 13, an act to repeal chapter 105 of general laws and for other purposes, 86, 108, 117, 149, 155, 155, 166, 173, 200, 203, 203, 203, 211, 213, 222, 222, 257, 257.

No. 14, an act to amend section 16 of article 7 of chapter 33, and section 4 of chapter 49 of general laws, 86, 107, 117, 141, 150, 159, 177, 178, 435, 437.

No. 16, 336.

No. 17, an act to amend the criminal code regarding the form of indictments, 86, 107, 148, 160, 166, 186, 189, 197.

No. 18, 421.

No. 22, an act concerning irrigation, 319, 326, 345, 347, 347, 369, 374, 380, 385, 392, 412, 434, 441, 451, 451.

No. 24, an act to provide for assignments for creditors, 347, 364, 380, 389, 415.

No. 25, an act apportioning bulls and cows, 130, 136, 142, 153, 220, 221, 338, 345, 345, 354.

No. 27, 273.

No. 29, an act concerning cases in any district or county court the venue of which has been changed thereto, 266, 272, 291, 309, 344, 376, 376, 418.

No. 30, an act to repeal section 198 of the criminal code and chapter 24 of general laws, 162, 165, 172, 227.

No. 31, an act to amend sections 258 and 259 of the criminal code and chapter 24 of the general laws, 177, 178, 181, 199, 231.

No. 33, an act to amend section 4 of chapter 31 of general laws, 162, 165, 172, 199, 241, 361, 370, 388, 436, 437.

No. 36, an act to amend an act entitled, an act to secure liens to mechanics and others and to repeal all other laws in relation thereto, 295, 312, 345, 401, 401, 415.

No. 38, an act to amend an act to repeal all existing laws in relation to county courts, 162, 165, 172, 361, 373, 436, 437.

No. 39, an act concerning garnishment, 348, 364, 380, 393, 406, 446, 447.

No. 45, an act for the relief of the town of Ouray, 348, 364, 380, 389, 401, 420, 435, 438.

No. 47, an act to amend section 30 of chapter 34 of general laws entitled, fees, 243, 256, 273, 356, 372.

No. 51, an act to amend chapter 3 of general laws of Colorado entitled, agricultural college, 204, 214, 223, 233, 233, 256, 267, 288.

No. 53, an act to enable fence districts to fund their indebtedness, 204, 214, 223, 338, 376, 376, 418.

No. 56, an act to protect the grazing lands of Colorado from the stock of non-residents, 178, 181, 199, 212, 215, 215, 222, 257, 257.

No. 58, an act in relation to drainage, 348, 380, 388, 405.

HOUSE BILLS—Continued.

No. 60, an act concerning limitations, 243, 256, 273, 383.

No. 64, an act to provide for the herding of rams, 178, 181, 199, 212, 212, 227, 228, 277, 324, 355.

No. 67, an act to amend an act to provide for formation of corporations, 300, 312, 346, 379, 389, 406, 410.

No. 69, an act to amend an act entitled, an act for the appointment of sheep inspectors, 266, 272, 292, 308, 341, 376, 376, 418.

No. 71, an act providing for a change of venue in criminal cases in the district court, 318, 327, 345, 389.

No. 75, an act to enable cities and towns to purchase and manage ditches and canals to supply water for irrigation and other purposes, 204, 214, 223, 246, 269, 342, 376, 376, 418.

No. 76, 351.

No. 77, an act to amend an act to provide for the assessment and collection of revenue, 318, 327, 345, 351, 351, 415, 425.

No. 78, an act to amend section 12 of chapter 34 of general laws, 348, 381, 390, 436, 437.

No. 79, 381.

No. 84, an act to provide for the maintenance, government and police of the penitentiary, 349, 364, 381, 399, 424, 435, 437.

No. 87, an act concerning the appropriation of water for mining and milling purposes, 319, 327, 345, 401, 401, 415, 415.

No. 88, an act to amend section 122 of an act concerning counties, county officers and county government, 319, 327, 345, 351, 371, 375, 375, 382, 401, 409, 435, 437.

No. 89, an act to amend section 1 of chapter 77 of general laws, 319, 327, 345, 356, 367, 418.

No. 90, an act to provide for the purchase of law books for the library of the supreme court, 295, 312, 351, 367, 418.

No. 93, an act to repeal section 3 of chapter 5 of general law, 349, 380, 389.

No. 102, an act to amend chapter 61 of general laws concerning lunatics, 296, 312, 346, 393, 403, 435, 437.

No. 104, an act concerning the protection of owners and proprietors of hotels, 348, 364, 380, 389.

No. 105, an act providing for a change of venue in preliminary examinations, 296, 345, 389, 391, 436, 437, 444.

No. 108, 358.

No. 109, an act making appropriations to pay outstanding State certificates of indebtedness, 266, 272, 291, 351, 351, 358, 415, 416, 435, 437.

No. 110, an act making appropriations to re-imburse the several counties moneys heretofore expended for insane paupers, 336, 346, 375, 400, 416, 442, 442.

No. 111, an act making appropriations for the support of insane paupers, 324, 327, 345, 401.

HOUSE BILLS—Continued.

No. 112, an act making appropriation for State Board of Health, 267, 272, 291, 351, 369, 418.

No. 114, an act making appropriation for the maintenance and support of the penitentiary, 324, 327, 345, 364, 373, 388.

No. 115, an act making appropriations to pay expenses and claims under the law concerning fugitives from justice for the years 1879 and 1880, 296, 312, 345, 352, 359, 372, 388, 436, 437.

No. 116, an act to provide for the ordinary expenses of the executive, legislative and judicial departments, 324, 327, 345, 400, 416, 446, 447.

No. 117, an act to authorize the State treasurer to pay interest on State warrants, 349, 374, 380, 381.

No. 118, an act declaring what shall be a lawful fence, 267, 273, 330, 426, 426, 429, 429, 439, 440, 451, 451.

No. 119, an act to amend an act incorporating the city of Denver, (sewerage), 340, 374, 381, 384, 405, 435, 437.

No. 123, an act relating to commutation of sentence and pardons, 336, 346, 375, 390, 435, 437.

No. 124, an act to amend sections 10 and 11 of chapter 33 of general laws entitled, executive department, 336, 346, 375, 419, 442, 442.

No. 125, an act to amend an act entitled, an act relating to the exemption of volunteer firemen as jurors and from paying a poll tax, 296, 312, 346, 415, 426, 435, 438.

No. 126, an act providing for the holding of an annual term of the district court in Rio Grande county, 267, 273.

No. 127, an act to provide a fund for erecting additional building at the Mute and Blind Institute, and for other improvements, 267, 269, 309, 435, 437.

No. 129, an act relating to mining districts, 349, 374, 380, 401, 401, 415, 415, 439, 439, 451, 451.

No. 130, an act to amend sections 2,573 and 2,583 of general laws, 336, 346, 375, 384, 391, 395, 435, 437.

No. 131, an act to provide a revenue for the school of mines at Golden, 336, 346, 374, 387, 394, 396, 435, 437.

No. 132, an act providing that the State treasurer shall countersign all warrants issued by the auditor of State, 300, 312, 352, 352, 359, 369, 418.

No. 133, an act to prescribe certain duties of the attorney general, 297, 312, 345, 389.

No. 134, an act to encourage the formation of a State historical society, 324, 327, 345, 354, 371, 418.

No. 135, an act to amend an act providing for the maintenance, government and police of the penitentiary, 349, 364, 381, 398, 402, 435, 437.

No. 137, an act to amend chapter 100 of general laws entitled, towns and cities, 297, 312, 346, 355, 367, 425.

HOUSE BILLS—Continued.

No. 140, an act to strike off a portion of the county of Saguache, and to add the same to the county of Rio Grande, 300, 313, 375, 382, 388, 435, 437.

No. 141, an act to suppress intemperence, 319, 327, 345, 363, 363, 415, 425, 446, 447.

No. 144, an act to establish the Colorado Insane Asylum and provide for its location, 296, 312, 345, 354, 362, 363, 393, 400, 401, 435, 437.

No. 145, an act relating to the powers and duties of the State board of land commissioners, and the management of the State lands, and defining the duties of the secretary of the board, 296, 312, 345, 358, 363, 363, 395, 397, 399, 404, 411, 413, 442, 442.

No. 153, an act to amend an act in relation to municipal corporations, 349, 364, 381, 387.

No. 154, an act in relation to county courts, 336, 346, 349, 350.

No. 156, an act to provide for the payment of salaries to officers of the executive and judicial departments, 324, 327, 345, 400, 418, 446, 447.

No. 160, 346, 375.

No. 162, 353, 364, 380, 389.

No. 164, an act requiring purchasers of hides to keep a record, 380, 381.

No. 168, an act to amend an act entitled, an act to provide for the assessment and collection of revenue, 307, 312, 345, 352, 352, 359, 366, 380, 380, 385, 393, 437.

No. 174, an act to amend chapter 72 of general laws, 297, 312, 346, 415, 418, 435, 437.

No. 175, an act making appropriations for the support of the insane asylum, 324, 327, 345, 400, 415, 420, 435, 437.

No. 176, an act making appropriations for expense of selecting, locating, appraising, leasing and selling land donated to the State by the United States, 296, 312, 345, 368, 418.

No. 177, an act to amend an act to prescribe certain powers and duties of the officers of the executive department, 348, 364, 419, 442, 442.

No. 179, an act changing the county lines between Douglass and Jefferson counties, 348, 374.

No. 180, an act to regulate the service of summons and other process issued by justice of the peace, 348, 364, 380, 389, 405.

No. 183, an act making the stealing of a dog larceny, 336, 346, 375, 376, 378, 378, 418.

No. 191, an act to enable the State Board of Agriculture to open the State Agricultural College, 324, 327, 345, 350, 351, 362, 377, 388, 436, 437.

No. 195, an act to amend an act incorporating the city of Denver, 348, 362, 364, 374, 374, 396, 407.

HOUSE BILLS—Continued.

No. 198, an act to provide for appeals from judgments rendered by justices of the peace against complaining witnesses on preliminary examinations in all criminal cases, 353, 380, 389.

No. 203, an act providing for certain entries to be made by county clerks, 348, 381, 387, 404, 435, 437.

No. 213, 364.

HOUSE CONCURRENT RESOLUTIONS—

No. 1, concerning printing reports of State officers, 38, 58.

No. 2, relating to appointment of committee to visit penitentiary, 49.

No. 3, relating to committee on inauguration, 49, 50, 288, 288.

No. 4, relating to printing report superintendent public instruction, 49, 60.

No. 5, relating to printing reports of supreme, district and county courts, 60, 61.

No. 6, relative to establishment of military post on Republican river, 267.

No. 7, relative to joint committee of general assembly for inauguration of Governor, 70, 70.

No. 9, relative to joint committee to enquire into disbursement military fund, 113, 117, 141, 150, 159, 160.

No. 10, amending joint rules, 109, 110, 134.

No. 11, providing new joint rules, 138, 138, 142, 153, 160, 160, 161, 168.

No. 14, relative to entering lands to make good deficiency in public building fund, 214, 254, 254, 255.

No. 15, providing for joint committee on bills concerning criminal matters, 289, 291, 310.

No. 16, relative to joint committee on bills conferring jurisdiction on justices in attachment, garnishment and replevin, 306, 310, 313.

No. 17, concerning joint committee to confer with Governor in relation to special session, 319, 327, 330.

No. 18, relative to allowing mileage to officers and employés general assembly, 388, 445.

No. 19, relative to claims, 413, 447.

No. 20, relative to hour of final adjournment, 449, 449.

HOUSE JOINT MEMORIALS—

No. 1, relative to donation of arid lands, 118, 136, 142, 153, 157, 186, 189, 195, 197.

No. 2, relative to a measure pending in Congress, providing for additional terms of United States district court in Colorado, 152, 165, 172, 173, 186, 189, 196, 197.

No. 3, relative to establishment of military post in southwestern Colorado, 168, 172, 181, 227, 244, 312.

No. 4, relative to the extinguishment of the Indian tribe to the Ute reservation, 118, 120, 123, 151, 151, 157, 186, 189, 196, 197.

HOUSE JOINT MEMORIALS—Continued.
No. 5, relative to construction of military road in southwestern Colorado, 336, 346, 375, 383, 436.
No. 6, relative to establishment of military post on Republican river in eastern Colorado, 272, 291, 420, 442.
No. 7, relative to establishment of military post in northwestern Colorado, 336, 346, 375, 390, 436,
No. 8, relative to change of surveys on public domain, 252, 256, 273, 279, 292, 311, 312, 323, 325.
No. 9, conferring equitable rights of settlers, 336, 346, 375, 389, 436.
No. 10, relative to pre-emption and homestead laws, 295, 345, 371, 418, 423.
No. 12, relative to Charles Autobias, 296, 346, 367, 418, 422.

I

INDICTMENTS—
act to amend criminal code regarding form of, 86, 107, 148, 160, 166, 186, 189, 197.

INDUSTRIAL EXPOSITIONS—
act to introduce, into public schools of Colorado, 74, 77, 109, 109.

INDUSTRIAL SCHOOL—
act to establish and maintain, 57, 61, 109, 109, 179.

INJUNCTIONS—
act concerning jurisdiction of county judges and courts in cases of, 158, 165, 179, 179, 231, 256, 292, 414, 432, 435, 437.
act regulating power of granting and dissolving, etc., 189, 199, 255.

IMMIGRATION—
act to establish board of, and define duties, etc., 110, 117, 138, 138, 175, 194, 343.

INSANE—
an act to establish hospital for, 14, 38, 43, 45, 51.
act to amend chapter 61 of general laws concerning, 296, 312, 346, 393, 403, 435, 437.
act to establish asylum for, etc., 296, 312, 345, 354, 362, 363, 393, 400, 401, 435, 437.
act making appropriation for asylum for, 314, 327, 345, 400, 415, 420, 435, 437.

INTEMPERANCE—
act to suppress, 319, 327, 345, 363, 363, 415, 425, 446, 447.

INTERPRETERS—
election of, 8.

INTEREST—
act to amend section 4 of chapter 49 entitled, 86, 107, 117, 141, 150, 159, 177, 178, 435, 437.

IRRIGATION—
act concerning, 319, 326, 345, 347, 347, 369, 374, 380, 385, 392, 412, 434, 441, 451, 451.

J

JANITOR—
election of, 8.

JEFFERSON COUNTY—
act changing boundaries of, 348, 374.

JOHNSON, ALBERT—
credentials of, 6.
motions by.
bills introduced by, 43.

JOHN, JAMES M.—
credentials of, 6.
oath of, 7.
motions by, 62, 62, 70, 117, 125, 153, 154, 161, 182, 233, 247, 250, 279, 293, 293, 308, 339, 350, 397, 421, 424.
bills introduced by, 42, 47, 58, 76, 77, 88, 149, 190, 191.
resolutions by.
communications presented by, 129.

JUDGMENTS AND EXECUTIONS—
act concerning, 189, 199, 271, 271, 292.

JUDICIAL DISTRICTS—
act changing boundaries of, 51, 58, 71, 71, 72, 73, 74, 74, 74, 82, 108, 108, 112, 112, 121, 122, 123, 124, 124, 183, 184, 185, 187, 196, 197, 257.

JURIES—
act concerning, 189, 199, 230, 230.
act exempting volunteer firemen from serving on, 296, 312, 346, 415, 426, 435, 438.

JUSTICES OF THE PEACE—
act giving jurisdiction in replevin, and in relation to practice in such cases, 76, 81, 124, 124, 144, 227, 247, 247, 362, 376, 418, 422.
act to regulate service of summons, etc., issued by, 348, 364, 380, 389, 405.
act to provide for appeals from judgments rendered by, in certain cases, 353, 380, 389.

K

KENNEDY, O. J.—
election of, assistant engrossing clerk, 8.
oath of, 15.

KRAM, W. J.—
election of, assistant secretary, 7.

L

LAKE COUNTY—
act to change name of, 180, 192, 211, 221, 227, 244, 323, 332, 346, 346, 355.

LANDS—
act giving consent to acquisition of, by United States, 42, 47, 62, 62, 63, 64, 86, 163, 168, 169, 175.
act relative to State entering, 156.
act in relation to, entered by town authorities in trust for owners, 190, 199, 271, 271, 287.
act in relation to mineral lands, 191, 199, 255, 255, 329, 337, 339, 347, 353, 358, 359, 359, 360, 360.

LAWS—
act requiring secretary of State to collect, 139, 163, 164, 198, 219, 221, 225, 229, 247, 250, 404, 423, 424, 429, 432, 440, 440, 442, 442.
act for codification of, 165, 168, 172, 209, 220, 415.
act concerning publication of session, 189, 199, 230, 230, 233, 233.

LEGISLATIVE MANUAL—
act authorizing purchase of, 192, 199, 202.

LEVY, JULIUS—
election of, sergeant-at-arms, 7.

LICENSE—
act in regard to issuing of, for sale of liquors, 138, 142, 170, 170, 185, 195, 195, 213, 219, 268, 279, 294, 295, 297, 414.

LIENS—
act to amend act concerning mechanics, 295, 312, 345, 401, 401, 415.

LIFE INSURANCE COMPANIES—
act concerning, 190, 199, 271, 271, 287, 336, 361.

LIMITATIONS—
act concerning, 177, 181, 198, 198, 231, 247, 260, 433, 435, 443, 443.
act concerning, 243, 256, 273, 383.

LUNATICS—
act to amend chapter 61 of general laws concerning, 296, 312, 346, 393, 403, 435, 437.

M

MANDAMUS—
act concerning, 189, 199, 260, 261.

MARRIED WOMEN—
act to amend sections 4 and 5 of chapter 64 of general laws entitled, 138, 142, 155, 155, 163, 195.

MASONIC BODIES—
act concerning, 142, 149, 170, 170, 192, 192, 193, 432, 435, 438, 448.

MAXWELL, JAMES P—
appointment of, on committee on credentials, 5.
report of committee on credentials by, 5.
credentials of, 5.
elected president *pro tem*, 7, 447.
motion by, 121, 146, 164, 175, 218, 276, 286, 331, 332.
bills introduced by, 139.

MEDICINE—
act to regulate practice of, 47, 69, 70, 135, 136, 188, 188, 194.
act to regulate practice of, 137, 142, 163, 164, 227, 290, 294.
memorial in regard to practice of, 137.

MESSENGER—
election of, 8.

MILITIA—
act concerning enrollment of, etc., 82, 139, 232, 261, 264, 389, 392, 409, 435, 437, 444.
report of joint committee on receipts and disbursements of military fund, 408.
appointment of militia officers by Governor, 427.

MINES—
act to amend act concerning, approved February 13, 1874, 127, 136, 147, 147.

MINING DISTRICTS—
act in relation to, 349, 374, 380, 401, 401, 415, 415, 439, 439, 451, 451.

MORTGAGES—
act to regulate foreclosure of, 58, 61, 67, 70, 131, 156, 156, 159, 164, 164, 174, 219.

MORTGAGES, CHATTEL—
act to amend chapter 12 general laws, entitled, 42, 47, 58, 115, 131, 136, 141, 142, 227.

MUNICIPAL CORPORATIONS—
act to amend act in relation to, 171, 181, 209, 209, 253, 264, 267, 414, 432, 435, 438.
act to amend act in relation to, 171, 181, 209, 209, 287, 298, 414, 435, 440, 442, 442.
act to amend act in relation to, 349, 364, 381, 387.

MUTE AND BLIND INSTITUTE—
act to provide fund for buildings and other improvements, 267, 269, 309, 435, 437.
appointment of trustees, 428.

N

NATURAL SCENERY—
act to protect from defacement, 47, 58, 65, 66, 71, 73, 73, 77, 111, 128, 161, 180, 180, 186, 189, 197, 200.

NEIKIRK, HENRY—
credentials of, 5.
oath of, 6.
motions by, 9, 10, 11, 11, 49, 50, 66, 77, 107, 115, 117, 129, 135, 136, 139, 153, 198, 216, 227, 229, 233, 270, 314, 320, 326, 327, 330, 334, 345, 345, 350, 352, 356, 357, 374, 380, 399, 415, 433, 434, 434, 434, 440.
bills introduced by, 61, 70, 171, 189.
resolutions by, 112.
memorials presented by, 137.

O

OATH OF OFFICE—
of members, 6, 7.
of officers, 8.

OFFICIAL BONDS—
act relating to, 47, 58, 62, 62, 132, 149, 414, 417, 435, 437, 444.

OFFICIAL REPORTS—
act to amend chapter 72 of general laws, entitled, 297, 312, 346, 415, 418, 435, 437.

OFFICERS, PRECINCT—
act in relation to, 195, 199, 271, 271.

ORRICK, W. W.—
election of, secretary, 7.

OURAY, TOWN OF—
act for relief of, 348, 364, 380, 389, 401, 420, 435, 438.

P

PAGES—
election of, 8.

PARDONS—
issued from January 1, 1877, to December 31, 1878, 83, 84.
act relating to commutation of, 336, 346, 375, 390, 435, 439.

PARK COUNTY—
act to reimburse, for support of prisoners, 191, 199, 255, 255, 401.

PARRISH, THOMAS C.—
credentials of, 6.
oath of, 6.
motions by, 58, 70, 73, 108, 111, 151, 160, 164, 248, 312, 385, 386, 409, 434.
bills introduced by, 47, 51, 58, 61, 171, 180, 190, 191.
resolutions by, 58, 443.

PARTRIDGE, ARTHUR—
election of, page, 8.

PECK, WILLIAM—
election of, page, 8.

PECK, FRED. C.—
credentials of, 6.
oath of, 6.
motions by, 10, 38, 44, 48, 63, 68, 82, 85, 109, 111, 115, 120, 121, 129, 164, 168, 189, 193, 219, 229, 251, 252, 265, 269, 269, 273, 316, 340, 354, 361, 376, 407, 410.
bills introduced by, 67, 80, 110, 123, 171, 182, 190.
resolutions by, 38, 41, 110, 187, 189, 218, 449.

PENITENTIARY—
act to amend an act entitled, an act to provide for the maintenance, government and police of, and mode of appointing officers and fixing their salaries, 80, 108.
act to amend as above, 349, 364, 381, 399, 424, 435, 437.
act to amend section 1 of chapter 77 of general laws, entitled, 319, 327, 345, 356, 367, 418.
act making appropriation for, 324, 327, 345, 364, 373, 388.
act to amend act concerning, 349, 364, 381, 398, 402, 435, 437.
appointment of officers of, by Governor, 427, 428.

PERJURY—
act to punish in certain cases, 135, 142, 163, 164, 231.

PETITIONS—
of S. S. Woodbury and R. H. Stewart, relative to unadjusted claims in the Boyd–DeFrance election contest, 67, 68, 72.

PHYSICIANS—
act to license, 137.

PRACTICE—
act to regulate, 9, 37, 38, 40, 43, 62, 156, 156, 159, 169, 185, 186, 204, 205, 227, 435.
act to regulate, in chancery, 42, 45, 47, 70, 156, 156, 159, 185, 186, 204, 205, 207.

PRECINCT OFFICERS—
act in relation to, 195, 199, 271, 271.

PRELIMINARY EXAMINATIONS—
act to provide for, in criminal cases, 77, 81, 112, 113, 117, 117, 148, 152.
act providing for change of venue in, 296, 345, 389, 391, 436, 437, 444.

PRESIDENT—
election of temporary, 5.
pro tem. appointment of committee on credentials by, 5.
pro tem. administration of oath to members by, 7.
pro tem. election of, 7.

PUBLIC LANDS—
act giving United States power to acquire, 42.

Q

QUO WARRANTO—
act concerning, 189, 199, 260, 261, 401.

R

RAILROADS—
act to prevent discrimination between, 80, 108, 120, 120, 234, 241, 278, 305, 305, 316.
act to prevent discrimination by, against persons or corporations working or owning coal mines, 151, 170, 170, 233, 241, 316, 317.
act for creation of board railroad commissioners, etc., 190, 191, 199, 224, 224, 287.
act prescribing rates of fare and freight on, 190, 199, 305, 305, 316, 317.
act to establish board of railroad commissioners, 190, 199, 233, 233, 303, 313, 314, 315, 317, 318, 318, 318, 320, 320, 321, 329, 339, 340.

REPLEVIN—
act regulating proceedings in, 42, 47, 58, 156, 156, 159, 185, 186, 204, 205, 207.
act giving justices jurisdiction in, 76, 81, 24, 124, 144, 227, 247, 247, 362, 376, 418, 422.

RESOLUTIONS—
of thanks to W. W. Webster, retiring president *pro tem*, 11.
that subjects in governor's message be referred to appropriate committees, 39.
that 100 copies of reports State officers be printed in Spanish, 40.
that secretary of State be instructed to furnish supplies, 45.
that labors of present session be confined to certain objects, and a commission be appointed to revise the laws, 46.
that judiciary committee consider propriety of submitting constitutional amendment to paper, 57.
that judiciary committee enquire into title of certain land near Silver Cliff, and if necessary to report bill for protection of claimants, 58.
that judiciary committee be authorized to employ a clerk, 66.
that printing crmmittee procure 50 extra copies of S. B. No. 1, 66.
that thanks be tendered C. C. R. R. management, 67.
that sergeant-at-arms be instructed to prevent circulation of circulars, advertisements, etc., 67.

RESOLUTIONS—Continued.
that 100 copies of reports of district judges be printed, 129.
concerning S. B. No. 19, 187.
authorizing committees on enrollment and engrossment to employ extra clerical assistance, 189.
that after January 28th, night sessions be held, 218.
that printing committee prepare and have printed fifty copies index to bills, 219.
entitled, prosalute animae, 226.
that there be printed for use of Senate fifty copies, calendar of business, 259.
that officers of Senate be allowed mileage, etc., 330.
of thanks to H. R. Wolcott, 443.
of thanks to Horace A. W. Tabor, president of Senate, 446.
of *affection* (?) for Bro. Rhodes and his democratic associates, 447.
of thanks to Jas. P. Maxwell, president *pro tem.* of Senate, 447.
of thanks to Albert Johnson, 449.
of thanks to Frank Church, 450.
REVENUE—
act to relieve counties of certain delinquent taxes, 156, 165, 179, 179, 219, 289, 294, 295, 432, 435, 438.
act to amend an act entitled, an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, approved March 20, 1877, 190, 199, 271, 271, 401.
act to amend chapter 87 of general laws, entitled, 59, 61, 69, 70, 74, 109, 117, 129, 142, 309, 349.
act to submit to electors amendment to section 3 of article 10 of the constitution, concerning, 77, 78, 81, 109, 110, 256, 258, 265, 265, 404, 417, 435, 437.
act to amend act to provide for assessment and collection of, 318, 327, 345, 351, 351, 415, 425.
act to amend act to provide for assessment and collection of, 307, 312, 345, 352, 352, 359, 366, 380, 380, 385, 393, 437.
RIO GRANDE COUNTY—
act to change boundary of, 300, 313, 375, 382, 388, 435, 437.
RHODES, LEDRUE R.—
credentials of, 5.
oath of, 6.
motions by, 39, 80, 117, 161, 163, 170, 210, 280, 301, 321, 333, 333, 334, 377, 385, 401, 413, 429, 432, 433, 433.
bills introduced by, 42, 47, 72, 77, 80, 135, 138, 149, 156, 164.
resolutions by, 184, 226.
ROADS AND HIGHWAYS—
act to amend chapter 88 general laws, entitled, 64, 72, 72, 73, 79, 79, 81, 110, 110, 118, 118, 129, 140, 143, 145, 362, 364, 415, 421, 432, 435, 437.

ROGERS, MERRICK A.—
credentials of, 6.
oath of, 6.
motions by, 62, 62, 66, 66, 78, 78, 109, 109, 112, 113, 142, 145, 147, 149, 151, 155, 156, 156, 199, 201, 210, 221, 226, 241, 253, 269, 276, 276, 279, 310, 357, 360, 360, 364, 379, 386, 391, 392, 398, 403, 406, 410, 427, 436, 438.
bills introduced by, 42, 135, 191.
resolutions by, 78, 447, 450.

ROMEO, J. P.—
election of, fireman, 8.

ROLLINSON, DANIEL—
election of, janitor, 8.

S

SAGUACHE COUNTY—
act to change boundary of, 300, 313, 375, 382, 388, 435, 437.

SALARIES—
act to provide for payment of, to officers of executive and judicial departments, 324, 327, 345, 400, 418, 446, 447.

SALT SPRINGS—
communication from Governor Routt concerning, 85.

SCHOOLS—
act to enable districts to refund their bonds, 51, 65, 66, 79, 80, 110, 138, 138, 163, 168, 169, 175.
act to amend act concerning, 145, 170, 170, 180, 180, 192, 192, 267, 294, 307, 307, 323.

SCHOOL OF MINES—
act to repeal chapter 91 of general laws entitled, 190, 199, 247, 269, 271, 272, 274, 274, 290, 298.
act to provide revenue for, 336, 346, 374, 387, 394, 396, 435, 437.
appointment of trustees of, by Governor, 427.

SCIENCE, MORAL AND SOCIAL—
act to introduce, into public schools of Colorado, 44, 77, 109, 109.

SEAL—
act providing what shall constitute, 86, 108, 148, 153, 158, 186, 189, 197.

SECRETARY OF SENATE—
election of temporary, 5.
election of, 7.

SECRETARY OF STATE—
act requiring, to collect and publish laws, 139, 163, 164, 198, 219, 221, 225, 229, 247, 250, 404, 423, 424, 429, 432, 440, 440, 442, 442.

SECRETARY OF STATE—Continued.
act to provide for clerical expense in office of, 171, 181, 202, 346, 346, 355, 365.

SECRETARY STATE BOARD LAND COMMISSIONERS—
act defining duties of, 296, 312, 345, 358, 363, 363, 395, 397, 399, 404, 411, 413, 442, 442.

SENATE BILLS—
No. 1, an act to regulate the practice, pleading and procedure in actions at law in the State of Colorado, 9, 37, 38, 40, 43, 62, 156, 156, 159, 169, 185, 186, 204, 205, 227, 435.
No. 2, an act to establish and maintain a hospital for the insane, 14, 38, 43, 45, 51.
No. 3, an act concurring in the abatement of actions and the parties thereto, 15, 38, 43, 45, 51, 63, 156, 156, 159, 185, 186, 204, 205.
No. 4, an act to amend chapter 12 of the general laws entitled, chattel mortgages, 42, 47, 58, 115, 131, 136, 141, 142, 227.
No. 5, an act giving consent to acquisition by the United States of lands for public uses in the State of Colorado, 42, 47, 62, 62, 63, 64, 86, 163, 168, 169, 175.
No. 6, an act relating to attachments issued by justices of the peace, 42, 47, 58, 114, 117, 131, 163, 231, 242, 362, 383, 418, 422.
No. 7, an act regulating proceedings in replevin, 42, 47, 58, 156, 156, 159, 185, 186, 204, 205, 207.
No. 8, an act concerning practice in chancery, 42, 45, 47, 70, 156, 156, 159, 185, 186, 204, 205, 207.
No. 9, an act to further define the duties of clerks of the district and county courts, 42, 47, 65, 66, 156, 156, 159, 185, 186, 204, 205, 207.
No. 10, an act concerning masters in chancery, their appointment and duties, 42, 47, 62, 62, 156, 156, 159, 185, 186, 204, 205, 207.
No. 11, an act concerning the action of ejectment and the pleading and practice therein, 42, 47, 62, 62, 156, 156, 159, 185, 186, 204, 205, 244.
No. 12, an act to further define the duties of sheriffs and coroners, 43, 47, 65, 66, 156, 156, 159, 185, 186, 204, 205, 244.
No. 13, an act to prevent natural scenery from defacement by advertisement, etc., and to define the penalty for so doing, 47, 58, 65, 66, 71, 73, 73, 77, 111, 128, 161, 180, 180, 186, 189, 197, 200.
No. 14, an act to provide for the expenses of judges and district attorneys when absent from the counties of their residence, 47, 58, 62, 62, 87, 87, 111, 111, 121, 121, 122, 122, 123, 125, 125, 127, 177.
No. 15, an act relating to official bonds and to obligations given to boards of county commissioners, 47, 58, 62, 62, 132, 149, 414, 417, 435, 437, 444.
No. 16, an act to regulate the practice of medicine, 47, 58, 69, 70, 135, 136, 188, 188, 194.

SENATE BILLS—Continued.

No. 17, an act to amend an act entitled, an act to create and establish the county of Custer and to provide for holding an annual term of court therein, 51, 58, 62, 62, 117, 145.

No. 18, an act to enable school districts to refund their bonds, 51, 65, 66, 79, 80, 110, 138, 138, 163, 168, 169, 175.

No. 19, an act changing the boundaries of certain judicial districts, 51, 58, 71, 71, 72, 73, 74, 74, 74, 82, 108, 108, 112, 112, 121, 122, 123, 124, 124, 183, 184, 185, 187, 196, 197, 257.

No. 20, an act to establish a State industrial school and for the maintenance and government of the same, 57, 61, 109, 109, 179.

No. 21, an act to provide for the branding, herding and care of stock, and to repeal certain acts in relation thereto, 57, 61, 72, 73, 148, 151, 169, 174, 175, 180, 183, 307, 313, 346, 355, 365.

No. 22, an act to amend an act entitled, an act to provide for and regulate the holding of district courts in the several judicial districts of this State and for other purposes, 57, 61, 71, 71, 75, 75, 78, 137, 148, 174, 219, 231, 243, 258, 345, 362, 363, 376, 418, 433.

No. 23, an act entitled, an act to amend an act to provide for the protection, preservation and propagation of fish, 57, 61, 69, 70, 74, 78, 81, 81, 160, 160, 319, 332, 338, 376, 418.

No. 24, an act to regulate the foreclosure of mortgages and trust deeds, 58, 61, 69, 70, 131, 156, 156, 159, 164, 164, 174, 219.

No. 25, an act to amend chapter 87 of the general laws of Colorado, 59, 61, 69, 70, 74, 109, 109, 117, 129, 142, 309, 349.

No. 26, an act to prescribe an educational qualification for electors in accordance with the provisions of section 3 of article 7 of the constitution of the State of Colorado, 59, 61, 63, 133, 133, 145, 163, 211, 211, 251, 223, 227, 229, 247, 278.

No. 27, an act in relation to trust deeds, 61, 67, 72, 72, 115, 131, 143, 149.

No. 28, an act to promote uniformity in certain instruments of record and to provide books for the same, 61, 66, 66, 76, 77, 115, 134, 139, 140.

No. 29, an act concerning joint stock companies formed for religious, educational and benevolent purposes, 61, 133, 147, 147, 152, 155, 155, 157, 165, 404, 432, 435, 438.

No. 30, an act to amend an act entitled, an act to prevent fires on the prairies, 61, 67, 72, 73, 246, 248, 264, 404, 417, 435, 437.

No. 31, an act to amend chapter 88 of the general laws entitled, roads and highways, 64, 67, 72, 73, 79, 79, 81, 110, 110, 118, 118, 129, 140, 143, 145, 362, 364, 415, 421, 432, 435, 437.

No. 32, an act submitting an amendment to the constitution of this State, providing a substitute for section 9 of article 14, 67, 70, 109, 109, 133.

No. 33, an act in relation to the payment of fees and salaries, 70, 77, 109, 109, 134.

SENATE BILLS—Continued.

No. 34, an act to amend section 112 of chapter 103 revised statutes, entitled, wills, executors and administrators, 70, 77, 109, 109, 134, 139, 141, 144, 230, 257, 274.

No. 35, an act to amend chapter 7 of general laws, entitled, board of agriculture, 71, 77, 109, 109, 139, 152, 164, 164, 174, 404, 432, 437.

No. 36, an act to introduce industrial expositions into the public schools of Colorado, 74, 77, 109, 109.

No. 37, an act to introduce moral and social science into the public schools of Colorado, 74, 77, 109, 109.

No. 38, an act to provide for the payment of witnesses in the contested election case of J. T. Boyd against A. H. DeFrance, 112, 113, 114, 114, 120, 120, 404, 432, 435, 437.

No. 39, an act to amend an act entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, 76, 81, 127, 261, 301, 301, 334.

No. 40, an act giving justices of the peace jurisdiction in replevin, and in relation to the practice in such cases, 76, 81, 124, 124, 144, 227, 247, 247, 362, 376, 418, 422.

No. 41, an act to repeal section 65 of chapter 19 of the general laws, 77, 81, 109, 110, 162.

No. 42, an act to provide for preliminary criminal examinations, 77, 81, 112, 113, 117, 117, 148, 152.

No. 43, an act to submit to the qualified electors of the State of Colorado an amendment to section 3 of article 10 of the constitution of the State, concerning revenue, 77, 78, 81, 109, 110, 256, 258, 265, 265, 404, 417, 435, 437.

No. 44, an act to provide method of collecting and keeping account of moneys collected for State institutions, 80, 108, 120, 120, 152, 164, 164, 173, 291, 294, 307, 307, 323, 326.

No. 45, an act accepting the provisions of an act of Congress, approved July 2, 1862, 80, 108, 117, 117, 120, 120, 126, 128, 161, 170, 172, 196, 197, 206.

No. 46, an act to prevent future discrimination of railroad companies against each other and to the injury of the people, 80, 108, 120, 120, 234, 241, 278, 305, 305, 316.

No. 47, an act for the protection of game and insectiverous birds, 80, 108, 124, 125, 270, 415.

No. 48, an act to amend an act entitled, an act to provide for the maintenance, government and police of the penitentiary, and also the mode of appointing officers and fixing their salaries, 80, 108.

No. 49, an act to amend an act entitled, conveyances, chapter 18 general laws, 81, 108, 124, 125, 155, 307, 323, 324, 355, 364.

No. 50, an act concerning the enrollment and organization of the militia of the State, prescribing the duties, number and rank of the officers thereof, and defining the duties of said officers, 82, 139, 232, 261, 264, 389, 392, 409, 435, 437, 444.

SENATE BILLS—Continued.

No. 51, 117, 148, 153.

No. 52, an act to authorize the appointment of deputy district attorneys, 88, 117, 138, 138, 148, 153, 325.

No. 53, an act for the establishment of a board of immigration and defining their duties, and for the maintenance of the same, 110, 117, 138, 138, 175, 194, 343.

No. 54, an act to enable counties to fund their floating indebtedness 123, 138, 138, 175, 177, 192, 193, 194, 247, 247, 252, 253, 271, 275, 278, 361, 376, 392, 418, 448.

No. 55, an act concerning corporations consolidated under the revised statutes, 123, 127, 127, 156, 159.

No. 56, an act to amend an act entitled, an act providing a system of procedure in civil courts of justice of State of Colorado, 126, 136, 146, 146, 156, 156, 159, 308, 308, 324, 326, 327, 327, 330, 395, 397, 407, 410, 414, 432, 434, 435, 438.

No. 57, an act to establish the county of Carbonate and to provide for 436.

terms of court, 127, 136, 147, 147, 170, 179, 179, 194, 197, 198, 201, 203, 204, 206, 206, 208, 208, 209, 275, 294, 307, 307, 323, 436.

No. 58, an act to repeal a portion of sections 121 and 127 of the code, 127, 136, 147, 147, 156, 156, 159.

No. 59, an act to amend an act entitled, an act concerning mines, approved February 13, 1874, 127, 136, 147, 147.

No. 60, an act in regard to barbed wire fences, 135, 142, 163, 163, 232, 253.

No. 61, an act to provide for the indictment and punishment of persons falsely swearing or affirming to depositions or other instruments without this State, to be used in the courts of this State, 135, 142, 163, 164, 231.

No. 62, an act to amend chapter 19 of general laws entitled, corporations, 135, 142, 155, 155, 162, 219, 223, 224, 380, 381, 392, 418, 423.

No. 63, an act to enable the State to purchase a certain number of reports of cases at law and chancery determined in supreme court, by L. B. France, reporter, 135, 142, 155, 155, 198, 219, 223, 404, 432, 435, 437.

No. 64, an act to license physicians and apothecaries, and to regulate the practice of medicine, 137, 142, 163, 164, 227, 290, 294.

No. 65, an act to amend sections 4 and 5 of chapter 64 of general laws entitled, married women, 138, 142, 155, 155, 163, 195.

No. 66, an act in regard to the issuing of license to vend or sell spirituous, vinous or malt liquors, and establishing the responsibility of venders without license, 138, 142, 170, 170, 185, 195, 195, 213, 219, 268, 279, 294, 295, 297, 414.

No. 67, an act to provide an additional fund for the current expenses of the State university, and for the improvement of the buildings and grounds thereof, 139, 163, 164, 179, 180, 219, 221, 224, 313, 331, 353, 355, 355, 359, 388, 399, 417, 435, 437.

SENATE BILLS—Continued.

No. 68, an act requiring the secretary of State to collect together the laws of the Territory of Colorado which may be in effect at the closing of the present session of the Legislature, with all acts passed at the present session, 139, 163, 164, 198, 219, 221, 225, 229, 247, 250, 404, 423, 424, 429, 432, 440, 440, 442, 442.

No. 69, an act concerning Masonic bodies, 142, 149, 170, 170, 192, 192, 193, 432, 435, 438, 448.

No. 70, an act to create a marshal for the supreme court, and providing for the clerical work of the judges, 144, 149, 155, 170, 170, 219, 225, 231, 256.

No. 71, an act to amend section 876 of general laws concerning indigent defendants in criminal cases, 145, 149, 156, 159.

No. 72, an act to amend an act entitled, an act to establish and maintain a system of free schools, 145, 170, 170, 180, 180, 192, 192, 267, 294, 307, 307, 323.

No. 73, an act in regard to acknowledgments, 149, 170, 170, 220, 253, 261, 263, 414, 436, 440, 442, 442.

No. 74, an act in relation to habeas corpus, 149, 170, 170, 231, 247, 251, 435, 443, 443.

No. 75, an act concerning grand juries, 149, 157, 158, 170, 170, 220, 301, 305, 305, 340.

No. 76, an act to prevent future discrimination of railroad companies against persons or corporations operating or working coal mines, 151, 170, 170, 233, 241, 316, 317.

No. 77, an act to relieve counties of certain classes of delinquent taxes, 156, 165, 179, 179, 219, 289, 294, 295, 432, 435, 438.

No. 78, an act for the protection of stock from disease, 156, 165, 184, 185, 310.

No. 79, an act in relation to issuing writs of certiorari, 157, 165, 188, 231, 256, 265.

No. 80, an act to protect cattle from disease called Texas fever, 158, 165, 179, 179, 220, 221, 271, 272, 279, 297, 414, 432, 435, 437.

No. 81, an act concerning jurisdiction, powers and practice of the county courts, 158, 165, 180, 231, 247, 249.

No. 82, an act concerning the jurisdiction of the county judges and county courts in cases of injunction, 158, 165, 179, 179, 231, 256, 262, 414, 432, 435, 437.

No. 83, an act to provide for the publication, purchase and distribution of the decisions of the supreme court of Colorado, 158, 165, 184, 185, 231, 256, 279, 292, 413, 421, 432, 435, 438.

No. 84, an act to provide a salary for the reporter of the decisions of the supreme court, 164, 172, 196, 196, 231, 253, 279, 289, 295, 413, 429, 431, 432, 433, 435, 443, 443.

No. 85, an act concerning the jurisdiction of county judges and county courts, 164, 172, 188, 231.

SENATE BILLS—Continued.

No. 86, an act to amend section 128 of an act entitled elections, chapter 30 of general laws, 164, 172, 196, 196, 218, 225, 279, 404, 417, 436, 437, 445.

No. 87, an act authorizing the county assessors to collect statistical information and make proper return thereof, 164, 172, 196, 196, 301, 301, 302.

No. 88, an act to repeal part of section 13 of chapter 15 of general laws, 165, 172, 184, 185, 213, 227, 228.

No. 89, an act to amend an act entitled, an act concerning unclaimed freight, 165, 172, 188, 221, 256, 266.

No. 90, an act for the codification of the laws of Colorado, 165, 168, 172, 209, 220, 415.

No. 91, an act to provide for payment of clerical expense in the office of secretary of State, 171, 181, 202, 346, 346, 355, 365.

No. 92, an act to amend chapter 19 of the general laws, 171, 181, 230, 230, 246, 264, 273.

No. 93, an act to amend section 561 of the general laws, 171, 181, 196, 196, 253, 261, 265.

No. 94, an act to amend an act entitled, an act in relation to municipal corporations, 171, 181, 209, 209, 253, 264, 267, 414, 432, 435, 438.

No. 95, an act to amend section 17 of an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act, and to revise and amend the same, 171, 181, 209, 209, 212, 216, 291, 308, 311, 312, 323, 325.

No. 96, an act to amend section 34 of an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act, and to revise and amend the same, approved April 6, A. D 1877, 171, 181, 198, 198, 204, 217, 291, 308, 311, 312, 323, 346.

No. 97, an act providing the manner in which county seats may be changed, and for the repeal of certain acts pertaining thereto, 171, 181, 209, 209, 216, 219, 225.

No. 98, an act to amend section 59 of an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act, and to revise and amend the same, 171, 181, 198, 198, 204, 217, 291, 300, 323, 324, 355, 365.

No. 99, an act to make compensation to David P. Wilson, 171, 181, 209, 209, 231.

No. 100, an act to amend an act entitled, an act in relation to municipal corporations, approved April 4, 1877, 171, 181, 209, 209, 287, 298, 414, 435, 440, 442, 442.

No. 101, an act to amend an act entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, 172, 181, 198, 198.

No. 102, an act in relation to bastardy, 172, 181, 224, 224, 231, 249, 250, 414, 432, 435, 437.

SENATE BILLS—Continued.

No. 103, an act to repeal a part of section 31 of an act entitled, an act to incorporate the Colorado land and mineral association, 176, 181, 221, 253, 256, 257, 309, 342.

No. 104, an act to amend section 74 of general laws, 176, 181, 196, 196, 360, 360, 433, 435, 443, 443.

No. 105, an act concerning the limitation of actions, 177, 181, 198, 198, 231, 247, 260, 433, 435, 443, 443.

No. 106, an act to change the names of the counties of Lake and Carbonate, 180, 192, 211, 221, 227, 244, 323, 332, 346, 346, 355.

No. 107, an act to amend section 40 of chapter 19 of general laws, 180, 192, 211, 221, 226, 404, 417, 435, 437, 445.

No. 108, an act to protect settlers upon State lands, 181, 192, 211, 255, 301, 301, 308, 337, 337.

No. 109, an act to amend an act entitled, an act to provide for the protection, preservation and propagation of fish, approved March 10, 1877, 181, 199, 277, 279, 291.

No. 110, an act creating an advisory board to the Governor in certain cases, 182, 199, 221.

No. 111, an act to establish impartial suffrage, 186, 199, 230, 230, 233 268, 269, 301, 301, 302, 302, 345, 353, 378.

No. 112, an act regulating the power of granting and dissolving injunctions and restraining orders and mode of obtaining mandatory writs of injunction, and practice relating thereto, 189, 199, 255.

No. 113, an act concerning evidence and depositions, 189, 199, 260, 261.

No. 114, an act concerning mandamus, 189, 199, 260, 261.

No. 115, an act concerning juries, 189, 199, 230, 230.

No. 116, an act concerning arbitrations and awards, 189, 199, 260, 261.

No. 117, an act concerning quo warranto, 189, 199, 260, 261, 401.

No. 118, an act to amend chapter 53 of general laws concerning judgments and executions, 189, 199, 271, 271, 292.

No. 118, an act to provide for changing the venue in civil and criminal actions, 189, 199, 260, 261.

No. 120, an act concerning the publication of the session laws of Colorado, 189, 199, 230, 230, 233, 233.

No. 121, an act to promote uniformity in assessments, 189, 199, 230, 230, 401.

No. 122, an act making an appropriation for the purchase of Colorado reports, 190, 199, 260, 261.

No. 123, an act exempting monthly wages from attachment in certain cases, 190, 199, 255.

No. 124, an act for the creation of a board of railroad commissioners and defining their powers and duties, 190, 191, 199, 224, 224, 287.

No. 125, an act prescribing rates of fare and freight on the several railroads in this State, 190, 199, 305, 305, 316, 317.

SENATE BILLS—Continued.

No. 126, an act to amend sections 140 of chapter 25 of revised statutes of Colorado, 190, 199, 257, 263, 289, 292, 415.

No. 127, an act concerning life insurance companies, 190, 199, 271, 271, 287, 336, 361.

No. 128, an act repealing chapter 91 of general laws, 190, 199, 247, 269, 271, 272, 274, 274, 290, 298.

No. 129, an act to establish a board of railroad commissioners, 190, 199, 233, 233, 303, 313, 314, 315, 317, 318, 318, 318, 320, 320, 321, 329, 339, 340.

No. 130, an act to ratify and legalize certain corporations, 190, 199, 271, 271, 287.

No. 131, an act in relation to public lands, entered by town authorities in trust for the owners and occupants thereof, 190, 199, 271, 287.

No. 132, an act to repeal section 169 of the act providing a system of procedure in civil cases, 190, 199, 255, 255.

No. 133, an act to amend an act entitled, an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, approved March 20, 1871, 190, 199, 271, 271, 401.

No. 134, an act entitled, attachment and garnishment, 190, 199.

No. 135, an act to provide for the purchase of supplies for the legislative, executive and judicial departments of the State, and for the renting of rooms for the general assembly, 191, 199, 224, 224, 232, 247, 259, 404, 432, 435, 437.

No. 136, an act authorizing the purchase of Corbett's legislative manual, 192, 199, 202.

No. 137, an act to amend chapter 38 of the general laws of Colorado, entitled, forcible entry and detainer, 191, 199, 255, 255.

No. 138, an act to repeal section 7 of chapter 41 of general laws, 191, 199, 255, 255, 288, 294, 295, 299.

No. 139, an act to repeal an act providing a system of procedure of civil actions in the courts of justice in the state of Colorado, 191, 199, 224, 224.

No. 140, an act in relation to suits against corporations, when the same shall be commenced, and how service of process shall be had upon corporations, 191, 199, 271, 271, 288, 294, 295, 299, 301, 301, 329, 341.

No. 141, an act in relation to mineral lands within the state of Colorado, 191, 199, 255, 255, 329, 337, 339, 347, 353, 358, 359, 359, 360, 360.

No. 142, an act concerning constables, 191, 199, 255, 255.

No. 143, an act to reimburse Park county for maintenance of prisoners, 191, 199, 255, 255, 401.

No. 144, an act authorizing county treasurers to transfer certain funds to the general fund of their respective counties, 191, 199, 255, 255, 320, 337, 343, 432, 435, 438, 448.

SENATE BILLS—Continued.

No. 145, an act for the relief of Gilpin and Clear Creek counties, 191, 199, 224, 224, 401.

No. 146, an act concerning the consolidation of mining corporations, 191, 199, 271, 271.

No. 147, an act to amend an act entitled, an act providing a system of procedure in civil actions in the courts of justice in Colorado, 195, 199, 224, 224.

No. 148, an act in relation to precinct officers, 195, 199, 271, 271.

SUBSTITUTE BILLS—

Substitute S. B. No. 16, 136, 142, 164.

Substitute S. B. No. 23, 163, 164, 167.

Substitute S. B. No. 49, 170, 170, 177, 214.

Substitute H. B. No. 91, 255, 261, 262.

Substitute S. B. No. 22, 258, 261, 261.

Substitute S. B. No. 77, 299, 448.

Substitute S. B. No. 91, 313.

Substitute S. B. No. 108, 337.

SENATE CONCURRENT RESOLUTIONS—

No. 1, appointing committee to inform Governor of readiness to receive communications, 9.

No. 2, appointing committee to inform Governor of time of joint session to receive message, 11.

No. 3, appointing committee on printing contract, 37, 49, 270.

No. 4, adopting joint rules of first assembly, 38, 49.

No. 5, concerning printing of Governor's message, 38, 43, 47, 48, 67, 68.

No. 6, 114.

No. 7, of thanks to Dr. F. V. Hayden, U. S. Geologist, 76, 80, 138, 138, 147, 163, 168, 169, 175.

No. 8, that General Assembly meet in joint convention to elect U. S. Senator, 78, 87.

No. 9, appointing committee to wait upon and escort the Governor-elect to Representative hall for inauguration ceremonies, 80, 86, 136.

No. 10, appointing joint committee on enrollment, 110, 134.

No. 11, that 500 copies Governor's inaugural message be printed, 112, 117, 130, 131, 136, 159, 160.

No. 12, asking appropriation of Congress to complete military post near Pagosa Springs and military wagon road leading to it, 126, 136, 147, 147, 152, 164, 164, 166, 297, 308, 311, 312, 323, 326.

No. 13, relative to passage of bill by Congress in relation to Pagosa Hot Springs, 135, 142, 170, 170, 195, 201, 260, 288, 288, 312.

No. 14, relative to State entering lands sufficient to make good deficiency, 156, 165, 184, 185, 200, 203, 208, 227, 257, 275.

No. 15, relative to repealing an act of Congress, entitled, an act to enable the people of Colorado to form a constitution, etc., 164, 172, 184, 185, 188.

SENATE CONCURRENT RESOLUTIONS—Continued.
No. 16, relative to printing 1000 copies report State board of agriculture, 184, 192, 209, 346, 346, 355.
No. 17, concerning appointment of committee to consider constitutional amendments, 218, 241, 241.
No. 18, relative to amendments to code, 228, 241, 241, 242.
No. 19, instructing secretary of State to publish journals of present assembly, 448, 448.

SENATE JOINT MEMORIALS—
No. 1, memorializing Congress to establish a military post in southeastern Colorado, 347, 347, 366, 433, 443.

SENTENCES—
act relating to commutation of, 336, 346, 375, 390, 435, 439.

SERGEANT-AT-ARMS—
election of, 7.

SHEEP INSPECTORS—
act to amend act for appointment of, 266, 272, 292, 308, 341, 376, 376, 418.

SHERIFFS AND CORONERS—
act to further define duties of, 43, 47, 65, 66, 156, 156, 159, 185, 186, 204, 205, 244.

SHUMWAY, LIZZIE—
election of, engrossing clerk, 8.
oath of, 15.

STATE BOARD OF AGRICULTURE—
act to amend chapter 7 of general laws, entitled, 71, 77, 109, 109, 139, 152, 164, 164, 174, 404, 432, 437.
act to amend section 74 of general laws, concerning, 176, 181, 196, 196, 360, 360, 433, 435, 443, 443.
act to enable, to open agricultural college, 324, 327, 345, 350, 351, 362, 377, 388, 436, 437.
appointment members of, by Governor, 428.

STATE BOARD OF HEALTH—
act making appropriation for, 267, 272, 291, 351, 369, 418.
appointment members of, by Governor, 428.

STATE BOARD OF LAND COMMISSIONERS—
act relating to powers and duties of, 296, 312, 345, 358, 363, 363, 395, 397, 399, 404, 411, 413, 442, 442.

STATE HISTORICAL SOCIETY—
act to encourage formation of, 324, 327, 345, 354, 371, 418.

STATE INSTITUTIONS—
act to provide for collecting and keeping account of moneys of, 80, 108, 120, 120, 152, 164, 164, 173, 291, 294, 307, 307, 333, 336.

STATE LANDS—
act to protect settlers upon, 181, 192, 211, 255, 301, 301, 308, 337, 337.
act relating to management of, 296, 312, 345, 358, 363, 363, 395, 397, 399, 404, 411, 413, 442, 442.
act making appropriation for expense of locating, etc., 296, 312, 345, 368, 418.

STATE TREASURER—
act authorizing, to apply c rtain money to payment of interest, 67, 68, 77, 87, 131.
act to authorize to pay interest on State warrants, 349, 374, 380, 381.
act requiring to countersign State warrants, 300, 312, 352, 352, 359, 369, 418.

STATE UNIVERSITY—
act to provide additional fund for, 139, 163, 164, 179, 180, 219, 221, 224, 313, 331, 353, 355, 355, 359, 388, 399, 417, 435, 437.

STATE WARRANTS—
act requiring State treasurer to countersign, 300, 312, 352, 352, 359, 369, 418.

STOCK—
act to provide for the branding and herding of, 57, 61, 72, 73, 148, 151, 169, 174, 175, 180, 183, 307, 313, 346, 355, 365.
act apportioning bulls and cows, 130.
act to protect from disease, 156, 165, 184, 185, 310.
act to protect from Texas fever, 158, 165, 179, 179, 220, 221, 271, 272, 279, 297, 414, 432, 435, 437.
act entitled, stallions, jacks, bulls, etc., 162,
act to provide for herding of rams, 178.
act to protect grazing lands from, of non-residents, 178.
act entitled, stallions, jacks, bulls, rams and boars, 162, 165, 182, 257, 257.
act apport oning bulls and cows, 130, 136, 142, 153, 220, 221, 338, 345, 345, 354.
act to protect grazing lands from stock of non-residents, 178, 181, 199, 212, 215, 215, 222, 257, 257.
act to provide for herding of rams, 178, 181, 199, 212, 212, 227, 228, 277, 324, 355.
act to amend sections 2573 and 2583 of general laws, concerning, 336, 346, 375, 384, 391, 395.

SUFFRAGE—
act to establish impartial, 186, 199, 230, 230, 233, 268, 269, 301, 301, 302, 302, 345, 353, 378.

SUMMONS—
act to regulate service of, issued by justices, 348, 364, 380, 389, 405.

SUPPLIES—
act to provide for purchase of, for the several departments, 191, 199, 224, 224, 232, 247, 259, 404, 432, 435, 437.

SUPREME COURT—
act to enable State to purchase reports of, 135, 142, 155, 155, 198, 219, 223, 404, 432, 435, 437.
act making appropriation for purchase of reports of, 190, 199, 260, 261.
act to create marshal for, etc., 144, 149, 155, 170, 170, 219, 225, 231, 256.
act to provide for publication, etc., of decisions of, 158, 165, 184, 185, 231, 256, 279, 292, 413, 421, 432, 435, 438.
act to provide salary for reporter of decisions of, 164, 172, 196, 196, 231, 253, 279, 289, 295, 413, 429, 431, 432, 433, 435, 443, 443.
act to provide for purchase of law books for library of, 295, 312, 351, 367, 418.

T

TEMPORARY PRESIDENT—
election of, 5.

TEMPORARY SECRETARY—
election of, 5.

TOWNS AND CITIES—
act to enable, to purchase and manage ditches, 204, 214, 223, 246, 269, 342, 376, 376, 418.
act to amend chapter 100 of general laws, entitled, 297, 312, 346, 355, 367, 425.

TREADWAY, JAMES R.—
election of, enrolling clerk, 7.

TRUJILLO, CLEMENTE—
credentials of, 6.
oath of, 7.
nominations by, 7.

TRUST DEEDS—
act to regulate foreclosure of, 58, 61, 69, 70, 131, 156, 156, 159, 164, 164, 174, 219.
act in relation to, 61, 67, 72, 72, 115, 131, 143, 149.

U

UNCLAIMED FREIGHT—
act concerning, 165, 172, 188, 221, 256, 266.

UNIVERSITY, STATE—
act to provide additional fund for, 139, 163, 164, 179, 180, 219, 221, 224, 313, 331, 353, 355, 355, 359, 388, 399, 417, 435, 437.

UPDYKE, WILLIAM—
election of, doorkeeper, 8.

V

VALDEZ, A. T.—
election of, interpreter, 8.

VENUE—
act concerning change of, 189, 199, 260, 261.
act concerning cases in district or county court, the venue of which has been changed thereto, 266, 272, 291, 309, 344, 376, 376, 418.
act providing for a change of, in criminal cases in the district court, 318, 327, 345, 389.
act providing for change of, in preliminary examination, 296, 345, 389, 391, 436, 437, 444.

W

WATER—
act concerning appropriation of, for mining and milling purposes, 319, 327, 345, 401, 401, 415, 415.

WEBSTER, WILLIAM W.—
credentials of, 5.
motions by, 35, 63, 71, 73, 114, 117, 131, 137, 148, 160, 161, 177, 203, 242, 275, 276, 321, 332, 357, 364, 395, 397, 398, 399, 404, 411, 415, 421, 424, 433, 438, 438, 449.
bills introduced by, 59, 190.
resolutions by, 38, 156, 448.

WILSON, DAVID P.
act to make compensation to, 171.

WILKINS, D. F.—
election of, interpreter, 8.

WILLOUGHBY, FRANK—
election of, page, 8.

WILLS, EXECUTORS AND ADMINISTRATORS—
act to amend section 112 of chapter 103 entitled, 70, 77, 109, 109, 134, 139, 141, 144, 230, 257, 274.

WISEBART, LINA—
election of, assistant enrolling clerk, 8.
oath of, 15.

WOLCOTT, HENRY R.—
credentials of, 5.
oath of, 7.

WOLCOTT, HENRY R.—Continued.
motions by, 125, 130, 133, 137, 145, 153, 160, 182, 192, 218, 221, 229, 248, 249, 252, 258, 272, 274, 302, 329, 355, 356, 379, 379, 426, 438, 447.
bills introduced by, 42, 74, 77, 81, 164, 190, 191.
resolutions by, 218.

WOLCOTT, EDWARD O.—
credentials of, 6.
oath of, 6.
motions by, 12, 50, '66, 70, 78, 81, 87, 109, 110, 115, 121, 121, 122, 123, 125, 168, 177, 185, 189, 203, 205, 207, 214, 231, 242, 244, 257, 257, 259, 269, 274, 278, 292, 293, 308, 310, 310, 311, 313, 330, 331, 335, 338, 339, 348, 350, 351, 352, 353, 353, 359, 359, 360, 364, 375, 376, 387, 407, 409, 410, 414, 425, 436, 446, 446, 450.
bills introduced by, 42, 76, 80, 158, 158, 171, 176, 177, 190, 191, 192.
resolutions by, 45, 66, 67, 259, 330, 356.

WOLVES AND COYOTES—
act to repeal chapter 105 of general laws entitled, 86, 108, 117, 149, 155, 155, 166, 173, 200, 203, 203, 203, 211, 213, 222, 222, 257, 257.

WOMEN—
act to amend sections 4 and 5 of chapter 64 of general laws entitled, married women, 138.

House Journal.

HOUSE JOURNAL

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF COLORADO,

SECOND SESSION,

Convened at the City of Denver, January 1, 1879.

PRINTED BY AUTHORITY.

HOUSE JOURNAL

OF THE

General Assembly of the State of Colorado

SECOND SESSION.

WEDNESDAY, JANUARY 1, 1879.

The House of Representatives of the Second General Assembly of the State of Colorado, met in Denver, the seat of government of said State, on Wednesday, January 1, 1879, and was called to order by W. B. Felton, Chief Clerk of the last House, pursuant to law, at 12 o'clock, noon, of said day.

The members present being called upon for their certificates of election, came forward and deposited the same with the presiding officer.

The clerk of the last House (Mr. Felton), then read a certified list of the members elected to the House, as follows:

Arapahoe County—Henry P. H. Bromwell, Robert S. Roe, William D. Todd, Royal A. Southworth, Benjamin K. Kimberly, Herman E. Luthe, Christopher C. Gird.

Bent County—Frank Bingham.

Boulder County—William J. Mann, Rienzi Streeter, William Scott, J. G. Evans.

Conejos County—Juan B. Lovato.

Costilla County—Ramon Trujillo.

Conejos and Costilla Counties—Joseph Hoffman.

Clear Creek County—William Spruance, Thomas J. Cantlon, Matthew O. Coddington, Henry Slockett.

Custer and Fremont Counties—William McLaughlan, James A. McCandlass.

Douglas County—Matthew D. Morehead.

Elbert County—Henry Gebhard.

El Paso County—Ivory Phillips, Robert Douglass.

Gilpin County—Richard Harvey, James McD. Livesay, William J. Lewis.

Grand and Routt Counties—James H. Crawford.

Gunnison and Lake Counties—Joseph Hutchinson.

Hinsdale County—Allen T. Gunnell.

Huerfano County—Vincente Maez, Ramon Martin Y'Valdez.

Jefferson County—Joseph G. Pease, Joseph Mann.

La Plata County—D. L. Sheets.

Larimer County—Lucas Brandt.

Las Animas County—Julius H. Clark, J. B. Martinez, Benito Cordova.

Ouray and San Juan Counties—John H. P. Voorhies.

Park County—Judson T. Flower.

Pueblo County—George M. Chilcott, J. J. Thomas.

Rio Grande County—Charles H. Toll.

Saguache County—Isaac Gotthelf.

Summit County—William R. Bartlett.

Weld County—Jared L. Brush, Lorin C. Mead.

I hereby certify that the above is a true and correct list of the members elected as representatives to the Second General Assembly of the State of Colorado, at an election held on the 1st day of October, 1878.

In testimony whereof I have hereunto set my hand and affixed the Great Seal of the State, at the city of Denver, this 31st day of December, A. D. 1878.

WM. M. CLARK,

[SEAL OF THE STATE.] *Secretary of State.*

Upon calling the roll, the following gentlemen were found to be present:

Arapahoe County—Henry P. H. Bromwell, Robert S. Roe, William D. Todd, Royal A. Southworth, Benjamin K. Kimberly, Herman E. Luthe, Christopher C. Gird.

Boulder County—William J. Mann, Rienzi Streeter, William Scott, J. G. Evans.

Costilla County—Ramon Trujillo.

Clear Creek County—Thomas J. Cantlon, Matthew O. Coddington.

Custer and Fremont Counties—James A. McCandlass.

Elbert County—Henry Gebhard.

El Paso County—Robert Douglass.

Gilpin County—Richard Harvey, James McD. Livesay, William J. Lewis.

Grand and Routt Counties—James H. Crawford.

Huerfano County—Vincente Maez, Ramon Martin Y'Valdez.

Las Animas County—Julius H. Clark, J. B. Martinez.

Ouray and San Juan Counties—John H. P. Voorhies.

Park County—Judson T. Flower.

Pueblo County—George M. Chilcott.

Rio Grande County—Charles H. Toll.

Saguache County—Isaac Gotthelf.

Summit County—William R. Bartlett.

Weld County—Jared L. Brush, Lorin C. Mead.

Being a quorum of the House.

The election of a temporary speaker being next in order.

Mr. Todd nominated Mr. Gotthelf for that position.

Mr. Gotthelf nominated Mr. Todd.

Messrs. Roe and Coddington were appointed tellers.

A ballot was then had, with the following result:

Whole number of votes cast	. . . . .	36
Mr. Gotthelf received	. . . . .	20 votes
Mr. Todd "	. . . . .	15 "
Blank "	. . . . .	1 "

Mr. Gotthelf having received a majority of all the votes cast, was declared to be the choice of the House for temporary speaker, and thereupon took the chair.

Mr. Streeter nominated Mr. Todd for temporary clerk.

Mr. Livesay nominated Mr. R. Moore for the same position.

Mr. Todd moved that Mr. Moore be chosen temporary clerk by acclamation.

Which motion prevailed.

The following nominations were made for temporary sergeant-at-arms.

Mr. Bromwell nominated H. Barker.

Mr. Livesay nominated J. D. Wood.

Mr. Coddington nominated F. N. Bogue.

Mr. Southworth nominated J. M. Ramsey.

Mr. Evans nominated W. H. Wood.

A ballott was then taken with the following result:

Whole number of votes cast		40
W. H. Wood received		9 votes
F. N. Bogue	"	8 "
J. M. Ramsey	"	6 "
H. Barker	"	6 "
J. D. Wood	"	5 "
Mr. Woods	"	2 "
Mr. Williams	"	1 "
Blank	"	3 "

There being no choice, Mr. Roe moved that Mr. W. H. Wood be chosen temporary sergeant-at-arms by acclamation.

Which motion prevailed.

Mr. Todd moved that there be appointed a committee of five on credentials.

Which motion prevailed.

Messrs. Todd, Streeter, Toll, Crawford, and Pease were appointed such committee.

Mr. Clark moved that a recess be taken for ten minutes.

Which motion prevailed.

At 12:40 o'clock P. M. the House took a recess.

At 12:50 o'clock P. M. the House was called to order by Mr. Gotthelf, temporary speaker.

The committee on credentials presented the following report:

Mr. Speaker:

Your committee on credentials report the following named persons as entitled to seats in the House of Repre-

sentatives of Colorado, at the Second General Assembly as shown by the certificate of the Secretary of State.

WM. D. TODD,
J. G. PEASE,
JAS. H. CRAWFORD,
CHAS. H. TOLL,
RIENZI STREETER,
Committee on Credentials.

The list is as follows:

Arapahoe County—Henry P. H. Bromwell, Robert S. Roe, William D. Todd, Royal A. Southworth, Benjamin K. Kimberly, Herman E. Luthe, Christopher C. Gird.

Bent County—Frank Bingham.

Boulder County—William J. Mann, Rienzi Streeter, William Scott, J. G. Evans.

Conejos County—Juan B. Lovato.

Costilla County—Ramon Trujillo.

Conejos and Costilla Counties—Joseph Hoffman.

Clear Creek County—William Spruance, Thomas J. Cantlon, Matthew O. Coddington, Henry Slockett.

Custer and Fremont Counties—William McLaughlan, James A. McCandlass.

Douglas County—Matthew D. Morehead.

Elbert County—Henry Gebhard.

El Paso County—Ivory Phillips, Robert Douglass.

Gilpin County—Richard Harvey, James McD. Livesay, William J. Lewis.

Grand and Routt Counties—James H. Crawford.

Gunnison and Lake Counties—Joseph Hutchinson.

Hinsdale County—Allen T. Gunnell.

Huerfano County—Vincente Maez, Ramon Martin Y'Valdez.

Jefferson County—Joseph G. Pease, Joseph Mann.

La Plata County—D. L. Sheets.

Larimer County—Lucas Brandt.

Las Animas County—Julius H. Clark, J. B. Martinez, Benito Cordova.

Ouray and San Juan Counties—John H. P. Voorhies.

Park County—Judson T. Flower.

Pueblo County—George M. Chilcott, J. J. Thomas.

Rio Grande County—Charles H. Toll.

Saguache County—Isaac Gotthelf.

Summit County—William R. Bartlett.

Weld County—Jared L. Brush, Lorin C. Mead.

Mr. Mann of Jefferson moved that the report of the committee on credentials be adopted.

Which motion prevailed.

Mr. Todd moved that Victor Elliott, judge of the second judicial district, be invited to administer the oath of office to the members present.

Which motion prevailed.

Whereupon the following named gentlemen came forward and took the oath as the law prescribes:

Henry P. H. Bromwell, Robert S. Roe, William D. Todd, Royal A. Southworth, Benjamin K. Kimberly, Herman E. Luthe, Christopher C. Gird, William J. Mann, Rienzi Streeter, William Scott, J. G. Evans, Ramon Trujillo, Thomas J. Cantlon, Matthew O. Coddington, Henry Slockett, William McLaughlan, James A. McCandlass, Matthew D. Morehead, Henry Gebhard, Ivory Phillips, Robert Douglass, Richard Harvey, James McD. Livesay, William J. Lewis, James H. Crawford, Vincente Maez, Ramon Martin Y'Valdez, Joseph G. Pease, Joseph Mann, D. L. Sheets, Lucas Brandt, Julius H. Clark, J. B. Martinez, John H. P. Voorhies, Judson T. Flower, George M. Chilcott, Charles H. Toll, Isaac Gotthelf, Jared L. Brush, and Lorin C. Mead.

Mr. Mann, of Jefferson, presented the following resolution:

Resolved, That a committee of five be appointed to arrange the seats of the members in this hall by lot or otherwise.

Mr. Clark moved that the House do now adjourn until 10 o'clock A. M. to-morrow.

Which motion prevailed.

And at 1:20 o'clock P. M. the House adjourned until 10 o'clock in the forenoon of Thursday, the 2d day of January, A. D. 1879.

SECOND DAY.

THURSDAY, JANUARY 2d, 1879.

The House met at 10 A. M. with the temporary speaker, Mr. Gotthelf, in the chair.

Prayer by the Rev. F. M. Ellis.

The roll was called and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Moorehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Streeter, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies.—41.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Brandt, Cordova, Gunnell, Hoffman, Hutchinson, Lovato, McLaughlan, and Spruance.

Mr. Cantlon moved that the House now proceed to the election of a speaker.

Which motion prevailed.

Mr. Cantlon moved that Rienzi Streeter, of Boulder county, be elected speaker by acclamation.

Which motion prevailed.

Upon the motion of Mr. Cantlon, Messrs. Toll and Voorhies were appointed a committee to escort the speaker elect to the chair.

Mr. Todd moved that the organization of the House be now completed by the election of the officers provided by law.

Which motion prevailed.

Messrs. Bartlett, Bingham, Cordova, Lovato, Hoffman, and Thomas, came forward and were sworn in as members of the House.

Mr. Todd nominated W. B. Felton for chief clerk of the House, and moved that he be elected by acclamation.

Which motion prevailed.

Mr. Todd moved that M. R. Moore be elected assistant clerk of the House by acclamation.

Which motion prevailed.

Mr. Todd moved that Mr. J. M. Ramsey be elected sergeant-at-arms by acclamation.

Which motion prevailed.

Mr. Todd moved that F. N. Bogue be elected assistant sergeant-at-arms by acclamation.

Which motion prevailed.

Mr. Todd moved that Homer Shepherd be elected engrossing clerk by acclamation.

Which motion prevailed.

Mr. Todd moved that W. H. Laws be elected assistant engrossing clerk by acclamation.

Which motion prevailed.

Mr. Todd moved that C. A. Hutchings be elected enrolling clerk by acclamation.

Which motion prevailed.

Mr. Todd moved that H. Garlick be elected messenger by acclamation.

Which motion prevailed.

Mr. Todd moved that J. L. Steele be elected door-keeper by acclamation.

Which motion prevailed.

Mr. Todd moved that Rev. H. L. Beardsley be elected chaplain by acclamation.

Which motion prevailed.

Mr. Todd moved that Edwin S. Overholt and Gailie Fish be elected pages by acclamation.

Which motion prevailed.

Mr. Douglass moved that Morton Hood be elected page by acclamation.

Which motion prevailed.

For additional page, Mr. Gird nominated Lewis Halstead, Mr. Flower nominated J. D. Pease, and Mr. Sheets nomi-

nated Ed. F. Marshall. Messrs. Bartlett and Crawford were appointed tellers.

A ballot was taken, with the following result:

Total number of votes cast	. . . . .	46
Lewis Halstead received	. . . . .	17 votes
J. D. Pease "	. . . . .	21 "
Ed. F. Marshall "	. . . . .	7 "
Holton "	. . . . .	1 "

There being no choice, Mr. Voorhies moved that Master Pease be elected page by acclamation.

Which motion prevailed.

Mr. Todd moved that Thomas Riley be elected janitor by acclamation.

Which motion prevailed.

Mr. Todd presented the following resolution:

Resolved, That in addition to the officers of this House provided for by law, that the following offices be and are hereby created:

One assistant door-keeper.

One assistant enrolling clerk.

One fireman.

One interpreter.

Mr. Luthe moved that the resolution be adopted.

Which motion prevailed.

Mr. Lovato presented the following resolution:

Resolved, That, inasmuch as there are six Mexican members in this House, and one interpreter cannot interpret for the six members, an additional interpreter be appointed.

Mr. Luthe moved that the resolution be adopted.

Which motion was lost.

Mr. Todd moved that H. F. Lauter be elected assistant enrolling clerk by acclamation.

Which motion prevailed.

Mr. Todd moved that Juan Galazar be elected assistant door-keeper by acclamation.

Which motion prevailed.

Mr. Todd moved that Joseph Boureey be elected interpreter by acclamation.

Which motion prevailed.

Mr. Todd moved that Antonio Vigil be elected fireman by acclamation.

Which motion prevailed.

The officers elected, with the exception of Mr. Steele, came forward and were sworn.

Mr. Cantlon moved that a committee of three be appointed to wait upon the Senate, and inform that body that the House is organized, with Rienzi Streeter as speaker, and W. B. Felton as chief clerk, and is now ready to proceed to business.

Which motion prevailed.

And the speaker announces Messrs. Cantlon, Pease, and Southworth as said committee.

Mr. Cantlon moved that the members of the House retain for the session the seats they now occupy.

Mr. Luthe moved as an amendment that the selection of seats be made by lot.

Which motion to amend prevailed.

Mr. Mead moved as a further amendment that lot be drawn by counties.

Which motion to amend prevailed.

The question recurring upon the motion as amended.

The motion prevailed.

Mr. Brush moved that the clerk be requested to place slips in a hat, with the names of the counties thereon, and that said strips be drawn out and announced one at a time, the members selecting their seats by counties as announced.

Which motion prevailed.

Mr. Todd moved that the gentleman from Saguache, Mr. Gotthelf, being the longest in continued service, be allowed to select his seat first.

Which motion prevailed.

The members then proceeded to the selection of seats as decided upon.

A committee from the Senate, consisting of Senators Helm, Rogers, and E. O. Wolcott, appeared and announced that the Senate was organized and ready to proceed to business.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed the following resolution, and request your concurrence therein:

Resolved, That, the House concurring, a joint committee consisting of two members of the Senate and three members of the House, be appointed to inform the Governor that the General Assembly is now fully organized and ready to proceed to business, and receive any communication which he may desire to present.

W. W. ORRICK,

Secretary.

Mr. Cantlon moved that the resolution just received from the Senate be concurred in.

Which motion prevailed.

The speaker announced Messrs. Cantlon, Bromwell, and W. J. Mann as members of said joint committee on the part of the House.

The special committee to wait upon the Senate and inform said body of the organization of the House, reported as follows:

Mr. Speaker:

Your special committee appointed to wait upon the Senate and inform said body that the House is organized and ready for business, beg leave to report that they have performed said duty.

THOMAS J. CANTLON,

Chairman.

Mr. Luthe moved that the rules of the last House be adopted as the rules of this House until otherwise ordered.

Which motion prevailed.

Mr. Douglass presented the following resolution:

Resolved, That the Senate be requested to indicate a time when it will meet the House in joint session for the purpose of canvassing the votes for the executive officers of the State.

Mr. Southworth moved that the resolution be adopted.

Which motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has appointed on the part of the Senate, under the resolution providing for a joint committee to wait upon the Governor, Senators Ellsworth, and Hill.

W. W. ORRICK,
Secretary.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate will meet the House in joint convention at 3 o'clock P. M. to-day, for the purpose of canvassing the vote for State officers.

W. W. ORRICK,
Secretary.

Mr. Todd moved that the House do now take a recess for fifteen minutes.

Which motion prevailed.

At 11:45 o'clock A. M. the House took a recess.

The House was called to order by the speaker at 12 o'clock M.

Mr. Luthe presented the following resolution:

Resolved, That the House concur in the action of the Senate in appointing 3 o'clock in the afternoon as the hour for the joint convention for the purpose of canvassing the votes for State officers, and that the Senate be informed thereof.

Mr. Douglass moved that the resolution be adopted.

Which motion prevailed.

Mr. Voorhies moved that the vote by which the resolution to elect an additional interpreter was lost, be reconsidered.

Which motion prevailed.

The question recurring upon the motion to adopt the resolution.

Mr. Voorhies moved that it be amended by providing that the democratic Mexican members of the House be permitted to select said additional interpreter.

Which motion to amend prevailed.

The question recurring upon the motion to adopt the resolution as amended.

The motion prevailed.

Mr. Lovato nominated Mariano Laragoite for interpreter.

Mr. Voorhies moved that Mr. Laragoite be elected by acclamation.

Which motion prevailed.

Mr. Laragoite and Mr. Steele, door-keepers, were then sworn in.

Mr. Todd moved that there be appointed a standing committee of five on rules.

Which motion prevailed.

The Speaker announced Messrs. Todd, Cantlon, Voorhies, Toll, and Brush as said committee.

Mr. Evans presented the following resolution and moved its adoption:

Resolved, That the temporary officers of this House be allowed the usual per diem for services rendered.

The question being upon the motion to adopt the resolution, the motion prevailed.

Mr. Southworth moved that a recess be now taken until 2 o'clock this afternoon.

Which motion prevailed.

At 12:20 P. M. the House took a recess.

The House was called to order by the speaker at 2 o'clock P. M.

The following communication was received from the Secretary of State:

STATE OF COLORADO,
SECRETARY'S OFFICE,
DENVER, January 2d, 1879.

To the Honorable Speaker of the House of Representatives of the Second General Assembly:

SIR: In accordance with the provisions of section 981 of the general laws of the State of Colorado, I have the honor to transmit herewith all of the election returns which

have been received by me of the votes cast at an election held on the 1st day of October, 1878, for officers of the executive department.

Most respectfully your obedient servant,

WM. M. CLARK,

Secretary of State.

The special committee appointed to wait upon the Governor, presented the following report:

Mr. Speaker:

The undersigned members, on the part of the House, of the joint committee appointed in conjunction with a like committee on the part of the Senate, for the purpose of informing His Excellency, John L. Routt, Governor of said State, that the Senate and House of Representatives are organized and ready to receive any communication His Excellency may deem proper to present, beg leave to present the following report, to-wit:

That they, in conjunction with said Senate committee informed His Excellency, John L. Routt, of the matters respecting which they were charged on the part of the House of Representatives, and that His Excellency sends a communication to the General Assembly which is hereto attached and made a part of this report, and that having discharged their duties, the members of the committee beg leave to remain,

Very respectfully,

THOS. J. CANTLON,
WM. J. MANN,
H. P. H. BROMWELL,
Committee on part of House.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 2d, 1879.

Honorable the General Assembly:

GENTLEMEN: I have the honor to state that your joint committee have informed me of the organization of your body; I will therefore be ready to communicate with you

when notified of your readiness to receive such communication.

Very respectfully your obedient servant,

JOHN L. ROUTT,

Governor.

The hour having arrived for the convening of the joint convention for the purpose of canvassing the vote for State officers.

The Senate in a body was announced, and the joint convention was formed with J. P. Maxwell, president *pro tempore* of the Senate, in the chair.

Roll called.

Present:

Senators Barela, Butters, Chacon, Church, DeFrance, Ellsworth, Gaussoin, Hall of Lake, Hall of Park, Haynes, Helm, Hill, John, Johnson, Neikirk, Parrish, Peck, Rhodes, Rogers, Trujillo, Wolcott of Clear Creek, Wolcott of Gilpin, Webster, and president *pro tem.*

On the part of the House were present:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlin, Mead, Moorehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.

Absent:

Messrs. Gotthelf, Gunnell, and Spruance.

The joint session then proceeded to canvass the vote for State officers as returned by the various counties of the State.

Mr. Wolcott of Clear Creek moved that the reading of affidavits and certificates of the canvass be dispensed with.

Motion carried.

The votes of the different counties having been read, it

was moved that the joint session adjourn until to-morrow, the 3d instant, at 10 o'clock A. M.

Motion carried.

Mr. Brush moved that the House do now adjourn to ten o'clock to-morrow morning.

Which motion prevailed.

At 5:30 P. M. the House adjourned.

THIRD DAY.

FRIDAY, JANUARY 3d, 1879.

The House met at 10 A. M.

The Speaker in the chair.

Prayer by the chaplain.

The roll was called and the following gentlemen were present and answered to their names:

Bartlett, Brandt, Bromwell, Cantlon, Clark, Coddington, Cordova, Crawford, Douglass, Flower, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Lewis, Livesay, Lovato, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, McLaughlin, Mead, Moorehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Todd, Toll, Trujillo, Valdez, Voorhies, Mr. Speaker.—39.

Being a quorum of the House.

Gentlemen absent were:

Bingham, Brush, Chilcott, Evans, Gebhard, Gird, Kimberly, Mann (Joseph), Spruance, Thomas.—10.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed the following resolution:

Resolved, That, the House concurring, a committee of one member of the Senate and one member of the House be

appointed to wait upon the Governor and inform him that the General Assembly will be in joint session at 10:15 A. M. on Friday the 3d instant, to receive any message he may have to communicate, all of which is herewith transmitted for your convenience.

W. W. ORRICK,
Secretary.

Mr. Southworth moved that the committee asked for under the Senate resolution, be appointed.

Which motion prevailed.

The speaker announced Mr. Southworth as the member of said committee on the part of the House.

Messrs. Gunnell and Hutchinson came forward and took the oath as members of the House.

Thomas Riley, the janitor, and Masters Pease and Hood, pages, not having previously sworn, came forward and took the oath.

The hour having arrived for the re-assembling of the joint convention to complete the canvass of the vote for State officers.

The Senate in a body was announced and the joint convention was again formed with J. P. Maxwell, president *pro tempore* of the Senate, in the chair.

JOINT SESSION.

Roll called.

Absent:

Messrs. Butters, DeFrance, Wolcott of Clear Creek, Bingham, Brush, Chilcott, Gebhard, Gird, Kimberly, Mann (Joseph), Southworth, Spruance, and Thomas.

Quorum present.

The secretary then read the result of the canvass of the vote for State officers, and as the result of each vote was announced, the candidate receiving the highest number of votes for each office was by the president declared elected.

LEGISLATIVE CANVASS OF THE VOTE FOR STATE OFFICERS.

THE FOLLOWING IS THE RESULT OF THE CANVASS OF THE VOTE FOR STATE OFFICERS, MADE IN JOINT SESSION OF THE LEGISLATURE.

Counties.	Governor.			Lieutenant Governor.			Secretary of State.			Treasurer.			Attorney General.			Auditor.			Superintendent of Public Instruction.		
	F. W. Pitkin.	W. A. H. Loveland.	R. G. Buckingham.	H. A. W. Tabor.	T. M. Field.	P. A. Simmons.	N. H. Meldrum.	John S. Wheeler.	J. E. Washburn.	N. S. Culver.	Nelson Hallock.	W. D. Arnett.	Charles W. Wright.	C. Yeaman.	Alpheus Wright.	E. K. Stimson.	John H. Harrison.	G. W. King.	J. C. Shattuck.	O. J. Goldrick.	A. J. Chittenden.
Arapahoe	2,218	1,450	328	2,190	1,495	297	2,251	1,433	309	2,278	1,431	300	2,353	1,339	310	2,313	1,383	310	2,180	1,508	282
Bent	193	221	6	178	232	6	178	237	6	179	236	6	177	236	6	178	236	6	185	230	6
Boulder	989	627	653	992	644	642	1,006	596	667	1,021	612	648	998	592	683	1,024	611	648	1,015	618	649
Conejos	400	478	14	235	549	11	410	473	14	409	471	14	408	463	14	417	474	14	406	478	12
Costilla	339	240	. .	302	267	. .	318	238	. .	336	243	. .	337	243	. .	337	242	. .	338	243	. .
Clear Creek	1,062	815	269	1,079	835	243	1,070	841	243	1,072	835	244	1,085	828	243	1,069	827	245	1,083	834	240
Custer	239	218	19	234	227	16	237	225	16	236	225	17	236	225	16	230	230	19	234	228	16
Douglas	248	205	30	223	229	21	233	222	23	241	224	22	241	220	24	241	222	24	238	225	23
Elbert	153	160	22	147	168	19	150	165	29	150	167	19	161	156	18	150	164	21	151	166	19
El Paso	884	340	22	858	360	17	871	357	15	921	307	18	866	359	19	867	359	19	822	357	18

Fremont	339	222	85	321	238	79	334	238	75	337	235	76	333	233	79	281	291	77	336	230	80
Gilpin	1,037	633	280	1,070	646	233	1,057	660	231	1,072	647	232	1,073	644	231	1,073	645	232	1,067	650	232
Grand	33	42	1	33	42	1	33	42	1	33	42	1	33	42	1	33	42	1	33	42	1
Gunnison	52	40	. .	45	47	. .	47	44	. .	39	51	. .	46	45	. .	45	46	. .	45	46	. .
Hinsdale	319	283	56	275	300	76	307	291	59	307	292	59	308	289	58	307	290	59	299	298	60
Huerfano	438	496	4	440	493	4	442	492	4	442	493	5	444	491	5	444	491	5	347	467	5
Jefferson	425	614	210	490	551	219	492	536	219	497	549	204	497	533	222	496	535	221	504	532	216
La Plata	136	135	. .	124	139	. .	135	133	. .	134	136	. .	135	135	. .	134	136	. .	128	136	6
Lake	977	953	169	1,028	883	153	942	972	164	842	1,074	162	969	955	162	930	977	171	949	980	162
Las Animas . . .	641	977	32	623	1,032	31	622	1,051	91	622	1,022	41	707	1,016	7	622	1,020	58	591	1,023	42
Larimer	362	354	133	374	353	126	406	292	135	377	354	126	378	354	126	373	357	125	380	363	121
Ouray	413	258	31	326	334	39	333	330	38	331	331	38	336	326	38	334	326	38	323	342	37
Park	311	242	7	330	245	4	317	243	4	309	250	4	318	241	5	316	243	4	317	242	4
Pueblo	507	524	21	484	605	21	505	584	24	504	584	25	505	584	22	503	579	23	481	609	24
Rio Grande . . .	255	151	6	249	157	2	246	158	4	243	159	4	247	156	4	244	159	4	241	164	3
Routt	23	27	1	21	29	. .	20	30	. .	21	30	. .	20	30	. .	20	30	. .	19	31	. .
Saguache	198	124	2	179	143	2	184	139	2	182	141	2	183	140	2	182	140	2	179	144	2
San Juan	308	249	63	262	297	62	277	271	72	275	276	70	278	271	72	275	276	72	278	272	71
Summit	191	106	10	179	114	18	192	110	8	118	113	8	188	110	8	192	109	8	179	121	8
Weld	618	291	309	600	315	299	550	331	326	613	313	290	601	315	301	610	312	297	624	315	265
Total	14,308	11,535	2,783	13,891	11,968	2,641	14,165	11,734	2,770	14,141	11,843	2,635	14,461	11,571	2,676	14,240	11,752	2,703	13,972	11,984	2,604

Mr. Webster, from joint committee appointed to wait upon His Excellency Governor John L. Routt and notify him of the hour of meeting of the joint session, appeared and reported that the committee had waited upon the Governor and notified him, and reported that the message of the Governor would be read by his private secretary.

Gentlemen of the Senate and House of Representatives:

It again becomes my duty under the Constitution to inform you in regard to the affairs of the State, and make such recommendations as I may deem expedient. In view of the fact that I shall in a few days surrender the executive office to the gentleman whom the people of Colorado have wisely chosen as their chief magistrate, I will, therefore, recommend only subjects for your consideration as seem necessary to be called to your attention early in the session.

FINANCE.

The reports of the Auditor and Treasurer show in detail the financial transactions of the past two years and the present condition of the State. They have been prepared with great care, and are very clear and explicit.

The following statement, made up from both reports, is a summary of the State indebtedness November 30, 1878.

Warrants outstanding		$191,948 99
Certificates of indebtedness issued		29,361 36
Total debt		$221,310 35
Deduct cash in treasury		68,145 89
		$153,164 46
Add interest on warrants		19,836 51
Estimated interest on certificates indebtedness		1,500 00
Approved penitentiary vouchers outstanding November 30		12,125 33
Total		$186,626 30
Deduct amount of warrants outstanding which will be met by special taxes now due	$ 4,565 60	
Estimated amount of fines and penalties, and receipts from sales of laws and		

Amounts brought forward	4,565 60	$186,626 30
fees of secretary's office	10,000 00	14,565 60
Total outstanding debt		$172,060 70
The amount of revenue due for general purposes, including tax of 1878		$247,619 58
Deduct old delinquent tax		71,090 06
Amount due to meet present debt		$176,529 52

When the tax of 1878 is collected, which will be by July 1st, or at fartherest the close of the fiscal year, the State will be out of debt. The debt of this year is, of course, to be paid out of the tax of 1879. For a new State this is unprecedented, and that its credit is good is shown by the fact that State warrants, which less than two years ago were selling for seventy-five cents on the dollar, are now one per cent. above par. The officers in charge of our finances have been careful and conscientious in the performance of their duties, and to their good management the result is largely due.

Among the recommendations of the Auditor is one made by his predecessor, that counties be relieved of the burden of old delinquent taxes, which can never be collected but are still charged against them on his books from year to year. This, as he terms it, is a "deception," being a "dead asset and a useless encumbrance."

I have from time to time examined the bank account of the treasurer, and always found the balance in the treasury to agree with the balance stated in his quarterly reports. This I found to be correct on November 30th.

TAXATION.

The question of an equitable distribution of the burdens of taxation interests every citizen more, perhaps, than any other one problem in political economy.

The moral obliquity of some men is such that, while honest in business and punctual in meeting their pecuniary obligations, they seek to avoid paying their indebtedness to the government which protects them, not seeming to realize that a wilfull misrepresentation of the value of their property is dishonest and foolish, as it does not lessen the burden of taxation.

The law distinctly requires that "all property shall be assessed at its full cash value," and the duty of adjusting the rates of assessment in the different counties according to this standard, devolves upon the State board of equalization.

From the assessors' returns, we find in one county five times as many acres assessed in 1877 as in 1878, and the average value per acre in 1877 one-third as much as in 1876; in another county one-half as much in 1878 as in 1877. Send that statement abroad, for it is published in a table of statistics by the auditor, and what must those who read it think of Colorado? Would they not at once say, "That State is going backward?" Then take the item of live stock, and we find cattle returned at from $4 to $20 per head, horses from $20 to $90, and other stock in the same manner.

As it now stands, the law is inoperative, and these assessments cannot be adjusted to cash values. In order, however, that all property may bear its due proportion of tax, the assessors' returns should be so complete and specific in their details, that the opportunities for evasion and misrepresentation will be reduced to the minimum. The character and location of land should be shown, and the age, whether one, two or three years old, and kind of cattle, whether Texas, American, half-breed or thorough-bred. So also of other kinds of live stock. All property should be carefully classified, and then the equalization could be readily and intelligently made by the board.

The total assessment of all property for 1878 is $43,072,648, nearly $400,000 less than for 1877, when, as will be seen by an examination of the table referred to, nearly all the items of which it is composed have increased in number. We thus present the sorry spectacle of growing poorer every year, when every one in Colorado knows that the State never was so prosperous.

The property of the city of Denver alone could not be purchased for the assessed valuation of the State.

The present assessment is about one-third of what it

should be, and the State is, therefore, placed in a false light abroad, as the rate of taxation is just three times what it should be. The city and county tax of Denver is about 3½ per cent. Under a proper assessment it would be about one. The honest man is thus oppressed, and the dishonest pays less than his share.

EDUCATION.

The superintendent of public instruction exhibits in his report the condition of our educational system for the biennial term closing August 31st. It is unnecessary for me to dwell upon its details, as he is better acquainted with the workings of our school system and needed changes than any one else can be.

The applications for the printed report of the superintendent are very numerous, and not less than three thousand copies should be published. Containing, as it does, facts and suggestions important to our citizens and of especial interest to those intending to become such, a sufficient number should be printed to meet the demand. Our educational facilities are frequently the one remaining inducement to bring in strangers having families, for, being assured of the high character of our schools, they do not feel that they are sacrificing the welfare of their children, in this respect, by making Colorado their home.

I would also recommend that a special appropriation be made for the traveling expenses of the superintendent, to be drawn upon regularly itemized vouchers, as now provided by law. It should not, as heretofore, be contained in the general contingent fund, as that was exhausted last year before he could avail himself of it to visit the schools of our State.

I would further suggest that the reports of all our educational institutions should be made to the State superintendent, so that they may be embodied in whole or in part in his biennial report.

The high character of our schools has excited great surprise and admiration among educators who have visited us and examined them. The New England Journal of Ed-

ucation of December 19, contains an article on "The Schools of Colorado," written by an eminent educator who recently visited this State, expressing surprise at the excellent character of our schools, especially those of Denver, which he examined more particularly. He writes: "Their physical eminence is five thousand, three hundred and seventeen feet above the sea level, and in point of excellence and high standard they are on a plane with their altitude—in the front rank with the best of those in our New England cities."

Of the State university the superintendent says: "Its success has more than realized the dream of its most enthusiastic friend." That language is so strong that I quote and adopt it without any other adjectives.

The faculty now consists of four members, and if they are all as full of enthusiasm in and love for their work as their president, the people of the State need not lessen in the slightest degree the pride which they have had in that institution.

It is but proper that I give my testimony in regard to Prof. Shattuck's untiring efforts, promptitude, care and thoroughness in the discharge of his duties, and also of his sound, practical sense. The people of Colorado have done well in making him his own successor.

AGRICULTURAL COLLEGE.

The report of the board of agriculture contains a full description of the new college building and an account of all the circumstances attending its construction.

Having visited it at different times during its erection, I can testify that the work has been thoroughly and faithfully executed, and the State is now in possession of a well-built, commodious, and handsome edifice, at an exceptionally small cost—only $7,000.

The farmers of Colorado have shown unusual interest in the success of this institution, established, as it has been, for the promotion of agricultural science, and, paying, with our stock-raisers, more than one-half of the taxes of the State, their claims are entitled to consideration.

The board asks an appropriation sufficient to properly furnish the college, so that it can be opened to students, and also for its expenses during the present year. The fund which will arise from the tax of 1878 has been exhausted in completing the building, and, as the tax for 1879 will not be immediately available, an appropriation will therefore be necessary, but after this year the tax will probably suffice for its support, especially if raised as the board desires, from 1-10 to 1-5 mill. This increase should by all means be made.

The report contains facts of interest and value regarding the culture of forest and fruit trees. The statements given prove conclusively that the fruits of this latitude can be as profitably and successfully raised as our other agricultural products.

A draft of a bill prepared by the board is herewith transmitted, entitled, "An act authorizing the county assessor to collect statistical information, and make proper returns thereof."

The State officers are constantly receiving applications for reports giving reliable statistics of our agricultural, mining and other interests, but not having any State reports the queries must be replied to by letter, and the information is consequently meagre and unreliable.

I hope this bill, which is decidedly practical, may receive your favorable consideration.

INSTITUTE FOR MUTE AND BLIND.

The reports of the officers of this institute show continued growth and improvement. I invite your attention especially to the report of the president, Dr. R. G. Buckingham, who has labored diligently since its organization to make it efficient. The demand for more room for the accommodation of the present inmates and also for those who may apply, is strongly presented. The crowding of the dormitories should be remedied as quickly as possible, as there are few things in the economy of such institutions more prejudicial to health. The matron's report details in a manner which every housekeeper who reads it will fully

appreciate, the inconveniences to which they are subjected for want of sufficient room.

The general management has been careful and economical, and all the officers are entitled to great credit for their efforts to make this institution successful in educating the class of unfortunates for whose benefit it was established, and fitting them for positions of usefulness.

SCHOOL OF MINES.

From this report we note commendable progress. Twenty-two students have been enrolled during the year, some of them from other States.

The especial advantages which Colorado offers for the study of certain branches of natural science, ought to attract students from all parts of the country, and an especial effort has lately been made to direct the attention of the Eastern States to this institution, with, as I am informed, very encouraging prospects.

The office of commissioner of mines was created two years since, but no appointment has been made for the following reason: the law directs the appointment of a deputy and also an assistant commissioner. The aggregate salaries of the three officers would be $4,900, which sum, together with their contingent expenses, is required to be paid out of the fund for the support of the school of mines. As this fund is less than $4,500, the appointment of these officers would have closed this institution. I would therefore recommend that the office of commissioner of mines be made entirely separate from the school of mines, and other provision be made for salary than out of the fund for its support.

An appropriation is recommended, to be expended in adding to the library and laboratory of the school, the necessity for which is presented by Professor Moss.

PENITENTIARY.

The reports of the commissioners and warden are complete in every detail, and while showing a deficiency to be provided for by appropriation, yet the management has been economical in every respect.

The total expenditures were		$65,917 01
Value of improvements	$36,996 09	
Earnings from convict labor	8,522 26	
Balance of inventory	4,412 67	
		49,931 02
Actual expense to State		$15,985 99

The deficiency is $26,463.92.

The appropriation asked for the coming two years is $89,425, which with the deficiency, $26,463.92, makes the sum total required $115,888.92.

The earnings from convict labor have been turned into the treasury, and placed to the credit of the general fund. It would be well, however, to provide that all earnings could be again drawn out upon proper vouchers of the board of commissioners, and used for necessary expenses, in the same manner as a regular appropriation.

You will be called upon to consider and take action upon the question of hiring out the labor of the penitentiary. The law at present permits the commissioners to do this, but the plan has its opponents as well as its advocates.

It is very desirable that the penitentiary should be partially, if not wholly, self-sustaining, but bringing convict labor into competition with free labor works oftentimes grievous injury to industrious, law-abiding citizens and their families.

Can the State better afford to do this than to pay all the expense of sustaining the convicted criminals? This question should receive great deliberation, and patient examination in all its bearings.

The government of the penitentiary is vested in a board of commissioners, who hold their office for the term of two years. The law in this respect should be changed, making the term three years, so that one commissioner may retire annually, thus always leaving two members of the board who have had some experience in the management of its affairs.

A BOARD OF PARDONS.

It is obvious that no general rules can be adopted, nor

principles established, upon which applications for pardons shall be granted or refused.

The constitution places the pardoning power in the hands of the Governor. While it may with propriety so remain, yet there is an urgent necessity for an advisory tribunal to examine all applications for pardon and make recommendation to the Governor, in accordance with the results of such examination. At present the whole responsibility rests upon the Executive, at least in the eyes of the public, who are, of course, ignorant of the reasons governing his action, and sharp and unfair criticism assails him in cases of reprieve or pardon.

Where the offence committed has been a grave one, as a rule, no action has been taken without the recommendation of the judiciary, so that the official record will show good and sufficient reason for the exercise of clemency. But the applications are so numerous, so frequent, and so persistent, gaining fresh vigor with each change of administration, that the creation of a board of pardons, as in some other States, seems to be imperative.

Justice, rather than mercy, demands that in many cases a prisoner shall be set free, by reason of new evidence affecting his degree of criminality coming to light, or extenuating circumstances are shown which lessen his guilt, or even his complete innocence is established.

Nor is it improbable that a judicial blunder may need correction, so that while the power to pardon should be vested in some one, the responsibility of it ought not to be imposed wholly upon a single individual.

A REFORM SCHOOL.

In this connection it is appropriate that I call your attention to the want of a reform school for youthful offenders.

It is the duty of the State to reform, if possible, rather than render more hardened those who have broken her laws.

The history of such schools in other States shows that a large percentage of the youth who have been placed there have become good and useful citizens, and have in many instances risen to positions of honor and trust.

It is unnecessary to make a comparison between the one method of incarcerating young offenders among criminals older and more hardened, only to become more vicious, desperate and shameless, and the other plan of placing them in a school, where, while subject to wholesome restraint, they are taught useful occupations, trained to habits of industry and instructed in the great principles of morality and religion.

That many have been rescued by these means from a downward career and saved to lives of honor and usefulness, the history of such institutions conclusively proves, and no mistaken economy should prevent the establishment of such an one in our own State.

By an act of the last General Assembly, the State board of education is required to collect facts and statistics in regard to reform schools in other States and make report upon the same. Their report is herewith transmitted.

STATE LANDS.

The report of the secretary of State, who has acted as secretary of the land board, shows that of the entries made by the State, 29,146.33 have been approved by the president of the United States for the public building fund, 25,226.83 acres for the penitentiary, and 44,844.43 for the university. It will be seen that there is a deficiency in the number of acres confirmed to the State, and the number donated by the enabling act. The full number was selected but some of the sections being fractional, and the land office disallowing others on account of mineral restrictions, or other cause, and the president approving such as were allowed only two days before the expiration of the time prescribed by said act, there was no time for the State to make other selections in lieu of those disallowed.

An act of Congress will be necessary to secure to the State her full quota.

In accordance with the law passed by the last General Assembly, the State lands will be subject to sale after March 1, 1879. Many applications for the purchase of land have already been received, and when these lands are

placed upon the market, the labors of the board will be increased ten-fold. In a short time this department of our State government will develop into a separate bureau, and while it is by the constitution under the management of the State board, and must and should so remain, yet the work in its details will of necessity be committed to others. The members of this board, by reason of the duties of their respective offices, and those devolving upon them as members of other State boards, cannot do more than exercise a general supervision of the land business. It has already been necessary to engage from time to time clerical assistance to keep the records of sales and leases of school lands, and prepare the bonds and other papers necessary in these transactions. At the outset, therefore, provision should be made for the payment of a secretary or chief clerk, to be appointed by the board, and also for such other clerical assistance as the work may demand.

The salary should be sufficient to secure the services of a man of strict integrity and recognized ability, so that the work may be properly organized at the beginning, and the land records carefully systematized.

The secretary might also be made *ex officio* superintendent of immigration, and a contingent fund appropriated for the printing of circulars and statistics for distribution. The inquiries about our lands, climate, resources, etc., are many and frequent, and there is no way of answering them except by letter, which it is impossible for the State officers to do. The lack of such an officer, and the means of disseminating reliable and exact information in regard to our State, places us far behind others of the Western States, which have made every effort to encourage immigration.

I would suggest that the school lands should all be taken from the market and not sold for a term of years. The lease of these lands will yield a larger revenue to the school fund than the interest derived from the purchase money.

In this connection I have the honor to report that I have received from the United States treasury the sum of

$1,723 90, being five per cent. of the sales of agricultural lands within the State from August 1, 1876, to June 30, 1877. This I have paid over to the State treasurer, who has credited the same to the internal improvement fund.

ARID LANDS.

A bill "To provide for indemnity due to the several States under the acts of Congress, approved March second, eighteen hundred and fifty-five, and March 3, 1857, relating to swamp and overflowed lands," has been introduced into the U. S. Senate. The object of this bill is to indemnify the purchasers and locators of swamp and overflowed lands, and the States which have located or entered swamp lands, by warrant or scrip.

We have vast tracts which, without irrigation, or a total change of climate, can never be made available for agricultural purposes. It would seem, therefore, that Colorado ought to have donated to it the greater portion, if not all, these lands, so that they may be sold in large sections at a fair price for grazing purposes, and the proceeds applied to irrigating such portions as can be brought under water. This would be simply doing for our State what has been done for those containing swamp lands, which have been reclaimed, and are now in some instances the most valuable in those States.

Some action should be taken by your Honorable Body to bring the matter before Congress through our Senators and Representative.

FISH CULTURE.

Many of the States fully appreciate the importance of increasing the supply of fish for food, realizing that whatever tends to cheapen the expense of living is of the utmost importance.

The appointment of a fish commissioner, in accordance with an act of the last General Assembly, has already been productive of benefit, although the appropriation for carrying into effect the provisions of the act was, of neceesity, very small.

The commissioner, in his report, acknowledges the uniform courtesy of the commissioners of other States in promptly giving him the information which they had in regard to the artificial propagation of fish, and the varieties best adapted to our waters.

Your especial attention is called to his recommendations, that the owners of saw mills be prevented from depositing the dust from their mills in streams, on account of its destroying the fish, and also that an appropriation be made sufficient to build a hatching house for the artificial propagation of fish from the ova—a method less expensive than the purchase and transportation of young fish.

Prof. S. F. Baird, U. S. commissioner of fish and fisheries, has promised a supply of German carp for our waters. These will be distributed as soon as received.

IRRIGATION.

The proper distribution of water for the purpose of irrigation is one of the most important subjects which will occupy your attention. The solution of the many questions involved is only rendered more difficult by delay. Every one is interested in it, as it effects the interests not only of our agricultural and pastoral population, but also our cities and towns, our mines and manufactories. All our industries to a greater or less extent are dependent upon water in their operations, and agriculture can not be successfully carried on without irrigation.

A number of our citizens directly interested in the subject held a convention a few weeks since to consider it, and the result of their deliberations is, I understand, embodied in a bill to be submitted for your consideration. I have no recommendation to make in regard to its details, except the general one that it may receive immediate and careful attention.

The volume of water in our streams should be as accurately ascertained as scientific skill can determine it, and the law framed to secure a safe, equitable and economical distribution according to these data, and the vested right of each individual.

I renew the suggestion contained in a former message that reservoirs for the storage of water be constructed with due regard to the safety of the persons and property of the inhabitants under the same, from which the necessary supplies can be drawn during seasons of drought.

MILITIA.

The able report of the adjutant-general merits careful consideration.

The necessity for a thoroughly organized and equipped military force is not an open question.

Indian murders just beyond, and in two instances within our borders, effectually dispose of any argument upon it.

Since my last message pressing applications have been received from the northern, eastern, southeastern and southwestern parts of the State for aid, to protect our citizens from threatened outbreaks of the Indians. Such demands must be met promptly, if at all, and how to do it has been a perplexing problem. As the adjutant-general states, "whenever a call has been made upon any of the companies to be ready for service, the responses have been prompt, hearty, and eager," but the necessary funds have been wanting for subsistence, transportation, and payment of services.

A radical and thorough change is necessary in our militia law, and as the adjutant-general is now a member of your body, he has drawn a bill which will, if enacted, make the "Colorado National Guard" effective and readily available.

The railroad riots through some of the eastern States show too, that it is cheaper to have a strong power to prevent violence and the destruction of property, than to indemnify the owners of property which may be destroyed by lawless mobs.

We have had, on several occasions since the last General Assembly, grave apprehensions of riot and bloodshed, and the Executive was censured for not at once ordering troops to the scene of danger; but the moving of even a small force is attended with considerable expense, and I have therefore been very cautious to avoid involving the State in

debt. Emergencies, however, are inevitable, even among a law-abiding people, and to meet them men and money should be always at command.

A STATE MUSEUM.

Colorado is wonderfully rich in objects of interest to the scientist, which are being constantly carried away to enrich collections in distant States and foreign lands. The most valuable and easiest to obtain are fast disappearing. Certainly a share of them should be retained at our State capitol for the use of our students and the gratification of the curious. A small appropriation for suitable cases and for their proper care in the State library, for instance, would form the nucleus of what will grow into a large and valuable collection. Many of our citizens will be glad to contribute to this home museum articles which would otherwise be sent to similar institutions elsewhere.

It would be well to forbid by law the conveying away of fossil remains and geological specimens when discovered upon State lands.

Measures ought also be taken to preserve as far as possible the ancient ruins in southwestern Colorado from total obliteration, and the school land upon which they are situated should never be sold, but be retained as the property of the State for the benefit of archæology.

MISCELLANEOUS REPORTS.

The secretary of State, although not required to do so by law, has prepared a detailed statement of all the business of his office from November 4, 1876, to November 30, 1878, the close of the fiscal year. This contains a list of all persons to whom commissions were issued, and of articles of incorporation, brands, trade marks, etc., filed, together with items of interest in regard to state printing and the receipts and disbursements of his office.

His suggestions in regard to the publication of laws and reports, to the work and clerical force of his office, and to the fees on certain commissions, are especially called to your attention.

It would be well to make it by law his duty to prepare such a report biennially.

The State board of health presents the most extensive report since its organization. The medical gentlemen comprising the board have taken great pains, without any remuneration, to collect statistics and prepare papers upon subjects of vital importance to our own citizens and those of other States as well.

I cannot take up its recommendations separately, but earnestly recommend to your consideration the suggestions contained in the "Summary of Secretary's Report," page 145, as they are highly practical, and, if enacted by law, will prove to be of utility in preserving the public health, and I have no doubt give general satisfaction.

You will find in the report of the attorney general some valuable suggestions relative to the necessity of amending certain existing laws.

Although it is not his duty under the law to give legal advice to county officers, yet he is frequently applied to from all parts of the State for opinions as to the duties of some of these officers, when not clearly defined by the law. In this way he has brought to his knowledge many defects in our laws, and it should be his duty to make report of the same to each General Assembly, so that they may be properly amended.

In accordance with the requirement of section 27, article 6 of the constitution, the honorable judges of the supreme court present a report upon the code, together with a bill for "An act to regulate the practice, pleading and procedure in actions at law in the State of Colorado." Four additional bills, covering the entire range of practice embraced by the present code, will be drafted and transmitted for your action.

It is a matter of vital importance to the people of Colorado, that our statutes be simplified as much as possible, and that our system of practice should be complete and harmonious. We have too many complex, incongruous, and conflicting laws, and I therefore earnestly urge upon you the necessity for immediate and careful consideration of the suggestions of these gentlemen. Emanating as they

do, from the highest judicial authority in our State, their source entitles them to especial notice. I trust you will not delay giving them proper attention early in your session, so as to prevent hasty and careless legislation.

CONCLUSION.

Since the session of the last General Assembly the State has been steadily increasing in prosperity. At that time the prospect was not the most cheering. The plague of grasshoppers had laid waste gardens and fields, bringing want, and in some instances even loss of home to the farmer. All branches of business were suffering from depression, the industries of the country were almost at a stand-still, and a vague feeling of uncertainty was apparent in all circles of commerce. The general financial embarrassment was shared by the State, for the treasury showed but a small balance, and the whole machinery of our new State government was to be set in motion upon credit. With a proper appreciation of the situation the General Assembly was prudent and economical, and our present financial status shows the wisdom of their course. Now, however, the retrospect should fill us with gladness and hope. The history of the past two years points to a glorious future for our State. The earth has yielded her increase, not only in the products of her fields, but also of her deeply hidden treasures.

Agriculture has succeeded beyond our most sanguine expectations, so that we can now export a part of our products. Our flocks and herds show a large increase, with but a very slight decrease in their market values. New discoveries of rich mines are constantly being made, and busy, bustling towns are springing up in localities where a few months since there was scarcely an inhabitant. The increased production of ore creates a demand for the construction of furnaces and smelting and reduction works, thus increasing the facilities for the manufacture of bullion, and consequently the profits of the miner. The shipments of bullion and ore will this year exceed $12,000,000 in value. The devouring pestilence which desolated a por-

tion of the land has not come nigh our dwellings. We have been in the full enjoyment of peace and order, of civil and religious liberty, and we can indulge with an honest pride in the steady advancement of our educational and other institutions. The school, the press, and the pulpit have all been doing their work, and knowledge, morality and religion have kept pace with the development of our material interests. We have, therefore, abundant cause for thankfulness and rejoicing, and it is with great pleasure that I congratulate you upon the auspicious circumstances under which you have met.

In closing my connection with the executive department, it is proper that I should express to you, and through you to the people of Colorado, my hearty thanks for the honor they have conferred in selecting me to occupy the office which I am about to deliver to my worthy and honorable successor, and thanks, too, for their confidence and support while discharging its duties.

My thanks are also due to my associates in office for their hearty co-operation and support in State affairs. Their record has been honorable, and my relations with them especially harmonious.

In conclusion, gentlemen, whatever may be the future of our State, her welfare during the period of your service is in large measure in your hands. The powers with which you are invested should be used for the benefit of all your constituents without regard to locality or political affiliation, and I feel well assured that your legislation will be wise and cordial, and that it will merit the gratitude of the people you have the honor to represent.

JNO. L. ROUTT,
Governor.

The message of the Governor having been delivered, the joint session, on motion, dissolved.

The journals of the first and second days' sessions were read and approved.

Mr. Roe presented the following:

Mr. Speaker:

The joint committee of the Senate and House of Repre-

sentatives appointed by the honorable secretary of State in accordance with section 1139 of the general laws of Colorado for the purpose of examining and verifying the accounts of the auditor and treasurer, beg leave to make the following report:

Your committee have made a careful and thorough examination of the vouchers, warrants, books and accounts of the auditor of State, and State treasurer, from the first day of November, A. D. 1876, (the date of the last examination) to the 30th day of November, A. D. 1878, (the end of the last fiscal year) and find the same to be correct in every particular so far as it was possible to ascertain in the limited time which was allowed your committee. The books show a cash balance on hand November 30th, 1878, of $68,145.89, which amount agrees with the treasurer's cash in the banks and in his safe. For the full understanding of the operations of these departments of State your committee would respectfully refer you to the reports of the auditor of State and State treasurer, made to the Governor and referred to by him in his message to you. Your committee desire to express their admiration of the faithful and efficient manner in which the auditor of State and State treasurer have performed the duties of their offices.

All of which is respectfully submitted,

ISAAC W. HILL,
Member of the Senate.
ROBERT S. ROE,
W. R. BARTLETT,
Members of the House.

Mr. Todd introduced H. B. No. 1, a bill for an act to provide for the appointment of a secretary of the State board of land commissioners, who shall also act as immigration agent, and defining his duties.

Mr. Cantlon presented the following resolution:

Resolved, That the committees on finance, judiciary and appropriations consist of seven members each instead of five as now composed.

Mr. Todd moved that the resolution be adopted.

Which motion prevailed.

Mr. Roe presented the following resolution, and moved its adoption:

Resolved, the Senate concurring, That a joint committee to consist of two members from each house be appointed for the purpose of framing joint rules for the government of both houses, said committee to report to their respective houses.

The question being upon the motion to adopt the resolution.

The motion prevailed.

The speaker announced Messrs. Roe and Gunnell as members of said committee on the part of the House.

Mr. Brush moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 11:45 o'clock P. M. the House took a recess.

The speaker called the House to order at 2 o'clock in the afternoon.

The following communication was received from the secretary of State:

STATE OF COLORADO,
SECRETARY'S OFFICE,
DENVER, January 2d, 1879.

To the Honorable Senate and House of Representatives of the Second General Assembly:

GENTLEMEN: I have the honor to inform you that in pursuance of the several provisions of chapter 85 of the general laws of the State of Colorado, I advertised for bids for doing the public printing, and did heretofore, to-wit, on the 11th day of December, 1878, after examining the several bids received, make an award and let the contract for all the printing required and designated in section 2 of said chapter, to R. W. Woodbury, who has filed his bond for the performance of the work, which said bond has been approved by the Governor. Having learned that some criticisms have been made upon the said award for print-

ing, intimating that the same has not been let to the lowest bidder, as required by law, and as but little printing has as yet been done under the same, and having all the bids now on file, I respectfully ask your Honorable Bodies to appoint a joint committee to make a full and complete examination of my doings in the premises, to the end that the State may be protected and all parties interested satisfied.

Most respectfully, your obedient servant,

WM. M. CLARK,
Secretary of State.

Mr. Todd moved that the communication just read be referred to the standing committee on printing, when it shall have been appointed.

Which motion prevailed.

Gailie Fish, page, was sworn.

Mr. Voorhies presented the following resolution:

Resolved, That hereafter, and till otherwise ordered, this House take a recess from 12:30 o'clock P. M. to 2 o'clock P. M.

Mr. Todd moved that the resolution be adopted.

Which motion prevailed.

Mr. Crawford introduced:

H. C. R. No. 1, in relation to printing the biennial reports of certain State officers.

Mr. Crawford moved that the rules be suspended in order that H. C. R. No. 1 may be now considered.

Which motion prevailed.

Mr. Todd moved that the resolution be amended by including the report of the adjutant-general.

Which motion prevailed.

Mr. Brush moved that the resolution be amended by including the report of the superintendent of public instruction.

Which motion prevailed.

Mr. Todd moved that the resolution be adopted as amended.

Which motion prevailed.

Mr. Brush moved that 500 copies of the Governor's message be ordered printed for the use of the House.

Which motion prevailed.

Mr. Todd moved that the vote by which 500 copies of the Governor's message were ordered printed be reconsidered.

Which motion prevailed.

The question recurring upon the motion to print.

Mr. Todd moved that said motion be referred to the standing committee on printing, when appointed.

Which motion prevailed.

Mr. Bromwell presented the following resolution:

Resolved, That the committee on rules be and they are hereby instructed to report a rule providing for dispensing with a second to any motion, resolution or amendment whatever.

Mr. Douglass moved that the resolution be adopted.

Which motion was lost.

Mr. Livesay moved that a committee of one be appointed to ascertain from the Senate if that body would have any business on hand to-morrow which would demand the attention of the House.

Which motion was lost.

Mr. Cantlon presented the following resolution:

Resolved, That in addition to the officers of this House provided for by law, the following named office be and is hereby created, to-wit: assistant janitor; and that he shall be paid the sum of one dollar and fifty cents per day for such service, unless his compensation is provided for by law.

The committee on rules presented the following report:

Mr. Speaker:

Your committee on rules respectfully report and recommend the adoption of the rules adopted by the House of Representatives of the first General Assembly as published in the legislative manual, with the following amendments:

1st. Amend rule 49 by adding to said rule the words, "Unless it shall be ascertained that no quorum is present."

2d. In the place of rule 53, insert the following:

53. The following standing committees shall be appoint-

ed at the commencement of the session, unless otherwise ordered:

1. Finance, Ways and Means.
2. Judiciary.
3. Mines and Mining.
4. Appropriations and Expenditures.
5. Public Lands.
6. Stock.
7. Agriculture.
8. Irrigation.
9. Education.
10. Elections and Apportionments.
11. Manufactures.
12. Immigration.
13. Corporations.
14. Fees and Salaries.
15. State Institutions.
16. Penitentiary.
17. Counties and County Lines.
18. Indian Affairs.
19. Military Affairs.
20. Roads and Bridges.
21. Public Buildings.
22. Federal Relations.
23. Claims.
24. Printing.
25. Engrossment.
26. Enrollment.
27. Rules.

The first seven of which committees shall consist of seven members each, and the remaining committees shall consist of five members each, except the committees on engrossment and enrollment, which shall consist of three members each.

WILLIAM D. TODD,
THOS. J. CANTLON,
CHARLES H. TOLL
J. L. BRUSH,
J. H. P. VOORHIES,
Committee on Rules.

Mr. Roe moved that the report of the committee on rules be adopted.

Which motion prevailed.

Mr. Livesay moved that the House do now adjourn to 10 o'clock A. M. on Monday, the 6th day of January, 1879.

Which motion prevailed.

At 3:25 o'clock P. M. the House adjourned.

FOURTH DAY.

MONDAY, JANUARY 6th, 1879.

House met at 10 A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Brush, Clark, Cordova, Crawford, Douglass, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Moorehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker. —41.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Bromwell, Cantlon, Chilcott, Coddington, Evans, Hoffman, Luthe, and Spruance.—8.

The journal of the last previous day's session was read and approved.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed the following concurrent resolution:

Resolved by the Senate, the House concurring therein, That in accordance with the request of the secretary of State, a committee of two from each House be appointed to examine the bids for public printing, now on file in his office, and report to their respective Houses, and which is herewith submitted for your concurrence.

I am also instructed to inform you that the Senate have adopted H. C. R. No. 1, in relation to the printing of the reports of State officers, with the following amendment: Insert after the word "that," "300 copies of," and I herewith return the resolution with the Senate's amendment thereto for such action as the House may deem proper. I am still further instructed to inform you that the Senate has passed S. C. R. No. 4 adopting the joint rules of the 1st General Assembly of the State, and which is herewith submitted for your concurrence.

Respectfully,

W. W. ORRICK,

Secretary.

The speaker announced the following as the standing committees of the House:

Finance, Ways and Means—Roe, Spruance, Luthe, Livesay, Chilcott, Gotthelf, and Voorhies.

Judiciary—Cantlon, Toll, Livesay, Bromwell, Bartlett, Todd, and Gunnell.

Mines and Mining—Evans, Slockett, Sheets, Harvey, Spruance, Hutchinson, and Mann (W. J.)

Appropriations and Expenditures—Livesay, Todd, Brush, Southworth, Coddington, Thomas, and Pease.

Public Lands—Todd, Douglass, Lewis, Flower, Brush, Mann (W. J.), and Pease.

Stock—Brush, Bingham, Gird, Thomas, Kimberly, Gebhard, and Hutchinson.

Agriculture—Morehead, Southworth, Thomas, Phillips, Gotthelf, Crawford, and Martinez.

Irrigation—Mead, Bromwell, McCandlass, Brandt, and Mann (Joseph).

Education—Bromwell, Mead, Morehead, Todd, and Trujillo.

Elections and Apportionments—Clark, Gird, Evans, Lewis, and Hutchinson.

Manufactures—Trujillo, Gotthelf, Martinez, McLaughlan, and Cordova.

Immigration—Scott, Cantlon, Coddington, Lovato, and Maez.

Corporations—Toll, Roe, Scott, Cantlon, and Gunnell.

Fees and Salaries—Douglass, Luthe, Scott, Hoffman, and Crawford.

State Institutions—Chilcott, Douglass, Brush, Evans, and Mann (Joseph).

Penitentiary—Harvey, McCandlass, Phillips, Bartlett, and Mann, (W. J.)

Counties and County Lines—Gotthelf, Toll, Flower, Gebhard, and Hutchinson.

Indian Affairs—Chilcott, McCandlass, Sheets, Crawford, and Gunnell.

Military Affairs—Sheets, Roe, Bingham, Brandt, and Voorhies.

Roads and Bridges—Brandt, Slockett, Hoffman, Lewis, and Cordova.

Public Buildings—Flower, Bartlett, Kimberly, Lovato, and Valdez.

Federal Relations—Hoffman, Morehead, Gebhard, Valdez, and Maez.

Claims—Bingham, Gird, Sheets, Martinez, and Pease.

Printing—Coddington, Harvey, Southworth, Mead, and McLaughlan.

Engrossment—Luthe, Bingham, and Mann (Joseph).

Enrollment—Phillips, Clark, and Voorhies.

Rules—Todd, Cantlon, Voorhies, Toll, and Brush.

Mr. Brush introduced the following resolution:

Resolved, That copies of the daily papers be supplied to members of this House, each member to select which paper he wishes.

The question being upon the motion to adopt the resolution.

The motion prevailed.

Mr. Brush introduced:

H. C. R. No. 2, in relation to raising a joint committee to visit the State institutions.

Mr. Southworth moved that the rules be suspended and the resolution considered at this time.

Which motion prevailed.

Mr. Brush moved that the resolution be adopted.

Which motion prevailed.

Mr. Gird presented the following resolution and moved its adoption.

Resolved, That the different subjects treated by His Excellency the Governor in his message to the second General Assembly of the State of Colorado be distributed by the clerk and referred to the appropriate committee, who shall take cognizance thereof, as follows:

Taxation, auditor's and treasurer's reports—to committee on finance.

Appropriations, auditor's and treasurer's reports—to committee on appropriations.

Education—to committee on education.

Agricultural college, institute for mute and blind, State museum, school of mines except that part referring to the commissioner of mines, fish culture—to committee on State institutions.

Commissioner of mines—to committee on mines.

Penitentiary—to committee on penitentiary.

Board of pardons, attorney general's report—to committee on judiciary.

State lands, arid lands—to committee on lands.

Irrigation—to committee on irrigation.

Militia—to committee on military affairs.

That part of report of secretary of State referring to fees—to committee on fees and salaries.

Report of secretary of State—to committee on appropriations.

Report of State board of health—to committee on State institutions.

That part of report of secretary of State referring to publication of laws and reports—to committee on printing.

The question being upon the motion to adopt the resolution.

The motion prevailed.

H. B. No. 1, a bill for an act to provide for the appointment of a secretary of the State board of land commissioners, who shall also act as immigration agent, and defining his duties, was read a first time and ordered printed.

Mr. Roe introduced:

H. B. No. 2, a bill for an act to provide for the enrollment, organization, government, and pay of the national guard and militia of the State for the public defense, and for the care of the arms and other military stores, relics and records of the State, and entitled the military law.

Which was read the first time and ordered printed.

Mr. Luthe introduced:

H. B. No. 3, a bill for an act to confer jurisdiction in attachment upon justices of the peace in the State of Colorado.

Which was read a first time and ordered printed.

Mr. Brush introduced:

H. B. No. 4, a bill for an act entitled, stud horses, jacks and bulls.

Which was read a first time and ordered printed.

Mr. Brush introduced:

H. B. No. 5, a bill for an act to change the name of Charles Russell French.

Which was read a first time and ordered printed.

Mr. Luthe introduced:

H. B. No. 6, a bill for an act providing what shall constitute a private seal.

Which was read a first time and ordered printed.

Mr. Mead introduced:

H. B. No. 7, a bill for an act concerning release of mortgages, trust deeds and instruments of writing for the security of money.

Which was read a first time and ordered printed.

Mr. Evans introduced:

H. B. No. 8, a bill for an act to authorize the State treas-

urer to apply certain moneys belonging to the several revenue funds to the payment of interest on State warrants.

Which was read a first time and ordered printed.

Mr. Luthe introduced:

H. B. No. 9, a bill for an act to define and punish the obtaining of money or property by confidence games.

Which was read a first time and ordered printed.

Mr. Roe introduced:

H. B. No. 10, a bill for an act to authorize the superintendents of the poor to bind out indigent children.

Which was read a first time and ordered printed.

Mr. Roe introduced:

H. B. No. 11, a bill for an act to amend section 98 of chapter 87 of the general laws of Colorado, rescinding so much of the section as makes taxes levied or assessed upon personal property a perpetual lien thereupon.

Which was read a first time and ordered printed.

Messages from the Senate were taken up for consideration, and S. C. R. No. 3, appointing a joint committee on printing contract, was called up.

Mr. Douglass moved to amend the resolution so that the committee on the part of the House should consist of three members.

Which motion prevailed.

Mr. Toll moved that the resolution be adopted as amended.

Which motion prevailed.

The speaker announced Messrs. Douglass, Todd and Voorhies as members of said committee on the part of the House.

Mr. Todd moved that the vote by which the communication from the secretary of State relative to printing contract was referred to the committee on printing be reconsidered.

Which motion prevailed.

The question recurring upon the motion to refer.

The motion was lost.

S. C. R. No. 4, adopting joint rules, was taken up.

Mr. Roe moved to amend by adding thereto the following: "And that 200 copies be printed, together with the

rules of the Senate and House, the members' and officers' names of the General Assembly, with the standing committees of both Houses."

Which motion to amend prevailed.

Mr. Gird moved that the resolution as amended be adopted.

Which motion prevailed.

H. C. R. No. 1, in relation to printing biennial reports of certain State officers, as amended by the Senate, was taken up.

Mr. Gunnell moved that the House concur in the Senate amendments.

Which motion prevailed.

Mr. Bromwell moved that the House return to the ninth order of business.

Which motion prevailed.

Mr. Kimberly presented the following resolution:

H. C. R. No. 3, in relation to the inauguration of State officers.

Mr. Southworth moved that the rules be suspended, and the resolution considered now.

Which motion prevailed.

Mr. Kimberly moved that the resolution be adopted.

Which motion prevailed.

Mr. Luthe moved that the vote by which S. C. R. No. 4 was adopted, be reconsidered.

Which motion prevailed.

The question recurring apon the motion to adopt.

Mr. Lovato moved to amend by providing that twenty-five copies of the 200 copies of rules ordered printed, be printed in Spanish.

Which motion prevailed.

The question again recurring upon the motion to adopt as amended.

The motion prevailed.

Mr. Brush introduced:

H. C. R. No. 4, in relation to printing 2,500 copies of the report of the superintendent of public instruction for free distribution.

Mr. Todd moved that the rules be suspended in order that H. C. R. No. 4 may be considered now.

Which motion prevailed.

Mr. Todd moved that the resolution be adopted.

Which motion prevailed.

Mr. Toll moved that the action of the house by which H. B. No. 5 was ordered printed be rescinded.

Which motion prevailed.

Mr. Todd moved that H. B. No. 5 be indefinitely postponed.

Which motion prevailed.

Mr. Roe moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 12 M. the House took a recess.

AFTERNOON SESSION.

The House was called to order at 2 o'clock in the afternoon by the speaker.

Mr. Bromwell moved that the reports of the supreme and the several district judges accompanying the Governor's message be ordered printed.

Which motion prevailed.

Mr. Mann, of Jefferson, moved that the vote by which the reports of the supreme and district judges were ordered printed be reconsidered.

Which motion prevailed.

The question recurring upon the motion to print.

The motion was lost.

Mr. Bromwell introduced:

H. C. R. No. 5, in relation to printing reports of supreme and district judges.

Mr. Todd moved that the rules be suspended in order that the resolution may be considered now.

Which motion prevailed.

Mr. Todd moved that the resolution and reports be referred to the judiciary committee with instructions to report within three days.

Which motion prevailed.

By consent Mr. Mead introduced:

H. B. No. 12, a bill for an act concerning redemption of land sold under trust deeds and other instruments for the security of money.

Which was read a first time and ordered printed.

Mr. Brush moved that the House do now adjourn to 10 o'clock to-morrow morning.

Which motion prevailed.

At 4:30 P. M. the House adjourned.

FIFTH DAY.

TUESDAY, JANUARY 7th, 1879.

The House met at 10 A. M.

The speaker in the chair.

The roll was called and the following gentlemen were present and answered to their names:

Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Moorehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, Mr. Speaker.—44.

Being a quorum of the House.

Gentlemen absent were:

Chillcott, Gunnell, Hoffman, Luthe, and Spruance.—5.

The journal of the previous day's session was read and approved.

Mr. Gotthelf presented the following resolution:

Resolved, That Thomas B. Corbett be and is hereby authorized to furnish a sufficient number of the "legislative manual" to supply the members and officers of this House.

Mr. Kimberly moved that the resolution be adopted.

Which motion was lost.

Mr. Sheets presented the following resolution:

Resolved, That the committee on education is hereby instructed to prepare and present for the consideration of this House a bill for the purpose of giving legal effect to the provision of article 9, section 11, of the constitution of the State of Colorado.

Mr. Gotthelf moved that the resolution be adopted.

Which motion prevailed.

Mr. Roe presented the following resolution:

Resolved, That the report of the joint committee appointed by the honorable secretary of State for the purpose of examining and verifying the accounts of the auditor of State and State treasurer be approved, (the Senate having informed this House that they have so approved) in order that the vouchers may be cancelled as provided in section 1,141 of the general laws of Colorado.

Mr. Roe moved that the resolution be adopted.

Which motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed S. C. R. No. 5, relative to the printing of 1,500 copies of the Governor's message.

Also, H. C. R. No. 4, in relation to the printing of 2,500 copies of the report of superintendent of public instruction with an amendment providing for only 2,000 copies, 300 of which shall be in the Spanish language, and which are herewith submitted for your concurrence.

I am also instructed to inform you that the Senate has refused to concur in H. C. R. No. 2, appointing committees to visit State institutions, and the same is herewith returned.

I am further instructed to inform you of the concurrence by the Senate in H. C. R. No. 3, appointing a joint committee on inauguration of the Governor, and that Senators Ellsworth and John have been on the part of the Senate appointed on such committee.

Respectfully,

W. W. ORRICK,

Secretary.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate have approved the report of the committee appointed by the secretary of State to examine the books and accounts of the auditor and treasurer of State.

I am also instructed to inform you that the Senate has concurred in the House amendment to S. C. R. No. 3, appointing a joint committee of two members of the Senate and three of the House, to examine the letting of the recent contract for State printing, and that Senators Helm and DeFrance have been on the part of the Senate appointed on such committee.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Brush introduced:

H. B. No. 13, a bill for an act to repeal chapter 105 of the general laws of the State of Colorado, and for other purposes.

Which was read a first time and ordered printed.

Mr. Roe introduced:

H. B. No. 14, a bill for an act to amend section 16 of article 7 of chapter 33, and section 4 of chapter 49 of the general laws of Colorado.

Which was read a first time and ordered printed.

Mr. Southworth introduced:

H. B. No. 15, a bill for an act to elect assistant assessors.

Which was read a first time and ordered printed.

Mr. Voorhies introduced:

H. B. No. 16, a bill for an act in relation to sealed instruments.

Which was read a first time and ordered printed.

Mr. Livesay introduced:

H. B. No. 17, a bill for an act to amend the criminal code regarding the form of indictments.

Which was read a first time and ordered printed.

By consent, Senate messages were taken up.

Mr. Brush moved that the House concur in Senate amendments to H. C. R. No. 4.

Which motion prevailed.

Mr. Flower moved that the rules be suspended, in order that S. C. R. No. 5 may be considered at this time.

Which motion prevailed.

Mr. Flower moved to amend the resolution by providing that 1,250 copies of the Governor's message be printed in English, and 250 in Spanish.

Which motion prevailed.

Mr. Flower moved that the resolution be adopted as amended.

Which motion prevailed.

Mr. Toll moved that the motion by which S. C. R. No. 5 was adopted, be reconsidered.

Which motion was lost.

The committee on printing presented the following report:

Mr. Speaker:

The committee on printing beg leave to report that they have had printed H. B. Nos. 1, 4, 6, 7, 8, 9, 10 and 11, and that the same are correctly printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

Mr. Todd moved that the House return to the twelfth order of business, second reading and reference of House bills.

Which motion prevailed.

H. B. No. 1, a bill for an act to provide for the appointment of a secretary of the State board of land commissioners, who shall also act as immigration agent, and defining his duties, was read a second time and referred to the committee on public lands.

H. B. No. 4, a bill for an act entitled stud horses, jacks and bulls, was read a second time and referred to the committee on stock.

H. B. No. 6, a bill for an act providing what shall con-

stitute a private seal, was read a second time and referred to the judiciary committee.

H. B. No. 7, a bill for an act concerning release of mortgages, trust deeds and instruments of writing for the security of money, was read a second time and referred to the committee on judiciary.

H. B. No. 8, a bill for an act to authorize the State treasurer to apply certain moneys belonging to the "general revenue fund," to the payment of interest on State warrants, was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 9, a bill for an act to define and punish for the obtaining of money or property by confidence games, was read a second time and referred to the judiciary committee.

H. B. No. 10, a bill for an act to authorize the superintendents of the poor to bind out indigent children, was read a second time and referred to the committee on education.

H. B. No. 11, a bill for an act to amend section 98 of chapter 87 of the general laws of Colorado, rescinding so much of the section as makes taxes levied or assessed upon personal property a perpetual lien thereupon, was read a second time and referred to the committee on finance, ways and means.

The Speaker announced Messrs. Kimberly, Brush, and Gunnell as members of the committee provided for in H. C. R. No. 3 to make proper arrangements for the inauguration of State officers. By consent the judiciary committee presented the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred H. C. R. No. 5, together with the reports of the supreme judges and the several district and county judges made pursuant to the provisions of section 27, article 6 of the constitution of the State, report the same to the House with the recommendation that the resolution be amended so as to provide that two hundred copies of the reports of the supreme judges be printed; that the portion referring to the reports of the district and county judges be stricken out.

THOS. J. CANTLON, *Chairman.*

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

Which motion prevailed.

Mr. Toll moved that the resolution as amended be adopted.

Which motion prevailed.

Mr. Brush presented the following resolution:

Resolved, That Miss Matilda Fletcher be invited to deliver a lecture on moral, industrial, and social science, in the hall of this House on Wednesday evening, the eighth instant, and that the clerk of this House be instructed to inform her of this invitation.

Mr. Evans moved that the resolution be adopted.

Which motion prevailed.

Mr. Gotthelf moved that the House do now take a recess until two o'clock this afternoon.

Which motion prevailed.

At 12:05 P. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 P. M.

By consent, Mr. Mann of Jefferson presented the petition of Messrs. S. S. Woodbury and R. H. Stewart, witnesses in the contest of Boyd vs. DeFrance, in the first General Assembly, praying for relief.

Which was referred to the committee on claims.

By consent, the committee on stock presented the following report:

Mr. Speaker:

Your committee on stock to whom was referred H. B. No. 4, have had the same under consideration, and instruct me to report said bill back to the House, with the following recommendation:

Strike out the words "stud horses" wherever they appear, and insert in lieu thereof the word "stallion;" also insert the words "rams and boars" after the word "bulls," and as so amended we would respectfully recommend the passage of the bill.

J. L. BRUSH,
Chairman.

By consent, Mr. Hutchinson presented the petition of citizens of Gunnison county, praying that provision be made for the holding of a term or terms annually of the district court within their county.

Which was referred to the judiciary committee.

Mr. Kimberly moved that the House do now adjourn to 10 o'clock A. M. to-morrow.

Which motion prevailed.

At 2:27 o'clock P. M. the House adjourned.

SIXTH DAY.

WEDNESDAY, JANUARY 8th, 1879.

House met at 10 A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Cantlon. Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Moorehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Mr. Speaker.—44.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Bromwell, Brush, Clark, Spruance, and Voorhies.—5.

The journal of the previous day's session was read and approved.

The speaker submitted the following communication:

FORT COLLINS, COLO., January 6, 1879.

To the Speaker and Members of the House:

GENTLEMEN: The State board of agriculture extends a cordial invitation to your Honorable Body to visit the

agricultural college at Fort Collins, and respectfully request that you designate a day, and notify the secretary of the board. We would suggest that on or about the 15th instant be the time agreed upon. We also extend the invitation to the State officers and representatives of the press.

Your obedient servant,

H. STRATTON,

Secretary State Board of Agriculture.

Mr. Gird moved that the communication be referred to the committee on agriculture.

Which motion prevailed.

Mr. Todd presented a memorial from Montague R. Leverson in relation to the code.

Mr. Livesay moved that the memorial be referred to the committee on judiciary.

Which motion prevailed.

Mr. Mead presented a memorial from citizens of Colorado in relation to irrigation.

Mr. Gird moved that the memorial be referred to the committee on irrigation.

Which motion prevailed.

Mr. Gunnell presented the following resolution:

Resolved, That the sergeant-at-arms be instructed to have the outer tier of seats removed to more convenient and comfortable parts of the House.

Mr. Brush moved that the resolution be adopted.

Which moved prevailed.

Mr. Cantlon introduced:

H. B. No. 18, a bill for an act entitled attachment and garnishment, which was read a first time and ordered printed.

Mr. Brush introduced:

H. B. No. 19, a bill for an act entitled an act to enable the town of Greeley, of the county of Weld, and State of Colorado, to buy from the Union Colony of Colorado all its rights and obligations pertaining to Canal No. 3, and to administer the same, which was read a first time.

Mr. Luthe moved that the rules be suspended in order that the bill just read may be referred at this time.

Which motion prevailed.

And H. B. No. 19 was referred to the judiciary committee.

Mr. Luthe introduced:

H. B. No. 20, a bill for an act relating to appeals from the judgments of justices of the peace.

Which was read a first time and ordered printed.

Mr. Voorhies introduced:

H. B. No. 21, a bill for an act for the protection and propagation of fish.

Which was read a first time and ordered printed.

Mr. Mead introduced:

H. B. No. 22, a bill for an act entitled, an act concerning irrrigation.

Which was read a first time and ordered printed.

Mr. Mann of Jefferson county introduced:

H. B. No. 23, a bill for an act to prescribe conditions upon which retail liquor dealers, saloon keepers and persons engaged in keeping dram shops may be allowed to do business.

Which was read a first time and ordered printed.

Mr. Brush moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 11:40 A. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 P. M.

A communication from W. N. Babcock, general passenger agent of the Colorado Central Railroad, inviting the House and Senate to participate in an excursion to the agricultural college at Ft. Collins, and the State university at Boulder, was presented by the speaker.

The committee on appropriations and expenditures presented the following report:

Mr. Speaker:

Your committee on appropriations and expenditures, to

whom was referred H. B. No. 8, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be passed.

Very respectfully,

J. Mc'D. LIVESAY,

Chairman.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have had printed H. B. Nos. 12, 13, 14, 15, 16 and 17, and the same are correctly printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

Mr. Evans moved that the rules be suspended and that the House go into committee of the whole on general order.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Arapahoe, Mr. Bromwell, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 4, a bill for an act entitled, stud horses, jacks and bulls, have made amendments thereto and instruct me to report the bill back to the House with the recommendation that it be referred to the judiciary committee.

Also, H. B. No. 8, a bill for an act to authorize the State treasurer to apply certain moneys belonging to the general revenue fund to the payment of interest on State warrants, and instruct me to report the same back to the House and recommend its passage.

Respectfully,

H. P. H. BROMWELL,

Chairman.

Mr. Luthe moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

Mr. Roe moved that the House return to the twelfth order of business, second reading and reference of House bills.

Which motion prevailed.

H. B. No. 12, a bill for an act concerning redemption of land sold under trust deeds and other instruments for security of money, was read a second time and referred to the judiciary committee.

H. B. No. 13, a bill for an act to repeal chapter 105 of the general laws of the State of Colorado, and for other purposes, was read a second time and referred to the committee on agriculture.

H. B. No. 14, a bill for an act to amend section 16 of article 7 of chapter 33, and section 4 of chapter 49 of the general laws of Colorado, was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 15, a bill for an act providing for the election of precinct or assistant assessors, was read a second time and referred to the committee on finance, ways and means.

H. B. No. 16, a bill for an act in relation to sealed instruments, was read a second time and referred to the judiciary committee.

H. B. No. 17, a bill for an act to amend the criminal code regarding the form of indictments, was read a second time and referred to the committee on judiciary.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has concurred in H. C. R. No. 5, in relation to printing reports of the judges of the supreme court, and the same is herewith returned.

I am also instructed to inform you that the Senate has concurred in the amendment of the House to S. C. R. No. 4, providing for the printing of 200 copies of the rules, and names of members and officers of the second General Assembly.

I am further instructed to inform you of the passage by

the Senate of S. B. No. 5, being a bill for an act giving consent to the acquisition by the United States of lands for public uses in the State of Colorado, and which is herewith submitted for your consideration.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Todd moved that the House return to the tenth order of business, first reading of bills.

Which motion prevailed.

S. B. No. 5, a bill for an act giving consent to the acquisition of the United States of land for publice uses in the State of Colorado, was read a first time.

By consent, Mr. Southworth introduced:

H. J. M. No. 1, memorializing Congress to grant arid lands to the State of Colorado for the purpose of constructing a system of irrigation.

Which was read a first time and ordered printed.

Mr. Toll moved that the House now take order No. 5 (orders of the day).

Which motion prevailed.

The committee on agriculture presented the following report:

Mr. Speaker:

Your commitee on agriculture to whom was referred the communication from the secretary of the State board of agriculture extending an invitation to the second General Assembly to visit the agricultural college, report favorably on the same, and recommend Saturday the 11th instant as the day for said visit:

M. D. MOOREHEAD,

Chairman.

Mr. Todd moved that the communication from the agent of the Colorado Central Railroad be referred to the committee on agriculture with instructions to report by concurrent resolution.

Which motion prevailed.

The committee on engrossment presented the following report:

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 8, a bill for an act to authorize the State treasurer to apply certain moneys belonging to the general revenue fund to the payment of interest on State warrants, and find the same correctly engrossed.

H. E. LUTHE,
Chairman.

Mr. Evans moved that H. B. No. 8 be now read a third time, and put upon its final passage.

Which motion prevailed.

H. B. No. 8, a bill for an act to authorize the State treasurer to apply certain moneys belonging to the general revenue fund to the payment of interest on State warrants, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Cantlon, Chilcott, Clark, Coddington, Cordova, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hutchinson, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Pease, Roe, Scott, Sheets, Slockett, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—37.

Voting in the negative, none.

Gentlemen absent and not voting were:

Messrs. Brush, Crawford, Gotthelf, Gunnell, Hoffman, Kimberly, Martinez, Morehead, Phillips, Southworth, Spruance, and Thomas.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to, and it was ordered that the bill take effect in accordance with the provisions of the emergency clause therein contained.

Mr. Toll moved that the House take up the fifth order of business, reports of standing committees.

Which motion prevailed.

The committee on agriculture reported under instructions from the House H. C. R. No. 6, in relation to excursion to Fort Collins and Boulder.

Mr. Roe moved that the rules be suspended in order that H. C. R. No. 6 may be considered at this time.

Which motion prevailed.

Mr. Southworth moved that the resolution be amended by inserting the words "with thanks" after the word "accept."

Which motion prevailed.

Mr. Southworth moved that the motion be adopted as amended.

Mr. Cantlon moved that the resolution be amended so as to make the time one week from next Saturday.

Mr. Luthe moved as an amendment to the amendment that the time be placed on the sixteenth day of February.

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

Which motion prevailed.

The committee on claims presented the following report:

Mr. Speaker:

The committee on claims, to whom was referred the petition of S. S. Woodbury and R. H. Stewart, asking that an appropriation be made to pay the fees due them as witnesses in the Boyd and DeFrance case of contested seat, have had the same under consideration, and have concluded that inasmuch as the case was tried in the Senate, and the witnesses subpœnæd by authority of the Senate, and as none of the witnesses in the case have yet received their fees, and as quite a number of the present Senators are thoroughly conversant with the facts of the case, therefore action in the matter naturally devolves upon that body rather than this; and your committee would recommend that the petition be transferred from the House to the Senate for final adjustment.

Respectfully,

FRANK BINGHAM,

Chairman.

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

Which motion prevailed.

Mr. Mead moved that the House do now adjourn to 10 o'clock A. M. to-morrow.

Which motion prevailed.

At 3:50 o'clock P. M. the House adjourned.

SEVENTH DAY.

THURSDAY, JANUARY 9th, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—44.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Chilcott, Clark, Gunnell, Spruance, and Toll.—5.

The journal of the previous day's session was read and approved.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have had printed H. B. No. 3, and find the same correctly printed with the following

exceptions: The second and third words in line 20 of section 1 should read "or dispose," and the fourteenth word in line 4 of section 13 should read "officer."

Respectfully,

M. O. CODDINGTON,

Chairman.

Mr. Gebhard presented the following resolution:

WHEREAS, We have listened to Matilda Fletcher's lecture on education and social topics with much interest, and as we understand that there is a strong desire on the part of the legislature and the general public for another address from Miss Fletcher at an early day, therefore be it

Resolved, That the use of this hall be tendered Miss Fletcher for such address or lecture on Monday evening next.

Mr. Southworth moved that the resolution be adopted.

Which motion prevailed.

Mr. Todd presented the following resolution:

Resolved, That the thanks of the House of Representatives be returned to the officers of the Colorado Central Railroad Company for their invitation to accept the use of a special train to visit certain State institutions, and that the clerk be directed to inform the officers of said railroad that the same will be accepted if the House of Representatives can find time to do so.

Mr. Roe moved that the resolution be adopted.

Which motion prevailed.

Mr. Mann of Jefferson county introduced:

H. B. No. 24, a bill for an act to provide for assignments for creditors.

Which was read a first time and ordered printed.

Mr. Bingham introduced:

H. B. No. 25, a bill for an act apportioning bulls and cows.

Which was read a first time and ordered printed.

Mr. Crawford introduced:

H. B. No. 26, a bill for an act amending section 13 of chapter 21 of the general laws of Colorado, relating to counties and county boundaries.

Which was read a first time and ordered printed.

Mr. Southworth introduced:

H. B. No. 27, a bill for an act describing a lawful fence.

Which was read a second time and ordered printed.

S. B. No. 5, a bill for an act giving consent to the acquisition of the United States of land for public uses in the State of Colorado, was read a second time and referred to the committee on public lands.

H. B. No. 3, a bill for an act to confer jurisdiction in attachment on justices of the peace, was read a second time and referred to the judiciary committee.

By consent, Mr. Todd, of the committee on education, presented the following report:

Mr. Speaker:

Your committee on education to whom was referred H. B. No. 10, being a bill for an act to authorize the superintendents of the poor to bind out indigent children, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be passed with certain amendments.

WILLIAM D. TODD,
Of the Committee.

By consent, the special committee to whom was referred the resolution in relation to the inauguration of State officers, presented the following report:

Mr. Speaker:

The joint committee appointed by the two Houses to make arrangements for the inauguration of the Governor-elect beg leave to report that said committee have waited upon the Governor and after conferring with him recommend the following programme of arrangments:

The Governor-elect will meet the Assembly in joint session in the hall of the House on Tuesday, January 14th, at 10:30 o'clock A. M., and at that time will take the oath of office and deliver his inaugural address.

Respectfully,
B. H. KIMBERLY,
J. L. BRUSH,
Committee on part of House.

By consent, Mr. Luthe introduced:

H. B. No. 28, a bill for an act to confer exclusive jurisdiction upon justices of the peace in misdemeanors punishable by fine or imprisonment in the county jail.

Which was read a first time and ordered printed.

Mr. Luthe moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 11:07 o'clock A. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock in the afternoon.

Mr. Brush presented the following resolution:

Resolved, That the committee on judiciary, to whom a large number of bills have been referred, and whose duties are more burdensome than any other committee in the House, be allowed to employ a clerk at a salary of not more than four dollars per day.

Mr. Brush moved that the resolution be adopted.

Which motion prevailed.

The committee on printing presented the following report:

Mr. Speaker:

The committee on printing have had printed H. B. Nos. 21 and 22, and the same are correctly printed.

Also H. J. M. No. 1, and find it correctly printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has concurred in the House amendment to S. C. R. No. 5, in relation to printing the Governor's message.

Also that the Senate has adopted the report of the joint committee appointed to prepare for the inauguration of the Governor.

W. W. ORRICK,

Secretary.

Mr. Gird called up the report of the joint committee on inauguration and moved that the report be adopted.

Which motion prevailed.

By consent, the tenth order of business was taken up.

Mr. Livesay introduced:

H. B. No. 29, a bill for an act concerning cases in any district or county court, the venue of which has been changed thereto.

Which was read a first time and ordered printed.

Also H. B. No. 30, a bill for an act to repeal section 198 of the criminal code of chapter 24 of the general laws of Colorado, and the insertion of a section in lieu thereof.

Which was read a first time and ordered printed.

Also, H. B. No. 31, a bill for an act to amend sections 258 and 259 of the criminal code, chapter 24 of the general laws, and to repeal sections 266 and 192 of the criminal code, chapter 24 of the general laws of Colorado.

Which was read a first time and ordered printed.

Mr. Brush introduced:

H. B. No. 32, a bill for an act to amend section 10 of chapter 87 of the general laws of the State of Colorado entitled, revenue.

Which was read a first time and ordered printed.

By consent, the fifth order of business, reports from standing committees, was taken up.

The judiciary committee presented the following reports:

Mr. Speaker:

Your committee on judiciary, to whom was referred H. B. No. 6, a bill for an act as to what shall constitute a seal by the maker to a written instrument, have had the same under consideration and instruct me to report said bill back to the House and recommend its passage.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on judiciary, to whom was referred H. B. No. 17, a bill for an act to amend the criminal code re-

garding the form of indictment, have had the same under consideration and instruct me to report said bill back to the House, and recommend its passage.

Respectfully,

THOS. J. CANTLON,

Chairman.

The committee on finance, ways and means, presented the following report:

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 14, a bill for an act to amend section 16 of article 7 of chapter 33, and section 4 of chapter 49 of the general laws of Colorado, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

ROBERT S. ROE,

Chairman.

By consent, Mr. Kimberly introduced:

H. C. R. No. 7, in relation to a joint convention for inauguration.

Mr. Brush moved that the rules be suspended in order that H. C. R. No. 7 may be considered at this time.

Which motion prevailed.

Mr. Brush moved that the resolution be adopted.

Which motion prevailed.

By consent, the committee on agriculture presented the following report:

Mr. Speaker:

Your committee on agriculture, to whom was referred H. B. No. 13, a bill for an act to repeal chapter 105 of the general laws of Colorado and for other purposes, have had the same under consideration, and instruct me to report said bill back to the House with certain amendments, herewith transmitted, and recommend its passage as amended.

Respectfully,

M. D. MOREHEAD,

Chairman.

Mr. Flower moved that the House do now adjourn to 10 o'clock A. M., to-morrow.

Which motion prevailed.

At 2:55 o'clock P. M. the House adjourned.

EIGHTH DAY.

FRIDAY, JANUARY 10th, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—45.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Bromwell, Luthe, Mann (Joseph), and Spruance. —4.

The journal of the previous day's session was read and approved.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. No. 2, and find the same correctly printed, with the following exceptions: The third word in the third line of section 18 of article 2 should read "bands," and the word "military" should be inserted in the first line of section 4 of article 9.

Respectfully,

M. O. CODDINGTON,

Chairman.

Mr. Bromwell introduced:

H. B. No. 33, a bill for an act to amend section 4 of chapter 31 of the general laws of Colorado.

Which was read a first time and ordered printed.

Mr. Douglass introduced:

H. B. No. 34, a bill for an act authorizing the people of any locality to vote upon the question of license or no license for the sale of intoxicating liquors to be used as a beverage in such locality.

Which was read a first time and ordered printed.

Mr. Todd introduced:

H. B. No. 35, a bill for an act to establish a court of common pleas in the city of Denver.

Which was read a first time and ordered printed.

Mr. Evans introduced:

H. B. No. 36, a bill for an act to amend an act to secure liens to mechanics and others, and to repeal all other acts in relation thereto.

Which was read a first time and ordered printed.

H. B. No. 2, a bill for an act to provide for the enrollment, organization, government and pay of the national guard and militia of the State for the public defence, and for the care of the arms and other military stores, relics and records of the State, and entitled, the militia law, was read a second time, and referred to the committee on military affairs.

H. J. M. No. 1, memorializing Congress to grant arid lands for the purpose of constructing a system of irrigation, was read a second time and referred to the committee on agriculture.

H. B. No. 20, a bill for an act relating to appeals from the judgments of justices of the peace, was read a second time and referred to the judiciary committee.

H. B. No. 21, a bill for an act for the protection and propagation of fish, was read a second time and referred to the committee on appropriations and expenditures.

By consent, Mr. Chilcott introduced:

H. J. M. No. 2, memorializing Congress to pass a bill providing for holding of terms of the United States court at different points in this State.

Which was read a first time and ordered printed.

Mr. Todd moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

And the House resolved itself into committee of the whole with the gentleman from Ouray and San Juan, Mr. Voorhies, in the chair.

After some time spent therein, the committee arose, and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 6, a bill for an act providing what shall constitute a private seal, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 10, a bill for an act to authorize the superintendents of the poor to bind out indigent children, and instruct me to report said bill back to the House with the recommendation that it be printed as per amendments proposed by the committee on education.

Also H. B. No. 13, a bill for an act to repeal chapter 105 of the general laws of the State of Colorado entitled, wolves and coyotes, and for other purposes, have made amendments thereto, and instruct me to report the same back to the House and recommend its passage as amended.

Respectfully,

JOHN H. P. VOORHIES,

Chairman.

Mr. Gotthelf moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

Mr. Gotthelf moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 12:05 o'clock P. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock P. M.

By consent, Mr. Roe introduced:

H. B. No. 37, a bill for an act to amend section 3 of an act entitled, an act to prescribe the number, duties and compensation of the officers and employés of each House of the General Assembly, approved November 23, 1876.

Which was read a first time and ordered printed.

Mr. Hutchinson introduced:

H. B. No. 38, a bill for an act to amend an act to repeal all existing laws in relation to the creation, jurisdiction, powers, proceedings, and practice of the county courts of the State of Colorado, and to enact other provisions in lieu thereof.

Which was read a first time and ordered printed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has concurred in H. C. R. No. 7, in relation to the meeting of the Assembly in joint session on the 14th instant, at 10:30 o'clock A. M., to be present at the inauguration of the Governor-elect.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Brush moved that the House do now go into committee of the whole for consideration of bills on general orders.

Which motion prevailed.

And the House resolved itself into committee of the whole with the gentleman from Arapahoe, Mr. Roe, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 14, a bill for an act to amend section

16 of article 7 of chapter 33, and section 4 of chapter 49 of the general laws of Colorado, and instruct me to report the same back to the House and recommend its passage.

The committee have also had under consideration H. B. No. 17, a bill for an act to amend the criminal code regarding the form of indictments, and instruct me to report the same back to the House and recommend its passage.

Respectfully,

ROBERT S. ROE,

Chairman.

Mr. Luthe moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

Mr. Flower was granted leave of absence during to-morrow's session.

Mr. Brush moved that the House do now adjourn to 10 o'clock to-morrow forenoon.

Which motion prevailed.

At 2:50 o'clock P. M. the House adjourned.

NINTH DAY.

SATURDAY, JANUARY 11th, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—43.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Chilcott, Clark, Flower, Lewis, Morehead, and Spruance.—6.

The journal of the previous day's session was read and approved.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 22, 23, 24, 25, 26, 27, 28, 29, 30 and 32, and find the same correctly printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

The committee on agriculture presented the following report:

Mr. Speaker:

Your committee on agriculture, to whom was referred H. J. M. No. 1, memorializing Congress to grant arid lands for the purpose of constructing a system of irrigation, have had the same under consideration, and instruct me to report said memorial back to the House, with the recommendation that it be adopted.

M. D. MOREHEAD,

Chairman.

Mr. Mann of Jefferson introduced:

H. B. No. 39, a bill for an act concerning garnishment in courts of record and before justices of the peace, and judgments rendered, and in relation to the proceedings and practice in garnishment and attachment.

Which was read a first time and ordered printed.

Mr. Cantlon was granted leave of absence until Monday next, at noon.

H. B. No. 22, a bill for an act entitled, an act concerning irrigation, was read a second time and referred to the committee on irrigation.

H. B. No. 23, a bill for an act to prescribe conditions up-

on which retail liquor dealers, saloon keepers, and persons engaged in keeping dram shops may be allowed to do business, was read a second time.

Mr. Gotthelf moved that H. B. No. 23 be referred to the committee on counties and county lines.

Mr. Douglass moved as an amendment that it be referred to a special committee of five.

Mr. Luthe moved as an amendment to the amendment that the committee on counties and county lines be that special committee.

Which motion prevailed.

The question recurring upon the motion to amend as amended.

The motion prevailed.

The question then recurring upon the original motion as amended.

The motion was lost.

Mr. Luthe moved that the bill be laid on the table.

Which motion was lost.

Mr. Southworth moved that the bill be referred to a special committee of five to be appointed by the speaker.

Mr. Luthe moved that the motion to refer to special committee of five, be laid on the table, and demanded the yeas and nays thereon, which were had with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Gebhard, Gotthelf, Hutchinson, Kimberly, Livesay, Luthe, Maez, Mann (W. J.), Martinez, McLaughlan, Todd, Trujillo, and Valdez.—15.

Gentlemen voting in the negative were:

Messrs. Bartlett, Bromwell, Brush, Coddington, Cordova, Crawford, Douglass, Evans, Gird, Gunnell, Harvey, Hoffman, Lovato, Mann (Joseph), McCandlass, Mead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Toll, Voorhies, and Mr. Speaker.—27.

Gentlemen absent and not voting were:

Messrs. Cantlon, Chilcott, Clark, Flower, Lewis, Morehead, and Spruance.—7.

And so the motion to lay on the table did not prevail.

The question recurring upon the motion to refer to a special committee of five.

The motion prevailed.

The speaker announced Messrs. Southworth, Douglass, Brush, Morehead, and Mann of Jefferson as said committee.

H. B. No. 24, a bill for an act providing for assignments for creditors, was read a second time and referred to the judiciary committee.

H. B. No. 25, a bill for an act apportioning bulls and cows, was read a second time.

Mr. Lovato moved that H. B. No. 25 be referred to a special committee of five.

Mr. Todd moved as an amendment that it be referred to the committee on stock.

Which motion to amend prevailed.

The question recurring upon the motion as amended.

The motion prevailed.

H. B. No. 26, a bill for an act amending section 13 of chapter 21 of the general laws of Colorado, relating to counties and county boundaries, was read a second time and referred to the committee on counties and county lines.

H. B. No. 27, a bill for an act describing a lawful fence, was read a second time and referred to the committee on agriculture.

H. B. No. 28, a bill for an act to confer final jurisdiction upon justices of the peace in misdemeanors punishable by fine, or imprisonment in connty jail, was read a second time and referred to the judiciary committee.

H. B. No. 29, a bill for an act concerning cases in any district or county court, the venue of which has been changed thereto, was read a seeond time and referred to the judiciary committee.

H. B. No. 30, a bill for an act to repeal section 198 of the criminal code of chapter 24 of the general laws of Colorado, and the insertion of a section in lieu thereof, was read a second time and referred to the judiciary committee.

H. B. No. 32, a bill for an act to amend section 10 of chapter 87 of the general laws of the State of Colorado, entitled, revenue, was read a second time and referred to the committee on finance, ways and means.

The speaker presented the following communication:

DENVER, Col., January 11, 1876.

Hon. Rienzi Streeter, speaker of the House of Representatives:
Sir:

I have the honor, on behalf of the board of regents, to invite your Honorable Body to visit and inspect the State university at such time as you may see proper to designate.

Very respectfully,

JOSEPH A. SEWELL,
President.

By consent, Mr. Brush presented the petition of the woman's christian temperance association of Greeley.

By consent, Mr. Luthe introduced:

H. B. No. 40, a bill for an act to make a married woman jointly liable with her husband for debts contracted by husband for necessaries.

Which was read a first time and ordered printed.

Mr. Brush moved that the House do now adjourn to 10 o'clock in the forenoon of Monday next, the 13th day of January.

Which motion prevailed.

At 11:45 o'clock A. M. the House adjourned.

TENTH DAY.

MONDAY, JANUARY 13th, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by Rev. H. S. Hilton.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bingham, Brandt, Bromwell, Brush, Clark, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—39.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Bartlett, Cantlon, Chilcott, Cordova, Hoffman, Lovato, Maez, Martinez, Pease, and Spruance.—10.

The journal of the previous day's session was read.

By consent, the journal was changed by inserting the word "final" in place of "exclusive," in the title of H. B. No. 28, and as thus changed, the journal was approved.

Mr. Chilcott was granted leave of absence for to-day.

Mr. Flower presented the petition of citizens of Park county, asking that existing laws be changed so as to provide for one instead of two terms of the district court in Park county.

Mr. Gird moved that the petition be referred to the judiciary committee.

Which motion prevailed.

The committee on stock presented the following report:

Mr. Speaker:

Your committee on stock to whom was referred H. B. No. 25, a bill for an act apportioning cows and bulls, have had the same under consideration, and instruct me to report said bill back to the House, and recommend its passage with certain amendments herewith transmitted.

Respectfully,

J. L. BRUSH,
Chairman.

The committee on public lands presented the following report:

Mr. Speaker:

Your committee on public lands, to whom was referred S. B. No. 5, entitled a bill for an act giving consent to the

acquisition of the United States of land for public uses in the State of Colorado, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be passed.

WM. D. TODD,
Chairman.

The committee on engrossment presented the following reports:

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 6, a bill for an act providing what shall constitute a private seal, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 13, a bill for an act to repeal chapter 105 of the general laws of the State of Colorado and for other purposes, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 14, a bill for an act to amend section 16 of article 7 of chapter 33, and section 4 of chapter 49 of the general laws of Colorado, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 17, a bill for an act to amend the criminal code regarding the form of indictments, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 18 and 31, also report of judges of supreme court, and find the same correctly printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

Mr. Gird presented the following resolution:

Resolved, That the committee on public lands are hereby instructed to inquire and report what legislation is necessary to secure to the State all lands donated to the State or coming to the State under any law of Congress granting agricultural land to the States, and that they report by bill or otherwise.

Mr. Gird moved that the resolution be adopted.

Which motion prevailed.

Mr. Todd presented the following resolution:

Resolved, That the use of the hall of the House of Representatives be granted to Capt. A. B. Tuttle, Tuesday evening, January 14th, 1879, for the purpose of lecturing on Arctic explorations conducted by him.

Mr. Todd moved that the resolution be adopted.

Which motion prevailed.

Mr. Harvey introduced:

H. B. No. 41, a bill for an act providing for the leasing of the penitentiary and the convict labor of the State of Colorado.

Which was read a first time and ordered printed.

Mr. Voorhies introduced:

H. B. No. 42, a bill for an act authorizing a tax levy of 15 mills on valuation for county purposes in Ouray county.

Which was read a first time and ordered printed.

Also H. B. No. 43, a bill for an act requiring the payment of taxes in cash.

Which was read a first time and ordered printed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has concurred in the passage of H. B. No. 8 in relation to granting authority to the State treasurer to apply certain moneys to the payment of interest on State warrants and which is herewith returned.

I am also instructed to inform you that the Senate has passed S. C. R. No. 8 in relation to meeting in joint session on January 15, 1879, for the purpose of electing United States Senator, and which is herewith submitted for your consideration.

Respectfully,

W. W. ORRICK,

Secretary Senate.

H. B. No. 18, a bill for an act entitled, attachment and garnishment, was read a second time and referred to the judiciary committee.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed the following concurrent resolutions:

S. C. R. No. 7 being a resolution tendering the thanks of the assembly to Dr. F. V. Hayden *et al.*, also

S. C. R. No. 9, for the appointment of a committee to wait upon the Governor, etc.

Both of which are herewith respectfully transmitted, and the concurrence of the House respectfully requested.

Very respectfully,

W. W. ORRICK,

Secretary.

H. B. No. 31, a bill for an act to amend sections 258 and 259 of the criminal code, chapter 24 of the general laws, to repeal sections 266 and 192 of the criminal code, chapter 24 general laws, was read a second time and referred to the judiciary committee.

Mr. Todd moved that the rules be suspended and that S. B. No. 5, a bill for an act giving consent to the acquisi-

tion of the United States of land for public uses in the State of Colorado, be now read a third time and put upon its final passage.

Which motion prevailed.

S. B. No. 5, a bill for an act giving consent to the acquisition of the United States of land for public uses in the State of Colorado, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Clark, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Mann (Joseph), Mann (W. J.), McCandlass, Mead, Morehead, Phillips, Roe, Scott, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—38.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Cantlon, Chilcott, Cordova, Lovato, Maez, Martinez, McLaughlan, Pease, Sheets, and Spruance.—11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 6, a bill for an act providing what shall constitute a private seal, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Clark, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Mann (Joseph), Mann (W. J.), McCandlass, Mead, Morehead, Phillips, Roe, Scott, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—38.

Gentleman voting in the negative, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Cantlon, Chilcott, Cordova, Lovato, Maez, Martinez, McLaughlan, Pease, Sheets, and Spruance. —11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 13, a bill for an act to repeal chapter 105 of the general laws of the State of Colorado, and for other purposes, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Clark, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Mann (Joseph), Mann (W. J.), McCandlass, Mead, Morehead, Phillips, Roe, Scott, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—38.

Gentlemen voting in the negative, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Cantlon, Chilcott, Cordova, Lovato, Maez, Martinez, McLaughlan, Pease, Sheets, and Spruance. —11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 14, a bill for an act to amend section 16 of article 7 of chapter 39, and section 4 of chapter 49 of the general laws of Colorado, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Clark, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Mann (Joseph), Mann (W. J.), McCandlass, Mead, Morehead, Phillips, Roe, Scott,

Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—38.

Gentlemen voting in the negative, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Cantlon, Chilcott, Cordova, Lovato, Maez, Martinez, McLaughlan, Pease, Sheets, and Spruance. —11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

It was ordered that the bill take effect in accordance with the provisions of the emergency clause therein contained.

H. B. No. 17, a bill for an act to amend the criminal code regarding the form of indictments, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bromwell, Brush, Clark, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Mead, Morehead, Phillips, Roe, Scott, Slockett, Southworth, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker. —30.

Gentlemen voting in the negative were:

Messrs. Bingham, Luthe, Mann (Joseph), Mann (W. J.), McCandlass, Thomas, and Todd.—7.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brandt, Cantlon, Chilcott, Cordova, Lovato, Maez, Martinez, McLaughlan, Pease, Sheets, and Spruance.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

By consent, Mr. Todd presented the following resolution:

Resolved, That the committee on judiciary be instructed to inquire and report as to whether any legislation or rule is necessary relative to the passage of bills containing the emergency clause.

Mr. Todd moved that the resolution be adopted.

Which motion prevailed.

Mr. Kimberly called up messages from the Senate.

Mr. Flower moved that the rules be suspended in order that S. C. R. No. 9, in relation to the appointment of a joint committee to escort the Governor-elect to this hall on the occasion of his inauguration, may be considered at this time.

Which motion prevailed.

Mr. Kimberly moved that the House concur in said resolution.

Which motion prevailed.

Mr. Southworth moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 12:03 o'clock P. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock P. M.

Mr. Todd called up the resolution offerred by Mr. Cantlon on January 3, for the creation of the office of night fireman.

Mr. Todd moved that the resolution be adopted.

Which motion prevailed.

Mr. Todd moved that Dudley Clark be elected to the office of night fireman by acclamation.

Which motion prevailed.

By consent, the tenth order of business was taken up.

Mr. Southworth introduced:

H. B. No. 44, a bill for an act concerning the foreclosure of trust deeds and other instruments to secure money on real estate and the sale and redemption thereof.

Which was read a first time and ordered printed.

Mr. Voorhies introduced:

H. B. No. 45, a bill for an act for the relief of the town of Ouray.

Which was read a first time and ordered printed.

Mr. McCandlass introduced:

H. B. No. 46, a bill for an act entitled, an act relating to the representative district of Fremont and Custer counties.

Which was read a first time and ordered printed.

Mr. Gunnell introduced:

H. B. No. 47, a bill for an act to amend section 30 of chapter 34 of the general laws of the State of Colorado, entitled, an act to fix and regulate the fees chargeable by county, precinct, and other officers.

Which was read a first time and ordered printed.

Mr. Clark introduced:

H. B. No. 48, a bill for an act to regulate the issuing of county warrants.

Which was read a first time and ordered printed.

Also H. B No. 49, a bill for an act to prescribe the qualifications of county judges.

Which was read a first time and ordered printed.

Also H. B. No. 50, a bill for an act to amend an act entitled, an act regulating elections, approved March 8, 1877.

Which was read a first time and ordered printed.

Mr. Brandt introduced:

H. B. No. 51, a bill for an act to amend chapter 3 of the general laws of the State of Colorado entitled, an act to provide a fund for the building and maintenance of the agricultural college of Colorado.

Which was read a first time and ordered printed.

Mr. Roe moved that the House do now resolve itself into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Jefferson, Mr. Mann, in the chair. After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 25, a bill for an act apportioning bulls and cows, and instruct me to report the same back to the House with the recommendation that it be recommitted to the committee on stock.

Also H. J. M. No. 1, memorializing Congress to grant arid lands for the purpose of constructing a system of irrigation, and instruct me to report the same back to the House and recommend its adoption.

Respectfully,

JOSEPH MANN,
Chairman.

Mr. Southworth moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

The speaker announced Messrs. Kimberly and Gunnell as the committee on the part of the House provided for by S. C. R. No. 9.

The committee on enrollment presented the following report:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 8, a bill for an act to authorize the State treasurer to apply certain moneys belonging to the general revenue fund to the payment of interest on State warrrants, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,
Chairman.

At 3:15 o'clock in the afternoon, the speaker, in the presence of the House, signed H. B. No. 8, a bill for an act to authorize the State treasurer to apply certain moneys belonging to the general revenue fund to the payment of interest on State warrants.

Mr. Toll called up messages from the Senate, and moved that the rules be suspended in order that S. C. R. No. 8 may be considered at this time.

Which motion prevailed.

Mr. Toll moved that S. C. R. No. 8, in relation to a joint convention for the election of United States Senator, be adopted.

Which motion prevailed.

By consent, Mr. Voorhies introduced:

H. C. R. No. 8, in relation to a commission to revise the code.

Which was laid over under the rules of the House.

By consent, Mr. Todd introduced:

H. B. No. 52, a bill for an act prescribing the manner of passing bills containing an emergency clause.

Which was read a first time and ordered printed.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 33, 34, 35, 36, 37, 38, 39 and 40, and amended H. B. No. 10, and find the same correctly printed, excepting H. B. No. 39, 6th section, 9th line, should read "execution" in place of "executive."

M. O. CODDINGTON,
Chairman.

By consent, the 12th order of business was taken up.

H. B. No. 37, a bill for an act to amend section 3 of an act entitled, an act to prescribe the number, duties and compensation of the officers and employés of each House of the General Assembly, was read a second time and referred to the committee on fees and salaries.

H. B. No. 36, a bill for an act to amend an act to secure liens to mechanics and others, and to repeal all other acts in relation thereto, was read a second time and referred to the judiciary committee.

Mr. Bingham moved that the House do now adjourn to 10 o'clock A. M. to-morrow.

Which motion prevailed.

At 3:50 o'clock P. M. the House adjourned.

ELEVENTH DAY.

TUESDAY, JANUARY 14th, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by Rev. T. E. Bliss.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Hutchinson, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—42.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Chilcott, Clark, Gotthelf, Gunnell, Kimberly, Pease, and Spruance.—7.

The journal of the previous day's session was read and approved.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has appointed on the part of the Senate, Senator S. B. A. Haynes, on the committee raised by S. C. R. No. 9, relative to the inauguration of the Governor-elect.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Mann of Jefferson county moved that the calling of the order of business of the day be dispensed with.

Which motion prevailed.

The Honorable Senate of the State of Colorado was announced in a body, and were admitted to the hall of the House of Representatives, and the joint convention was formed with J. P. Maxwell, president *pro tempore* of the Senate, in the chair.

The rolls were called and a quorum of each house were found to be present.

The joint committee appointed to escort the Governor-elect to the hall were announced, and the Governor-elect

Frederick W. Pitkin was escorted to the rostrum, where the oath of office was administered to him by Chief Justice Thatcher, after which the Governor read his inaugural address :

Gentlemen of the Senate and House of Representatives :

Under the peculiar provisions of the constitution of this State, nearly one-third of the legislative session is completed before the time has arrived for the State officers recently elected to enter upon the discharge of their duties.

My predecessor, at the commencement of your session, submitted his message, in which he reviewed the condition of the State treasury, and of the various institutions under the control of the State.

He has also recommended those measures which, during four years of faithful service at the head of our government, he has been led to believe will be for the best interest of the people. It gives me pleasure to be able to concur in the recommendations which he has made, and I am therefore relieved from the duty of discussing any of those subjects which he has so carefully considered in his message. At this stage of your session numerous bills have been introduced, and are now pending before your respective bodies, and before the different committees, which cover most of the ordinary subjects of legislation, and I deem it improper to refer to any of these matters, except by way of a few brief suggestions of a general nature.

I am unwilling, however, to enter upon the discharge of the duties of office without first expressing to the people of the State my feeling of sincere gratitude for the confidence which they have reposed in me in selecting me as their chief magistrate.

Regarding the office to which I have been chosen as a sacred trust, to be administered for the benefit of every class of the people and every section of the State, with no benefit to myself, except the good name which I hope to secure and maintain among my fellow citizens, I shall bring to the discharge of its duties an honest endeavor to faithfully execute the laws without fear and without favor.

The responsibilities which devolve upon us who constitute the legislative and executive branches of the government are very great and cannot easily be comprehended. We are laying the foundations of what will become a great commonwealth.

Although the youngest State in the Union, Colorado is, with three exceptions, the largest in area. Its territory exceeds in extent the Kingdom of Great Britain. Twenty years ago there was no organized community of civilized men within its limits. To-day it is covered with beautiful cities and flourishing towns which contain as many men and women of intelligence, education and culture in proportion to the population, as any of the older States.

On our plains, where twenty years ago nothing but the antelope and buffalo roamed, are to-day thousands of herds of cattle, horses and sheep, bringing most profitable returns to their owners. Along the valleys agriculture is successfully pursued.

Scarcely ten years ago, and not a mile of railway had been constructed within our limits. To-day more than twelve hundred miles are in successful operation, over two hundred miles of which have been built within the past year. Several rival corporations are now pushing forward their iron lines with all possible haste to secure for transportation the wealth of the central, western and southwestern sections of the State.

Where, a few years ago, long caravans were moving westward from the Missouri river to supply our settlements with the necessaries of life, we find to-day an endless succession of railway trains carrying to the east our surplus product of cattle, flour and grain.

MINING INTERESTS.

The most important facts in our history however relate to the present condition of the mining interests. We have become the third mineral producing State in the Union. The ore which has given Colorado rank next to Nevada and California has hitherto been taken almost entirely from the counties of Gilpin, Clear Creek, Boulder, Park and

Summit. In those counties the mines not only show no signs of exhaustion, but are improving as greater depth is attained. In very few of them has there been sufficient development to give the advantages which have attended deep mining in other parts of the world. New mines are being constantly discovered in these oldest settled counties. Their ore product the past year has exceeded that of any former year. The treasures of the San Juan country were unheard of until within the past few years and the rich placer claims in that locality are of more recent discovery. For want of reduction works and proper markets for ores, and on account of the great distance from railroads and the enormous expense of transportation to and from this mining district, it has scarcely begun to contribute towards the mineral productions of the State. The past season has seen new works erected at various localities for the treatment of ores, railroads are pushing on towards the mines, toll roads are being rapidly constructed and there can be no doubt that in a short time the broad, rich and inexhaustible veins of San Juan will attract world-wide attention and add millions of dollars where they now add thousands to the annual ore product of the State.

Eighteen months ago Leadville was unknown, and the mines in that locality were undiscovered. To-day it is the most famous mining camp in the world.

It is believed that the mines already discovered in that locality will produce a greater amount of ore in 1879 than the entire State of Colorado has produced in any former year. No one can estimate at the present time the value of the discoveries now being made in the neighboring camps at Ten Mile and Elk Mountains.

The mining interests at Rosita are quite as promising as in any former year, and with the preparations now being made for extensive workings, we may expect a large increase in the ore product over previous years.

The unusual fall of snow at Silver Cliff shortly after the discovery of the mines there late last fall, at once arrested prospecting, and on account of the inadequate preparations

for winter in so new a camp, it has been difficult to continue work on the mines now discovered. It is known that some of the mines are of great value, but the extent and richness of the deposits can only be determined when work shall be resumed in the spring. There is reason to expect that the developments in the coming spring may justify the hopes of the miners in this district, and along the Sangre de Christo range, and bring prosperity to that important section of the State.

More significant than any of the recent discoveries themselves, is the fact that they have been made in localities which experienced miners have frequented for the past fifteen years without suspecting the presence of mineral in paying quantities. The surface indications, the nature of the formations, and the character of the ore deposits have borne no resemblance to the earlier discoveries in the State.

We are entering upon a new era in our mining history. Instead of our mines becoming exhausted as has been the case in other States, we have but just begun prospecting.

From Wyoming to New Mexico our mountains are filled with inexhaustible treasures of silver and gold. While trade languishes and manufacturing industries are paralyzed in other States, the steady returns from our mines bring prosperity and contentment to the people. Capital judiciously invested in any of the mining districts of the State, will bring better returns than if employed in most of the business ventures of the East. Within the next twenty years Colorado will become the largest mineral producing State in the Union. Here, as in California and Nevada, some of the colossal fortunes of the world will be made. The road to wealth is here open to the poor man and the poor man's children, as well as to the rich.

As the prosperity of the State depends to so great an extent upon our mining interests, they should receive the consideration at your hands which their importance deserves. If there are any defects or ambiguities in the laws in relation to acquiring title to mining property, they should be cured

by legislation. The evils resulting from jumping and from prolonged litigation are sometimes very great, frequently affecting not only the mine owners, but the entire community in which the mine is located. So far as this can be remedied by legislation, I think it should be done. The interests of all classes of the community, and of the State itself, require that the owners of property shall be protected in its possession and enjoyment. The laws for the protection of the wages of miners as well as of all classes of mechanics and laboring men, should be plain, simple, easily understood, and capable of enforcement with the least possible expense and delay. I commend this subject to your most careful consideration.

AGRICULTURAL INTERESTS.

Our agricultural interests have been so overshadowed by the mining interests that their importance is but slightly understood beyond the boundaries of the State. Although but a small portion of the land of Colorado is susceptible of cultivation, the aggregate amount that can be put under ditch in the different sections would be more than sufficient to constitute a respectable eastern State. In no portion of the country can more productive soil be found than along our various water courses. Not only in the quantity per acre, but in the quality of the grains raised here do they surpass the products of the eastern States.

The experience of the past fifteen years has demonstrated that crops can be raised with greater certainty of success under an organized system of irrigation than in regions dependent upon the uncertain fall of rains for watering the land. The ravages of grasshoppers which sometimes occur here inflict no more serious losses upon our crops than are sustained in other States from chinch-bugs and other insects, and from frequent and prolonged droughts. Nowhere can more beautiful fields or more bountiful harvests be found than in those portions of northern Colorado, in the San Luis valley, and in other localities in the southern part of the State where proper provisions have been made

for irrigation. The steady increase in our mining population furnishes a constantly increasing home demand for the products of the soil. The farmers of Colorado should supply the miners of the State with the staple articles of food. In localities near the mountains and near the heads of the streams the necessity for economy in the use of water for purposes of irrigation is already being felt. It is evident that complications must sooner or later arise between conflicting claimants to water rights upon different streams. It is not so much upon the bounty of Heaven as upon the laws of Colorado that the farmers of the State must rely for the amount of water they can secure for the raising of crops. The questions connected with the subject of irrigation are of present importance, and they will become more serious in each succeeding year until some definite steps are taken for their determination. I concur with my worthy predecessor in the recommendation that this subject should receive your careful consideration, and I trust that you may agree upon some measures that will give satisfaction to our farming communities.

STOCK INTERESTS.

Among the causes which have contributed to the prosperity of the State none have been more important than the stock interests. From the smallest beginnings they have increased year by year until now the proceeds from shipments to eastern markets amount to millions of dollars per annum. Probably no kind of investment in this country has proved more profitable, during the past ten years, than investment in the stock business in Colorado. During the entire year both cattle and sheep thrive upon the grasses of the valleys and the plains, the former requiring no hay or grain, and the latter only in cases of severe and unusual snow storms. The losses by death up to the present time have been very small, not usually exceeding two per cent. of the cattle and not a much larger percentage of sheep. As the expenses of herding and caring for the stock are very light, the natural increase in the herds and

flocks is mostly profit. No counties in the State are in a more prosperous condition than those which are chiefly devoted to stock raising.

I am not fully advised as to the nature of the legislation which is desired in behalf of the stockmen. Their representation in the present legislature is large, and they thoroughly understand the wants of their respective counties. I shall be happy to co-operate with you in any measures which may be of benefit to such important interests.

CAPITAL REQUIRED.

While there is no scarcity of labor, there is in most of the newly settled portions of the State a great necessity for increased capital to open up valuable mines and to bring them to that stage of development in which they become remunerative, and to promote the interests of the farmers and stockmen. We should give capital such honest assurance of protection by just laws as will bring it from the money centres of the east to our midst for investment in legitimate enterprises. Such legislation as subjects it to the least burdens and at the same time gives adequate protection will most surely invite it here. We should keep the expenses of the State and municipal corporations at the lowest point consistent with efficient government. Many interests can ill afford the burdens of the least expensive government. No interests however profitable willingly submit to large taxation. If we can give the benefits of a stable and effective government with light taxation, it will be a fact which keen eyed capital of other States will be quick to discover. Economy can only be secured by reduced expenditures. To diminish the tax levies and let the expenses continue, only results in accumulated indebtedness which must sooner or later be met. Our State is now comparatively free from debt, and it should be a matter of pride as it is a matter of interest to every citizen to keep it so. I can not, therefore, too strongly urge upon you the necessity of keeping the expenses and thereby the taxation of the State at the lowest point possible.

INCREASE OF SALARIES.

Some discussion has recently taken place in relation to

the propriety of increasing the salaries of certain classes of officials. It is claimed that in some cases the compensation now provided by law does not correspond with the style of living expected from officers of the State government, and that it is inadequate compensation for the ability required to fill the positions acceptably to the public. It has not, however, been observed that men of the highest ability have generally declined to serve the public by reason of the amount of the salaries, nor that there has been a scarcity of candidates for any of these positions of trust and honor.

No one would desire the salaries fixed at so low a figure as to preclude any citizen of moderate means, or without any private resources whatever, from accepting honorable public station. But there is no requirement by the people of the State that its servants should maintain expensive establishments. If the salaries are insufficient to maintain the officials in luxury, they can certainly live in comfort and by imitating the simple and frugal habits of our ancestors, may in some degree encourage habits of economy among the people. And until citizens without wealth are unable to live on the salaries now provided, and men of ability decline to serve the State on account of the inadequacy of the compensation, there would appear to be no special reason at the present time for increasing the expenses of the State by any general increase of salaries.

UNNECESSARY OFFICES.

Neither will it be expedient, in my opinion, to create new offices of any nature, unless the interests of the State imperatively demand that it should be done. During the late civil war the creation of new offices became to some extent a necessary evil, but the experience of that period showed that too many persons in authority, like the passage of unnecessary laws, were not only a source of annoyance to the people, but were prejudicial to the public interests. The public officers throughout the State are not now, as a general thing, overworked. If you shall find that legislation is necessary upon certain subjects of such a character

as to require the performance of new duties in behalf of the State, it will, in my judgment, be better in most cases, to impose those duties upon persons holding offices already created, than to multiply offices, and thereby increase the expenses of the government. When the population and wealth of the State shall have increased, as they undoubtedly will in the near future, and with great rapidity, we may then, if the people so desire, imitate the example of the older States, both in the dazzling array of officials, and in the gorgeous size of the tax rolls necessary to maintain them.

INDEBTEDNESS OF NEW COUNTIES.

The indebtedness of several counties has reached such an amount as to require relief of some kind by legislation. These counties, with a few exceptions, have been organized within the past few years. The ordinary county expenses began as soon as the counties were formed and extraordinary expenses—arising from the construction of new roads and of county buildings, and in some cases in caring for insane paupers, and cost of prolonged criminal proceedings—have been incurred to very large amounts before the first tax levy could be made.

The result has been that the warrants of these counties have very rapidly depreciated in value, and in some of them are now worth only twenty-five or thirty cents on the dollar. With warrants only worth twenty-five per cent. of their face, the indebtedness of the county is increased four dollars for every dollar of value that it receives. And as these warrants draw ten per cent. interest, the county must pay forty per cent. interest on the cash value of materials or services required for ordinary or extraordinary expenses. Under such a policy any county in the State would soon become bankrupt.

Some measure can doubtless be devised which will do justice to creditors, and at the same time afford relief to the counties. It is reasonable to suppose that as the present holders of the warrants received them at a very large discount, they can be purchased by the counties or for the

counties, also at a large discount. To issue interest-bearing bonds for the warrants, dollar for dollar, would not diminish the indebtedness, and would not therefore relieve the counties, or make the bonds more valuable than the warrants. It has occurred to me that if certain officers of any embarrassed county, together with the treasurer of the State, or some officer especially appointed for that purpose, should be authorized to issue and sell bonds of the county, and with the proceeds be empowered to purchase warrants from the parties who would sell them at the lowest figure, after advertising for bids, the indebtedness of any county could gradually be adjusted on an equitable basis.

If any holder refused to sell his warrants for a sum which the re-adjusting board should deem reasonable he would be at liberty to retain them until the county should be able to meet its indebtedness. The re-adjusting board should also, I think, be authorized to exchange bonds for warrants whenever a satisfactory basis for exchange can be agreed upon. If one-half or two-thirds of the warrants of a county could be retired at a large discount, the county would be benefitted to that extent.

Should you deem it proper to provide that warrants should not be hereafter receivable for taxes, the re-adjustment of this indebtedness could be more speedily effected.

By associating some State officer with the county officers, his experience and assistance would doubtless be valuable and a greater uniformity would be secured in the efforts to relieve the counties concerned. The county officers entrusted with these responsible duties should be those who would be most likely to act with prudence. In my judgment, no authority to sell or issue bonds should be given until the question had been submitted to and been approved by the voters of the county where the re-adjustment is sought. The plan which I have briefly outlined may be, and doubtless is, imperfect. I have suggested it because it is the best one that has occurred to me. The subject deserves your serious consideration, and I shall be happy to

co-operate with you in any measures that may relieve these counties from the burdens that now retard their growth and prosperity.

ELECTION LAWS.

I deem it proper to call your attention to the laws relating to the registration of voters and to the holding of elections. There is no question upon which good men of all parties are so fully agreed as that the purity of the ballot box must be preserved, and that the result of an election when declared shall be the honest expression of the will of a majority of the legal voters of the State. Any attempt to thwart the will of the majority by means of the colonization of voters from other States or Territories or by frauds in counting, returning, or canvassing the votes, is one of the greatest crimes against society, and should receive the punishment which it deserves.

There is very little danger that in the thinly settled portions of the State, frauds of this kind will be attempted. But in large cities, in populous mining camps, and at railroad centers, where the population is rapidly shifting, more than the ordinary safeguards are required whenever large interests are at stake, to insure a fair election. Power acquired by dishonest means is usually employed for dishonest purposes. With so many powerful corporations in our midst, whose interests may be hostile to the best interests of the State, it behooves us to provide against the possibility of frauds by which the will of the people may be defeated. The greatest danger to a fair election is in fraudulent registration.

I would suggest that the law be so amended that only the names of those voters who apply in person for registration, or whose names were on the list of persons who voted at the previous general election, be registered, unless some legal voter files an affidavit with the board of registration that he knows the person to be a legal voter of the precinct.

Such affidavits should be lodged with some county officer as a basis for criminal proceedings in case the registration is made for fraudulent purposes. I would also suggest

that severe and summary punishment be provided for any justice of the peace or police magistrate who, having jurisdiction in the matter, refuses to issue a warrant immediately for the arrest of any person against whom a complaint has been made in proper form for illegal voting. Unless a warrant can be procured and executed at once for the arrest of a person who has voted illegally, there is, in most cases, small probability that he can be subsequently apprehended.

The safety of our republican institutions must depend upon the fairness with which elections are conducted. I am sure that the good citizens of all parties will approve of any measures, however stringent, that may be necessary to insure and maintain honest and fair elections.

STATE BOARD OF HEALTH.

I would recommend that a small sum be appropiated for the publication of a circular or pamphlet to be prepared by the State board of health, setting forth the advantages which this climate affords as a sanitarium.

Such a circular could give, in a condensed form, accurate information in relation to the classes of invalids that might hope to be restored to health in Colorado. Aside from the benefit which would be derived by the afflicted, there are many localities in the State much frequented as health resorts that would be directly benefitted.

The proportion of our population brought here by reason of the ill health of some member of a family is very considerable. In our dry atmosphere and under our sunny skies thousands of asthmatics and consumptives have found here not only restored health but opportunities for the employment of the highest order of ability and the largest amount of capital in the various industries of the State.

I make the above recommendation, believing that a circular of the nature referred to, for general distribution, would be an effective agency for the promotion of immigration.

There are one or two matters which I deem of great importance to the State that are under the control of the general government, and, therefore, are not the subject of ordinary legislation by the General Assembly. But, as they are of direct interest to the people, it is proper for your Honorable Body to represent the wishes of our people by memorials or joint resolutions directed to Congress, or to the proper officials of the national government.

ARID LANDS.

The first relates to the arid lands in the State, to which my predecessor alluded in his recent message. It is because I consider the matter of so much importance to the State that I will add a word to what he has said upon the subject. Congress has at different times donated to various States in the Union such portions of the public domain lying within the respective limits as were by reason of the great excess of water unfit for cultivation, and therefore not marketable. These lands have commonly been known as swamp lands, and while of little or no value in their natural condition, have by drainage or by the construction of levees been rendered valuable, and have become a source of revenue and profit to the States receiving the donations. There is a large amount of land in Colorado owned by the United States for which there is no market and which is now of no value to the government by reason of the entire absence of water. They are the arid plains scattered over various portions of the State. Like the swamp lands of other States, these arid lands may be rendered valuable by certain improvements which the general government is unwilling to undertake.

Instead of ditches for drainage, these lands require ditches for irrigation. By the construction of ditches and artificial ponds and lakes, the amount of agricultural and grazing lands can be very greatly increased and the State to the same extent be benefitted.

There is no reason why the same principle which has regulated the disposition of the swamp lands of other States should not be applied to the arid lands of Colorado.

As long as the title remains in the general government, these lands must remain unimproved and of no value either to the State or the United States. If donated to the State, they can, by the expenditure of a small amount of money, be made a source of revenue to the State, and add both to its productive capacity and to its taxable wealth. A large proportion of the school sections are on the arid plains and are destitute of water. The value of the grant for school purposes is on this account very greatly diminished, and furnishes another reason why the State should be compensated by the donation of the arid lands. The rapid increase of population in the mining regions should be followed by a corresponding increase in the amount of land devoted to agricultural and grazing purposes. In the not distant future, when our population reaches and exceeds half a million in number, this necessity will be felt to a much greater extent than at the present time.

It cannot be hoped that the State can secure from the general government so large a grant of land immediately, for in matters of this magnitude agitation and discussion are required before the necessary legislation can be accomplished. The distinguished gentlemen who represent the State in the National Congress fully appreciate the importance of this measure. I would suggest that the passage by the General Assembly of a memorial to Congress urging the donation of these arid lands as a matter of right and justice to Colorado, would assist our delegation in securing the desired legislation.

INDIAN RESERVATION.

Along the western borders of the State and on the Pacific slope lies a vast tract occupied by the tribe of Ute Indians as their reservation. It contains about twelve millions of acres, and is nearly three times as large as the State of Massachusetts. It is watered by large streams and rivers, and contains many rich valleys and a large number of fertile plains. The climate is milder than in most localities of the same latitude on the Atlantic slope. Grasses grow there in great luxuriance, and nearly every kind of

grain and vegetables can be raised without difficulty. This tract contains nearly one-third of the arable land of Colorado, and no portion of the State is better adapted for agricultural and grazing purposes than many portions of this reservation. Within its limits are large mountains, from most of which explorers have been excluded by the Indians. Prospectors, however, have explored some portions of the country and found valuable lode and placer claims, and there is reason to believe that it contains great mineral wealth.

The number of Indians who occupy this reservation is about three thousand. If the land was divided up between the individual members of the tribe it would give every man, woman and child between three and four thousand acres. It has been claimed that the entire tribe have had in cultivation about fifty acres of land. From some personal knowledge of the subject, I believe that one able bodied white settler would cultivate more land than the whole tribe of Utes. These Indians are fed by the government, are allowed ponies without number, and, except when engaged in an occasional hunt, their most serious employment is horse racing. If this reservation can be extinguished and the land thrown open to settlers, it will furnish homes to thousands of the people of this State who desire homes, will furnish grazing for immense herds of cattle, horses and sheep, and may prove to be exceedingly rich in minerals. Large towns and cities will spring up rivaling those of eastern Colorado in size and wealth. The population and the taxable property of the State would be largely increased and railways would be speedily constructed through this reservation and to the adjacent mining camps. There is in my judgment no matter of such urgent importance to our people as the immediate extinguishment of the Indian title. The westward march of the white race and of civilization, begun over two centuries ago on the Atlantic coast, can not long be arrested at the boundaries of this immense tract of valuable land by the presence of a tribe of Indians too small in number to constitute a respectable village.

It has been necessary already to construct toll roads over portions of the reservation in order to transport supplies to the population at Ouray, Mt. Sneffles, San Miguel, and other prosperous mining camps in that vicinity, for the shipment of ores and the transportation of the mails. The Indians, although peaceable, look with jealousy upon any supposed encroachments upon their rights. An accidental quarrel between them and a party of whites would immediately stop all travel across the reservation, would cut off the supplies in these frontier settlements, and involve that whole country in great trouble.

I have thought it proper to call your attention to this question from the fact that there is reason to suppose that the land can be acquired by the government at the present time without serious difficulty. Major General Edward Hatch, commanding this military district, has recently made a treaty with the southern Utes, by which they are to cede to the government their interest in the southern portion of the reservation. The commission of which General Hatch was president was unable to effect any treaty with the Utes at the Los Pinos agency, but it is understood that it was because the chiefs questioned the power of the commissioners to make any treaty. They desired to be taken to Washington in order that they might treat with the commissioner of Indian affairs, or with the President. Their requst has been granted, and the chiefs are now at the national capital.

In the report of the commissioner of Indian affairs submitted to Congress last month, the commissioner recommends that the Utes be removed to the Indian Territory. I understand that they are willing to go to a small reservation near Pagosa Springs. To whatever point they might be removed, they could be well supported by the interest on a small portion of the money which the Government would receive from the sale of the lands. I therefore recommend the passage of a memorial by the General Asembly urging upon the general government the importance both to the Indians and the white people of the State

of the removal of the Indians beyond the limits of the present reservation, and of throwing open this reservation to settlers. Such a memorial would doubtless assist our delegation in Congress in the zealous efforts which they are making in this direction.

If anything we can do shall contribute toward the acquisition of this territory for occupation and settlement by our people, I venture to predict that it will be of more substantial benefit to the State than most of the ordinary legislation of the session.

IN CONCLUSION,

permit me to express the hope that however much we may have differed in regard to the questions upon which parties are divided, we may now all be animated by a common purpose to do those acts and support those measures which will promote the best interests of the commonwealth. That the State will prosper under unwise legislation and in spite of it can not be doubted. But it is equally true that by wise legislation and by good government, we may contribute in no small degree to the general prosperity.

We are no longer the representatives of parties, but are the representatives of the people, to whom they have committed the welfare of the State.

Parties may change and pass into oblivion, but the State will live, and under its beneficent government hundreds of generations yet unborn may enjoy the blessings of peace, prosperity and happiness within its limits. If in our blind devotion to party we neglect the highest and best interests of the State we can only hope for that ephemeral notoriety which feeds upon the passions of the hour and with them perishes.

If however we may happily link our names with measures which shall be of enduring benefit to the State, they will be cherished in kindly remembrance long after we shall have ceased to mingle in the activities of life. I trust that under the protecting care of a kind providence our lives may be spared and we may be enabled to discharge the duties devolving upon us to the satisfaction of our constituents.

The business for which the joint convention was formed having been completed, Senator Haynes moved that the convention be dissolved.

Which motion prevailed.

Mr. Brush moved that the House do now take a recess for twenty minutes.

Which motion prevailed.

At 11:10 o'clock A. M. the House took a recess.

NOON SESSION.

The speaker called the House to order at 12 o'clock M.

Mr. Todd presented the following resolution:

WHEREAS, This is the second Tuesday after the meeting and organization of the General Assembly of the State of Colorado, and

WHEREAS, By the act of Congress approved July 25th, 1866, the second Tuesday after the meeting and organization of the General Assembly is fixed as the time to proceed to the election of a United States Senator; therefore

Resolved, That the House of Representatives of the State of Colorado do now proceed to the election of a United States Senator, to serve for the term of six years, commencing March 4th, 1879, as United States Senator from the State of Colorado.

Mr. Todd moved that the resolution be adopted.

Which motion prevailed.

The House proceeded in accordance with the provisions of the resolution just adopted.

Mr. Toll nominated Nathaniel P. Hill.

Mr. Mann of Jefferson county nominated William A. H. Loveland.

Mr. Mann of Boulder county nominated Richard G. Buckingham.

A ballot was then had with the following result:

(Corrected by resolution of the House, January 15th, 1879, so as to read:

"A *viva voce* vote was then had with the following result:")

Total number of votes cast were, 47.

Nathaniel P. Hill received the following:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Clark, Coddington, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Kimberly, Lewis, Livesay, Luthe, McCandlass, Mead, Morehead, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, and Mr. Speaker Streeter.—34.

William A. H. Loveland received the following:

Messrs. Cordova, Crawford, Gunnell, Hutchinson, Lovato, Maez, Mann (Joseph), Martinez, McLaughlan, Pease, Valdez, and Voorhies.—12.

Richard G. Buckingham received the following:

W. J. Mann.—1.

Gentlemen absent and not voting were:

Messrs. Chilcott, and Spruance.—2.

The speaker announced that Nathaniel P. Hill had received a majority of all the votes cast by this House for United States Senator from the State of Colorado for the term of 6 years from the 4th of March, 1879.

Mr. Todd moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 12:10 o'clock P. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock P.M.

The committee on stock presented the following report:

Mr. Speaker:

Your committee on stock, to whom was re-committed H. B. No. 25, a bill for an act apportioning cows and bulls, have had the same under consideration, and instruct me to report said bill back to the House and recommend its passage with amendments herewith transmitted.

Respectfully,

J. L. BRUSH,

Chairman.

The committee on agriculture presented the following report:

Mr. Speaker:

Your committee on agriculture, to whom was referred H. B. No. 27, have had the same under consideration and instruct me to report said bill back to the House and recommend its passage.

Respectfully,

M. D. MOREHEAD,

Chairman.

The committee on counties and county lines presented the following report:

Mr. Speaker:

The committee on counties and county lines have had under consideration H. B. No. 26, and recommend its passage with certain amendments herewith transmitted.

Respectfully,

ISAAC GOTTHELF,

Chairman.

The committee on public lands made the following report relative to the resolution instructing said committee to report what legislation is necessary to secure to the State its quota of public lands:

Mr. Speaker:

Your committee on public lands, to whom was referred accompanying House resolution, beg leave to report that the subject matter of said resolution is now under consideration in the Senate, and that your committee will act theron when the same shall be referred to them.

Respectfully,

WM. D. TODD,

Chairman.

The following communication was received from the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 11, 1879.

Hon. Rienzi Streeter, Speaker of the House of Representatives:

SIR: I have the honor to submit herewith a list of claims for service, animals, supplies, etc., while in pursuit

of the Indians who murdered Mr. Elliott in Grand county in September, 1878. Provision should be made for the payment of these bills without unnecessary delay, for they cannot be paid out of the military fund as the men were not regularly enlisted. If claims of this kind are refused payment, it is reasonable to suppose that we will not be able to get that prompt aid which is necessary in emergencies of the character of the above.

Very respectfully,

JOHN L. ROUTT,

Governor.

Mr. Todd moved that the communication from the Governor just read, be referred to the committee on claims.

Which motion prevailed.

Mr. Evans presented the following resolution:

Resolved, That the committee on Indian affairs be and are hereby requested to prepare a memorial to Congress touching that portion of the Governor's message relating to a treaty with the Ute Indians.

Mr. Bromwell moved that the resolution be adopted.

Which motion prevailed.

Mr. Cantlon introduced:

H. C. R. No. 9, in relation to joint committee to inquire into the collection and disbursement of the military fund.

Mr. Cantlon moved that the rules be suspended in order that the resolution just introduced may be considered at this time.

Which motion prevailed.

Mr. Cantlon moved that H. C. R. No. 9 be adopted.

Which motion prevailed.

Mr. Sheets introduced:

H. J. M. No. 3, memorializing Congress to establish a military post in south-western Colorado.

Which was read a first time and ordered printed.

The committee on fees and salaries presented the following report:

Mr. Speaker:

Your committee on fees and salaries, to whom was re-

ferred H. B. No. 37, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it do pass.

Respectfully,

R. DOUGLASS,

Chairman.

Mr. Todd introduced:

H. C. R. No. 10, in relation to the repeal of joint rule No. 6, and the adoption of a new rule in place of the same.

Mr. Cantlon moved that the rules be suspended in order that the resolution just introduced may be considered at this time.

Which motion prevailed.

Mr. Cantlon moved that the resolution be adopted.

Which motion prevailed.

Mr. Todd moved that Mr. Toll be granted leave of absence for three days.

Which motion prevailed.

Mr. Bromwell presented the following resolution:

Resolved, That the committee on rules be, and they are hereby instructed to prepare and report to this House a joint rule for the regulation of proceedings in case of any bill containing a clause declaring an emergency, including the passage of such bill in the House in which it may have originated, the proper communication thereof to the other House, the proceedings thereon in the other House in case of agreement of said House to the emergency clause; also in case of disagreement thereto; also in case of such clause being added in the other House; also the proper mode of certifying the action of the General Assembly to the Governor, if necessary, and that said committee report with as little delay as possible.

Mr. Luthe moved that the resolution be referred to the committee on the judiciary.

Mr. Bromwell moved as an amendment that it be referred to the committee on rules.

Which motion prevailed.

The question recurring upon the motion as amended.

The motion prevailed.

Mr. Luthe moved that Mr. Fugasee be allowed to erect and keep a ——— and apple stand in the hall of this House, near the front door.

Which motion was lost.

Mr. Brush introduced:

H. B. No. 53, a bill for an act to enable fence districts to fund their indebtedness.

Which was read a first time and ordered printed.

Mr. Bromwell introduced:

H. B. No. 54, a bill for an act to amend chapter 19 of the general laws, entitled, corporations.

Which was read a first time and ordered printed.

Mr. Thomas introduced:

H. B. No. 55, a bill for an act to amend an act entitled, an act to provide for the holding of two or more terms of the supreme court of the State of Colorado annually, and to make regulations incident thereto.

Which was read a first time and ordered printed.

Mr. Sheets introduced:

H. B. No. 56, a bill for an act to protect the grazing lands of Colorado from the stock of non-residents.

Which was read a first time and ordered printed.

Mr. Mann of Jefferson county introduced:

H. B. No. 57, a bill for an act to amend chapter 45 of the general laws of Colorado entitled, justices and constables, to confer jurisdiction upon justices of the peace in actions of replevin, attachment and garnishment, to regulate the practice in justice courts, and repeal certain acts.

Which was read a first time and ordered printed.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. No. 41 and H. J. M. No. 2 and find the same correctly printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

H. B. No. 41, a bill for an act providing for the leasing

of the penitentiary and the convict labor of the State of Colorado, was read a second time and referred to the committee on the penitentiary.

H. B. No. 33, a bill for an act to amend section 4 of chapter 31 of the general laws of Colorado, was read a second time and referred to the judiciary committee.

By consent, Mr. Mann of Jefferson introduced the following resolution:

Resolved, That it is expressly understood by this House, that when the use of this hall is granted to any person to lecture, the members and all the officers thereof shall have free access thereto, and members' seats shall be reserved.

By consent, Mr. Toll introduced:

H. J. M. No. 4, memorializing Congress to extinguish the Indian title to the Ute reservation.

Mr. Gunnell moved that the rules be suspended in order that the memorial may be considered at this time.

Which motion prevailed.

Mr. Gunnell moved that the memorial be adopted.

Which motion prevailed.

Mr. Roe moved that Mr. Valdez be granted leave of absence for six days.

Which motion prevailed.

Mr. Gunnell moved that the House do now adjourn to 10 o'clock A. M. to-morrow.

Which motion prevailed.

At 3:30 o'clock P. M. the House adjourned.

TWELFTH DAY.

WEDNESDAY, JANUARY 15th, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Trujillo, Voorhies, and Mr. Speaker.—44.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Chilcott, Luthe, Spruance, Toll, and Valdez.—5.

The journal of the previous day's session was read and approved.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed S. B. No. 18, being a bill for an act to enable school districts to refund their bonds, and which is herewith transmitted for your consideration.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Brandt presented the petition of the State grange patrons of husbandry relative to woman suffrage.

Mr. Martinez presented the following resolution:

Resolved, That two hundred and fifty copies of the Governor's inaugural message be ordered printed in the Spanish language.

Mr. Todd moved that the resolution be referred to the committee on printing.

Which motion prevailed.

Mr. Todd introduced:

H. B. No. 58, a bill for an act relative to drainage.

Which was read a first time and ordered printed.

Mr. Bingham introduced:

H. B. No. 59, a bill for an act to abolish the September term of the district court in Bent county, and to change it from a second to a third class county.

Which was read a first time and ordered printed.

Mr. Thomas introduced:

H. B. No. 60, a bill for an act to repeal section 16 chapter 60, concerning limitations of the general laws.

Which was read a first time and ordered printed.

Mr. Gotthelf introduced:

H. B. No. 61, a bill for an act to amend section 3 of chapter 33 of the general laws of Colorado entitled, fish.

Which was read a first time and ordered printed.

S. B. No. 18, a bill for an act to enable school districts to refund their bonds, was read a first time.

S. C. R. No. 7, a resolution of thanks to Professor F. V. Hayden, was read and laid over under the rules of the House.

By consent, Mr. Evans introduced:

H. B. No. 62, a bill for an act in relation to salary of county superintendents of schools.

Which was read a first time and ordered printed.

H. J. M. No. 2, memorializing Congress to pass a bill providing for the holding of terms of the United States district court at different points in this State, was read a second time and referred to the judiciary committee.

H. C. R. No. 8, in relation to a commission to revise the code, was taken up under the rules, read a second time, and referred to the judiciary committee.

H. B. No. 34, a bill for an act authorizing the people of any locality to vote upon the question of license or no license for the sale of intoxicating liquors to be used as a beverage in such locality, was read a second time and referred to the special committee, Mr. Southworth chairman, to which was also committed H. B. No. 23.

H. B. No. 35, a bill for an act to establish a court of common pleas in the city of Denver, was read a second time and referred to the judiciary committee.

H. B. No. 38, a bill for an act to amend an act to repeal all existing laws in relation to the creation, jurisdiction, powers, proceedings and practice of the county courts of the State of Colorado, and to enact other provisions in lieu thereof, was read a second time and referred to the judiciary committee.

H. B. No. 39, a bill for an act concerning garnishment in courts of record and before justices of the peace, on judgments rendered; and in relation to the proceedings and practice in garnishment and attachment, was read a second time and referred to the judiciary committee.

H. B. No. 40, a bill for an act to make a married woman jointly liable with her husband for debts contracted by her husband for necessaries, was read a second time and referred to the judiciary committee.

By consent, the judiciary committee presented the following reports:

Mr. Speaker:

Your committee on the judiciary, to whom was referred the memorial of Montague R. Leverson of Douglas county, Colorado, a member of the Colorado bar, concerning the revision of the code of civil practice, have had the same under consideration, and instruct me to report said memorial back to the House with the recommendation that it be laid upon the table.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 29, a bill for an act concerning cases in any district or county court, the venue of which has been changed thereto, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 19, a bill for an act to enable the town of Greeley, of the county of Weld, in the State of Colorado, to buy from the union colony of Colorado, all its right and obligations pertaining to canal No. 3, have had the same under

consideration and instruct me to report said bill back to the House with the recommendation that it be not passed, because unconstitutional.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 16, a bill for an act in relation to sealed instruments, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed, because embodied in a previous bill.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 12, a bill for an act concerning redemption of lands sold under trust deeds and other instruments, for the security of money, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 7, a bill for an act concerning releases of mortgages, deeds of trust, and instruments of writing for security of money, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

The committee on engrossment presented the following reports:

Mr. Speaker:

Your committee on engrossment have examined H. J. M. No. 4, a memorial relative to extinguishment of the Indian title to the Ute reservation, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. J. M. No. 1, memorializing Congress to donate arid lands to the State of Colorado, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,
Chairman.

By consent, H. J. M. No. 1, memorializing Congress to grant arid lands for the purpose of constructing a system of irrigation, was read a third time.

Mr. Todd moved to amend so that the memorial should refer to all arid lands in the State.

Which motion prevailed.

The question being upon the adoption of the memorial.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Cantlon, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gird, Gotthelf, Harvey, Hutchinson, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Trujillo, and Mr. Speaker.—38.

Gentlemen voting in the negative were:

Messrs. Bingham, Gunnell, Hoffman, and Voorhies.—4.

Gentlemen absent and not voting were:

Messrs. Brush, Chilcott, Gebhard, Kimberly, Spruance, Toll, and Valdez.—7.

A constitutional majority having voted in favor of the passage of the memorial.

The memorial was adopted.

Mr. Roe moved that the House do now go into committee of the whole for the consideration of H. B. No. 37.

Which motion prevailed.

The House resolved itself into committee of the whole with the gentleman from El Paso county, Mr. Douglass, in the chair.

After some time spent therein, the committee arose, and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 37, a bill for an act to amend section 3 of an act entitled, an act to prescribe the number, duties, and compensation of the officers and employés of each House of the General Assembly, have made amendments thereto.

Respectfully,

R. DOUGLASS,

Chairman.

The Honorable Senate of the State of Colorado was announced and were admitted to the hall, and the joint convention, for the purpose of reading so much of the journals of each House as referred to vote taken yesterday for the election of a United States Senator for the State of Colorado, for a term of six years from the 4th day of March, 1879, was formed, with the president of the Senate, lieutenant-governor Tabor, in the chair. The rolls were called and a quorum of each House was found to be present. That portion of yesterday's journal of each House which referred to the action taken in the respective bodies relative to the election of a United States Senator, was then read, and upon the conclusion of the reading of said journal, the president of the Senate announced that it appeared from the reading of the journals of the two Houses that Nathaniel P. Hill had received a majority of all the votes cast in each House for United States Senator, and declared that Nathaniel P. Hill was duly elected to the office of United States Senator from the State of Colorado, for the term of six years, beginning on the 4th day of March, 1879.

Mr. Todd moved that a committee of two, consisting of one from the Senate and one from the House, be appointed to wait upon Nathaniel P. Hill, the Senator-elect, and invite him to appear before this joint convention.

Which motion prevailed.

The president appointed Senator E. O. Wolcott and Mr. Todd as said committee.

The committee appointed to wait upon Senator-elect Hill appeared and reported that said committee had performed the duties imposed upon it, and that N. P. Hill was now before the joint convention.

The president of the Senate introduced Senator-elect Hill, who briefly addressed the joint convention.

Senator Helm moved that the joint convention be dissolved.

Which motion prevailed.

Mr. Voorhies moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 12:20 o'clock P. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock in the afternoon.

Mr. Mann of Jefferson moved that the action of the House this morning in approving of yesterday's journal be reconsidered.

Which motion prevailed.

Mr. Todd introduced the following resolution:

Resolved, by the House of Representatives, That the record or journal of the proceedings in the House of Representatives on the 14th inst., relative to the election of a United States Senator from the State of Colorado be corrected so as to agree with the proceedings in that matter as the same occurred, viz: That part of the record or journal which states that "a ballot was then had with the following result," be changed and corrected so as to read "a *viva voce* vote was then had with the following result."

Mr. Todd moved that the resolution be adopted.

Which motion prevailed unanimously.

As corrected, the journal was approved.

Mr. Mead moved that the House do now go into committee of the whole for the consideration of bills on general order.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Weld county, Mr. Mead, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 10, a bill for an act to authorize the superintendents of the poor to bind out indigent children, have made certain amendments thereto, and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 25, a bill for an act apportioning bulls and cows, have made certain amendments thereto, and instruct me to report the same back to the House and recommend its passage as amended

Also H. B. No. 26, a bill for an act amending section 13 of chapter 21 of the general laws of Colorado, relating to counties and county boundaries, have made certain amendments thereto, and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 27, a bill for an act describing a lawful fence, have made certain amendments thereto, and instruct me to report the same back to the House with the recommendation that it be recommitted to the committee on agriculture.

Also H. B. No. 7, a bill for an act concerning release of mortgages, trust deeds, and instruments of writing for the security of money, and instruct me to report the same back to the House with the recommendation that it retain its place on general orders.

Also H. B. No. 12, a bill for an act concerning redemption of land sold under trust deeds and other instruments

for security of money, and instruct me to report the same back to the House with the recommendation that it retain its place on general orders.

Also H. B. No. 16, a bill for an act in relation to sealed instruments, and instruct me to report the same back to the House with recommendation that it do not pass.

Also H. B. No. 19, a bill for an act enabling the town of Greeley to purchase of union colony its canal No. 3, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 29, a bill for an act concerning cases in any district or county court, the venue of which has been changed thereto, and instruct me to report the same back to the House with the recommendation that its further consideration be deferred until to-morrow.

Respectfully,

L. C. MEAD,

Chairman.

Mr. Flower moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

Mr. Morehead moved that Mr. Gebhard be granted leave of absence until Friday morning.

Which motion prevailed.

Mr. Cantlon moved that the House do now adjourn to 10 o'clock to-morrow forenoon.

Which motion prevailed.

At 4:35 o'clock P. M. the House adjourned.

THIRTEENTH DAY.

THURSDAY, JANUARY 16th, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gird, Gotthelf, Gunnell, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Martinez, McLaughlan, Mead, Morehead, Pease, Roe, Sheets, Slockett, Southworth, Thomas, Todd, Trujillo, and Mr. Speaker.—36.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Brandt, Bromwell, Gebhard, Harvey, Luthe, Mann (W. J.), McCandlass, Phillips, Scott, Spruance, Toll, Valdez, and Voorhies.—13.

The journal of the previous day's session was read and approved.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed S. B. No. 38, being an act to provide for the payment of witnesses in the contested election case of J. T. Boyd vs. A. H. DeFrance, for a seat in the State Senate, and which is herewith submitted for your consideration.

Respectfully,

W. W. ORRICK,

Secretary Senate.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed an amended bill to S. B. No. 19, in relation to changing the boundaries of certain judicial districts, and which I herewith transmit for your consideration.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Todd introduced:

H. C. R. No. 11, in relation to the adoption of a joint rule relative to the passage of bills containing an emergency clause.

Which was laid over under the rules of the House.

The printing committee presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 44, 45, 46, 47, 48, 49, 50, 51 and 52, and find the same correctly printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

Mr. Todd moved to reconsider the vote by which the report of the committee of the whole, Mr. Mead chairman, was agreed to on yesterday.

Which motion prevailed.

The question then being upon the motion to agree.

Mr. Todd moved as an admendment that the portion of the report relating to H. B. No. 19, be excepted.

Which motion to amend prevailed.

The question recurring upon the motion to agree to the report as amended.

The motion prevailed.

Mr. Todd moved that H. B. No. 19 be recommitted to the judiciary committee.

Which motion prevailed.

Mr. Chilcott introduced:

H. B. No. 63, a bill for an act to protect the public health and to regulate the practice of medicine in the State of Colorado.

Which was read a first time and ordered printed.

Mr. Phillips introduced:

H. B. No. 64, a bill for an act to provide for the herding of rams.

Which was read a first time and ordered printed.

Mr. Flower introduced:

H. B. No. 65, a bill for an act to abolish the June term of the district court of Park county.

Which was read a first time and ordered printed.

Mr. McLaughlan introduced:

H. B. No. 66, a bill for an act amendatory to an act entitled, an act relating to surveys.

Which was read a first time and ordered printed.

Mr. Thomas introduced:

H. B. No. 67, a bill for an act to amend an act to provide for formation of corporations.

Which was read a first time and ordered printed.

Also H. B. No. 68, a bill for an act providing for an inebriate and insane asylum.

Which was read a first time.

Mr. Luthe moved that the rules be suspended in order that the bill just read may be referred before being printed.

Which motion prevailed.

Mr. Luthe moved that the bill be referred to the committee on State institutions, with instructions to inquire into its constitutionality.

Which motion prevailed.

Mr. Phillips introduced:

H. B. No. 69, a bill for an act to amend an act entitled, an act to provide for the appointment of a sheep inspector.

Which was read a first time and ordered printed.

Mr. Todd introduced:

H. B. No. 70, a bill for an act for the payment of the amount remaining due on account of the expenses of the late constitutional convention.

Which was read a first time and ordered printed.

S. C. R. No. 7, a resolution of thanks to Prof. F. V. Hayden, was taken up under the rules.

Mr. Todd moved that the resolution be referred to the committee of the whole.

Which motion prevailed.

S. B. No. 18, a bill for an act to enable school districts to refund their bonds, was read a second time.

Mr. Todd moved that S. B. No. 18 be referred to the committee of the whole.

Which motion prevailed.

The committee on engrossment presented the following reports:

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 25, a bill for an act apportioning bulls and cows, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 26, a bill for an act amending section 13 of chapter 21 of the general laws of Colorado, and found the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Brush moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 11:30 o'clock A. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock P. M.

The joint committee on enrollment presented the following report:

Mr. Speaker:

The joint committee on enrollment have presented H. B. No. 8, a bill for an act to authorize the State treasurer to apply certain moneys belonging to the general revenue fund to the payment of interest on State warrants, to His Excellency the Governor for his signature, at 11:20 o'clock A. M. to-day.

Respectfully,

IVORY PHILLIPS,

Chairman.

H. B. No. 44, a bill for an act concerning the foreclosure of trust deeds and other instruments to secure money on real estate and the sale and redemption thereof, was read a second time and referred to the judiciary committee.

H. B. No. 45, a bill for an act for the relief of the town of Ouray, was read a second time and referred to the committee on corporations.

H. B. No. 46, a bill for an act entitled, an act relating to the representative district of Fremont and Custer counties, was read a second time and referred to the committee on elections and apportionments.

H. B. No. 47, a bill for an act to amend section 30 of chapter 34 of the general laws of the State of Colorado, entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, was read a second time and referred to the committee on fees and salaries.

H. B. No. 48, a bill for an act to regulate the issuing of county warrants, was read a second time and referred to committee on finance, ways and means.

H. B. No. 49, a bill for an act to prescribe the qualifications of county judges, was read a second time and referred to the judiciary committee.

H. B. No. 50, a bill for an act to amend an act entitled, an act regulating elections, approved March 8, 1877, was read a second time and referred to the committee on elections and apportionments.

H. B. No. 51, a bill for an act to provide for an act to amend chapter 3 of general laws, was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 52, a bill for an act prescribing the manner of passing bills containing an emergency clause, was read a second time.

Mr. Todd moved that H. B. No. 52 be referred to the committee of the whole.

Which motion prevailed.

H. B. No. 25, a bill for an act apportioning bulls and cows, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Cantlon, Coddington, Crawford, Douglass, Evans, Flower, Gird, Gott-

helf, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Voorhies, and Mr. Speaker.—35.

Gentlemen voting in the negative were:

Messrs. Cordova, Lovato, Maez, Martinez, and Trujillo. —5.

Gentlemen absent and not voting were:

Messrs. Bingham, Chilcott, Clark, Gebhard, Gunnell, Pease, Spruance, Toll, and Valdez.—9.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed, and the title was agreed to.

H. B. No. 26, a bill for an act amending section 13 of chapter 21 of the general laws of Colorado, relating to county boundaries, was read a third time.

Mr. Mann moved that the bill be recommitted to the committee on counties and county lines.

Which motion was lost.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Crawford, Flower, Gotthelf, Hoffman, Hutchinson, Mann (W. J.), Thomas, Todd, Voorhies, and Mr. Speaker.—10.

Gentlemen voting in the negative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Cantlon, Coddington, Cordova, Douglass, Evans, Gird, Harvey, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Sheets, Slockett, Southworth, and Trujillo.—30.

Gentlemen absent and not voting were:

Messrs. Bingham, Chilcott, Clark, Gebhard, Gunnell, Scott, Spruance, Toll, and Valdez.—9.

A constitutional majority not having voted in favor of the passage of the bill.

The bill failed to pass.

Mr. Todd moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Boulder county, Mr. Mann, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 7, a bill for an act concerning release of mortgages, trust deeds and instruments of writing for the security of money, and instruct me to report the same back to the House with the recommendation that it be recommitted to the judiciary committee.

Also H. B. No. 12, a bill for an act concerning redemption of land sold under trust deeds and other instruments for security of money, and instruct me to report progress thereon.

Also H. B. No. 29, a bill for an act concerning cases in any county or district court, the venue of which has been changed thereto, and instruct me to report the same back to the House with the recommendation that it be recommitted to the judiciary committee, together with a substitute herewith submitted, and that said substitute be ordered printed.

Also S. B. No. 18, a bill for an act to enable school districts to refund their bonds, and instruct me to report the same back to the House with the recommendation that it do pass.

Also H. B. No. 52, a bill for an act prescribing the manner of passing bills containing an emergency clause, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also S. C. R. No. 7, a resolution of thanks to Prof. F.

V. Hayden, and instruct me to report the same back to the House and recommend its adoption.

Respectfully,

W. J. MANN,
Chairman.

Mr. Cantlon moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed the following bills:

S. B. No. 13, entitled, an act to protect natural scenery from defacement by advertisement, etc., and to define the penalty for so doing.

S. B. No. 14, entitled, an act to provide for the expenses of judges and district attorneys when absent from the counties of their residence.

S. B. No. 45, entitled, an act accepting the provisions of an act of the Congress of the United States, approved July 2, 1862.

Which are herewith transmitted for your consideration.

I am also instructed to inform you that S. B. No. 14, in which is an emergency clause, received only a majority vote.

Respectfully,

W. W. ORRICK,
Secretary.

Mr. Douglass moved that the House do now adjourn to 10 o'clock to-morrow forenoon.

Which motion prevailed.

At 4:30 o'clock P. M. the House adjourned.

FOURTEENTH DAY.

FRIDAY, JANUARY 17th, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Huthinson, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Trujillo, Voorhies, and Mr. Speaker.—44.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Gunnell, Luthe, Spruance, Toll, and Valdez.—5.

Mr. Gunnell was granted leave of absence from to-day's session of the House.

The journal of the previous day's session was read and approved.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 53, 54, 55, 56, 58, 59, 60, 61 and 62, and find the same correctly printed, with the exception of H. B. No. 56, in 7th section 5th line of printed bill should read "commissioners" in place of "commission."

Respectfully,

M. O. CODDINGTON,

Chairman.

The following communication was received from the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 16, 1879.

HON. RIENZI STREETER:

Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 8, entitled, an act to authorize the

State treasurer to apply certain moneys for certain purposes, etc., and have filed the same with the secretary of State.

Very respectfully,

FREDERICK W. PITKIN,

Governor.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has appointed on the part of the Senate, under rule 6 of the joint rules of the Assembly, Senators Church and Hill.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Todd introduced:

H. C. R. No. 12, relative to printing the Governor's inaugural address.

Mr. Todd moved that the rules be suspended in order that the resolution may be considered at this time.

Which motion prevailed.

Mr. Todd moved that H. C. R. No. 12 be referred to the committee on printing.

Which motion prevailed.

Mr. Sheets introduced:

H. J. M. No. 5, relative to the construction of a military road in southwestern Colorado.

Which was read by title and laid over under the rules of the House.

Mr. Livesay introduced:

H. B. No. 71, a bill for an act providing for a change of venue in criminal cases in the district court, and proceedings therein.

Which was read a first time and ordered printed.

Mr. Chilcott introduced:

H. B. No, 72, a bill for an act to amend an act entitled, an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, approved March 20th, 1877.

Which was read a first time and ordered printed.

Also H. B. No. 73, a bill for an act to amend an act entitled, an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, approved March 20, 1877.

Which was read a first time and ordered printed.

Mr. Gotthelf introduced:

H. B. No. 74, a bill for an act to amend section 128 of chapter 30 of the general laws of Colorado, entitled, elections, and to provide an additional section thereto.

Which was read a first time and ordered printed.

S. B. No. 13, a bill for an act to protect natural scenery from defacement by advertisements, etc., and to define the penalty for so doing, was read a first time.

S. B. No. 14, a bill for an act to provide for the expenses of judges and district attorneys when absent from the counties of their residence, was read a first time.

Amended S. B. No. 19, a bill for an act changing the boundaries of certain judicial districts of the State, and rearranging the counties therein, was read a first time.

S. B. No. 38, a bill for an act to provide for the payment of witnesses in the contested election case of J. T. Boyd against A. H. DeFrance, for a seat in the State Senate from the seventh district, and to reimburse the said DeFrance his expenses incurred by reason of such contest, was read a first time.

S. B. No. 45, a bill for an act accepting the provisions of an act of the Congress of the United States, approved July 2d, 1862, which was read a first time.

H. C. R. No. 11, in relation to the adoption of a joint rule relative to the passage of bills containing an emergency clause, was taken up under the rules of the House.

Mr. Todd moved that the resolution be adopted.

Which motion prevailed.

H. B. No. 53, a bill for an act to enable fence districts to fund their indebtedness, was read a second time and referred to the committee on stock.

H. B. No. 54, a bill for an act to amend chapter 19 of

general laws entitled, corporations, was read a second time and referred to the committee on corporations.

H. B. No. 55, a bill for an act to amend an act entitled, an act to provide for the holding of two or more terms of the supreme court of the State of Colorado, annually, and to make certain regulations incident thereto, was read a second time and referred to the judiciary committee.

H. B. No. 56, a bill for an act to protect the grazing lands of Colorado from the stock of non-residents, was read a second time and referred to the committee on stock.

H. B. No. 58, a bill for an act relative to drainage, was read a second time.

Mr. Mead moved that H. B. No. 58 be referred to the committee on agriculture.

Which motion prevailed.

Mr. Southworth moved that the vote by which the motion to refer H. B. No. 58 to the committee on agriculture was adopted be reconsidered.

Which motion prevailed.

The question recurring upon the motion to refer to the committee on agriculture, Mr. Southworth moved as an amendment that it be referred to the committee on irrigation, and demanded the yeas and nays thereon, which were had with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Chilcott, Clark, Crawford, Gird, Gotthelf, Hutchinson, Kimberly, Luthe, Morehead, Pease, Phillips, Scott, Southworth, Thomas, Trujillo, Voorhies, and Mr. Speaker.—19.

Gentlemen voting in the negative were:

Messrs. Bromwell, Brush, Cantlon, Coddington, Cordova, Douglass, Evans, Flower, Gebhard, Harvey, Hoffman, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Roe, Sheets, Slockett, and Todd.—25.

Gentlemen absent and not voting were:

Messrs. Bartlett, Gunnell, Spruance, Toll, and Valdez.—5.

And so the motion to refer to the committee on irrigation did not prevail.

The question recurring upon the motion to refer to the committee on agriculture.

Mr. Southworth demanded the yeas and nays.

Which were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Brush, Cantlon, Coddington, Cordova, Douglass, Evans, Flower, Gebhard, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph,) Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Pease, Roe, Sheets, Slockett, Thomas, and Todd.—30.

Gentlemen voting in the negative were:

Messrs. Bromwell, Chilcott, Clark, Crawford, Gird, Gotthelf, Hutchinson, Morehead, Phillips, Southworth, Voorhies, and Mr. Speaker.—12.

Gentlemen absent and not voting were:

Messrs. Bartlett, Gunnell, Scott, Spruance, Toll, Trujillo, and Valdez.—7.

And so the motion to refer to the committee on agriculture prevailed.

Mr. Todd moved that the vote by which H. B. No. 58 was referred to the committee on agriculture be reconsidered.

Which motion was lost.

H. B. No. 59, a bill for an act to abolish the September term of the district court in Bent county, etc., was read a second time and referred to the judiciary committee.

H. B. No. 60, a bill for an act to repeal section 16 of chapter 60 concerning limitations of the general laws, was read a second time and referred to the judiciary committee.

H. B. No. 61, a bill for an act to amend section 3 of chapter 33 of the general laws of Colorado entitled, fish, was read a second time and referred to the judiciary committee.

H. B. No. 62, a bill for an act in relation to salary of county superintendent of schools, was read a second time and referred to the committee on education.

S. B. No. 18, a bill for an act to enable school districts to refund their bonds, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Trujillo, Voorhies, and Mr. Speaker.—40.

Gentlemen voting in the negative, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Evans, Gunnell, Hutchinson, McLaughlan, Spruance, Toll, and Valdez.—9.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Todd, Trujillo, Voorhies, and Mr. Speaker.—40.

Gentleman voting in the negative was:

Mr. Thomas.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Gunnell, Hutchinson, McLaughlan, Spruance, Toll, and Valdez.—8.

A constitutional majority having voted in favor of the passage of the emergency clause.

It was ordered that the bill take effect in accordance therewith.

S. C. R. No. 7, a resolution of thanks to Prof. F. V. Hayden, was taken up under the rules of the House.

Mr. Todd moved that the resolution be adopted.

Which motion prevailed unanimously.

Mr. Speaker announced Messrs. Sheets and Pease as members of the joint committee on enrollment, on the part of the House.

Mr. Mann of Jefferson moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 12 o'clock P. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock in the afternoon.

By consent, the judiciary committee presented the following reports:

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 19, a bill for an act enabling the town of Greeley to purchase from union colony the canal No. 3, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be laid upon the table and the bill herewith transmitted passed in its stead.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 9, a bill for an act to define and punish the obtaining of money or property by confidence games, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with the amendments herewith transmitted.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred petition for one term of district court, from Park county, have had the same under consideration and instruct me to report said petition back to the House with the recommendation that it be granted.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 40, a bill for an act to make a married woman jointly liable with her husband for debts contracted for necessaries, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 31, a bill for an act to amend sections 258 and 259 of the criminal code, chapter 24 of the general laws, and to repeal sections 266 and 192 of the criminal code, chapter 24 general laws, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be passed with the amendments of the committee herewith transmitted.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 4, a bill for an act entitled, stud horses, jacks and bulls, have had the same under consideration, and instruct me to report said bill back to the House with the

recommendation that it be recommitted to the committee of the whole House.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 30, a bill for an act to repeal section 198 of the criminal code of chapter 24 of the general laws of Colorado, and the insertion of a section in lieu thereof, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 38, a bill for an act to amend an act to repeal all existing laws in relation to the creation, jurisdiction, powers, proceedings and practice of the county courts of the State of Colorado, and to enact other provisions in lieu thereof, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be passed with the amendments herewith transmitted.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on judiciary, to whom was referred H. B. No. 33, a bill for an act entitled, an act to amend section 4 of chapter 31 of the general laws of Colorado, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be passed with amendments herewith transmitted.

Respectfully,
THOS. J. CANTLON,
Chairman.

The special committee to whom was referred H. B. No. 23, presented the following report:

Mr. Speaker:

Your special committee to whom was referred H. B. No. 23, a bill for an act to prescribe conditions upon which retail liquor dealers, saloon keepers and persons engaged in keeping dram shops may be allowed to do business, have had the same under consideration, and instruct me to report the same back to the House and recommend its passage with certain amendments herewith transmitted.

Respectfully,

R. A. SOUTHWORTH,

Chairman.

H. B. No. 75, a bill for an act to enable cities and towns to purchase and manage ditches and canals to supply water for irrigation and other purposes, which was submitted by the judiciary committee, was read a first time and ordered printed.

By consent, Mr. Luthe introduced:

H. B. No. 76, a bill for an act to make the chasing of deer or antelope with hounds, a misdemeanor.

Which was read a first time and ordered printed.

By consent, Mr. Thomas introduced:

H. B. No. 77, a bill for an act to amend an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto.

Which was read a first time and ordered printed.

Mr. Brush presented the following resolution:

Resolved, That the sergeant-at-arms be and is hereby authorized to procure for the exclusive use of the judiciary committee a suitable room, and that the same be kept at all times properly warmed and cleaned.

Mr. Todd moved that the resolution be adopted.

Which motion prevailed.

Mr. Brush moved that H. B. No. 19 be laid on the table.

Which motion prevailed.

Mr. Southworth moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole with the gentleman from Boulder county, Mr. Evans, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 9, a bill for an act to define and punish for the obtaining of money or property by confidence games, have made certain amendments thereto, and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 40, a bill for an act to make a married woman jointly liable with her husband for debts contracted by her husband for necessaries, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 31, a bill for an act to amend sections 258 and 259 of the criminal code chapter 24 of the general laws, and to repeal sections 266 and 192 of the criminal code chapter 24, general laws, have made certain amendments thereto, and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 30, a bill for an act to repeal section 198 of the criminal code of chapter 24 of the general laws of Colorado and the insertion of a section in lieu thereof, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 38, a bill for an act to amend an act to repeal all existing laws in relation to the creation, jurisdiction, powers, proceedings, and practice of the county courts of the State of Colorado, and to enact other provisions in lieu thereof, have made certain amendments thereto, and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 4, a bill for an act entitled, stud horses,

jacks and bulls, have made certain amendments thereto, and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 23, a bill for an act to prescribe conditions upon which retail liquor dealers, saloon keepers and persons engaged in keeping dram shops may be allowed to do business, have made certain amendments thereto and instruct me to report the same back to the House with the recommendation that it be recommitted to the special committee, Mr. Southworth, chairman.

Also H. B. No. 33, a bill for an act entitled, an act to amend section 4 of chapter 31 of the general laws of Colorado, have made certain amendments thereto, and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 12, a bill for an act concerning redemption of land sold under trust deeds and other instruments for security of money, and instruct me to report the same back to the House with the recommendation that it be made a special order for Tuesday next, January 21, at 2 o'clock in the afternoon.

Respectfully,

J. G. EVANS,

Chairman.

Mr. Brush moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has refused to concur in the passage of H. C. R. No. 10 appointing a joint committee on enrollment.

Respectfully,

W. W. ORRICK,

Secretary.

Messrs. Mead and Luthe were granted leave of absence from to-morrow's session of the House.

By consent, Mr. Mann of Jefferson introduced the following resolution:

WHEREAS, It is thought by many that this body is unable by legislation to correct all the errors of society and provide for the amenities of life; and

WHEREAS, That superior body commonly known as the "Third House," is not entrameled by the constitution and rigid rules, and being desirous to have the use of this hall for next Tuesday evening, therefore be it

Resolved, That the use of this hall be granted to the "Third House" of Colorado on next Tuesday evening.

Mr. Mann moved that the resolution be adopted.

Which motion prevailed.

Mr. Bourcey, the interpreter, was granted leave of absence for four days.

Mr. Voorhies moved that the House do now adjourn to 10 o'clock to-morrow forenoon.

Which motion prevailed.

At 4:40 o'clock P. M. the House adjourned.

FIFTEENTH DAY.

SATURDAY, JANUARY 18th, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Trujillo, Voorhies, and Mr. Speaker.—42.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Bingham, Lewis, Luthe, McLaughlan, Spruance, Toll, and Valdez.—7.

Messrs. Lewis and Bingham were granted leave of absence from to-day's session of the House.

The journal of the previous day's session was read and approved.

The committee on stock presented the following report:

Mr. Speaker:

Your committee on stock, to whom was referred H. B. No. 53, a bill for an act to enable fence districts to fund their indebtedness, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it do pass.

Respectfully,

J. L. BRUSH,

Chairman.

The committee on appropriations presented the following report:

Mr. Speaker:

Your committee on appropriations, to whom was referred H. B. No. 51, a bill to provide for an act to amend chapter 3 of general laws, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

J. D. LIVESAY,

Chairman.

The committee on printing presented the following reports:

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 57, 64, 65, 66, 67 and 70, also H. J. R. No. 3, and find the same correctly printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

Mr. Speaker:

Your committee on printing, to whom was referred the

resolution asking for the printing of the inaugural address in the Spanish language, have had the matter under consideration, and would recommend the printing of 200 copies in said language and have so instructed me to report.

Respectfully,

M. O. CODDINGTON,

Chairman.

Mr. Speaker:

Your committee on printing, to whom was referred H. C. R. No. 12, in relation to printing Governor Pitkin's inaugural address, have had the matter under consideration and would recommend the printing of 1000 copies, and have so instructed me to report.

Respectfully,

M. O. CODDINGTON,

Chairman.

Mr. Mann of Boulder county presented the petition of the Boulder county medical association.

Mr. Cantlon introduced:

H. B. No. 78, a bill for an act to amend sections 12 and 21 of chapter 34 of the general laws of the State of Colorado, entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers.

Which was read a first time and ordered printed.

Mr. Mann of Boulder county introduced:

H. B. No. 79, a bill for an act to regulate the practice of medicine.

Which was read a first time.

Mr. Mann of Boulder county moved that further action on H. B. No. 79 be deferred until H. B. No. 63, relating to to the same subject, be referred, and that H. B. No. 79 be referred with H. B. No. 63, the petition of the Boulder county medical association to accompany the same, and that H. B. No. 79 be not printed.

Which motion prevailed.

Mr. Clark introduced:

H. B. No. 80, a bill for an act to amend the code of civil procedure.

Mr. Cantlon moved that action on H. B. No. 80 be deferred for the present, and that the bill be laid on the table.

Which motion prevailed.

Mr. Evans introduced:

H. B. No. 81, a bill for an act to authorize the publication of all laws of a general nature in newspapers, as soon as the same are signed by the Governor.

Which was read a first time and ordered printed.

Mr. Chilcott introduced:

H. B. No. 82, a bill for an act to repeal section 63 of chapter 92 of the general laws.

Which was read a first time and ordered printed.

Also H. B. No. 83, a bill for an act to repeal a portion of chapter 87 of the general laws.

Which was read a first time and ordered printed.

By consent, the judiciary committee presented the following reports:

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 49, a bill for an act to prescribe the qualifications of judges of county courts within this State, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be passed with the amendments herewith transmitted.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 61, a bill for an act to amend section 3 of chapter 23 of the general laws of Colorado entitled, fish, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be referred to committee on appropriation, who have the subject under advisement.

Respectfully,

THOS. J. CANTLON,

Chairman.

S. B. No. 13, a bill for an act to protect natural scenery from defacement, etc., was read a second time and referred to the committee on public lands.

S. B. No. 14, a bill for an act to provide for the expenses of judges and district attorneys when absent from the counties of their residence, was read a second time and referred to the committee on finance, ways and means.

Amended S. B. No. 19, a bill for an act changing the boundaries of certain judicial districts, etc., was read a second time and referred to the judiciary committee.

S. B. No. 38, a bill for an act to provide for the payment of witnesses in the contested election case of Boyd vs. DeFrance, etc., was read a second time and referred to the committee on appropriations and expenditures.

S. B. No. 45, a bill for an act accepting the provisions of an act of the Congress of the United States, approved July 2, 1862, was read a second time and referred to the committee on public lands.

H. B. No. 57, a bill for an act to amend chapter 45 of the general laws of Colorado, entitled, justices and constables, to confer jurisdiction upon justices of the peace in actions of replevin, attachment and garnishment, to regulate the practice in justice courts and repeal certain acts, was read a second time and referred to the judiciary committee.

H. B. No. 64, a bill for an act to provide for the herding of rams, was read a second time and referred to the committee on agriculture.

H. B. No. 65, a bill for an act to abolish the June term of the district court of Park county, was read a second time and referred to the judiciary committee.

H. B. No. 66, a bill for an act amendatory to an act entitled, an act relating to surveys, was read a second time and referred to the committee on counties and county lines.

H. B. No. 67, a bill for an act to amend an act to provide for formation of corporations, was read a second time and referred to the committee on corporations.

H. B. No. 70, a bill for an act for the payment of the amount remaining due on account of the expenses of the

late constitutional convention, was read a second time and referred to the committee on appropriations and expenditures.

H. J. M. No. 3, relative to the establishment of a military post in southwestern Colorado, was read a second time.

Mr. Gird moved that H. J. M. No. 3 be referred to the committee on military affairs.

Which motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed S. C. R. No. 11, authorizing the printing of 700 copies of the Governor's inaugural address, which is herewith submitted for your consideration.

Respectfully,

W. W. ORRICK,

Secretary.

By consent, Mr. Gird introduced the following resolution:

Resolved, That the committee on military affairs are hereby instructed to report an amendment to H. J. M. No. 3, so as to include a military post at some point on the Republican river in this State.

Mr. Gird moved that the resolution be adopted.

Which motion prevailed.

By consent, Mr. Harvey introduced:

H. B. No. 84, a bill for an act to amend section 2 of an act entitled, an act to provide for the maintenance, government and police of the penitentiary; also the mode of appointing officers and fixing the salary of the same, and to repeal several acts thereto.

Which was read a first time and ordered printed.

Mr. Todd moved that the report of the judiciary committee relative to H. B. No. 61, recommending that it be referred to the committee on appropriations and expenditures be adopted.

Which motion prevailed.

The bill was so referred.

By consent, Mr. Chilcott introduced:

H. B. No. 85, a bill for an act to establish and maintain a hospital for the insane, which was read a first time.

The same having been printed by the Senate as S. B. No. 2, the House ordered that it should not be reprinted.

By consent, Mr. Brush introduced:

H. B. No. 86, a bill for an act to establish a State industrial school and for the maintenance and government of the same, which was read a first time.

The same having been printed by the Senate as S. B. No. 20, the House ordered that it should not be reprinted.

Mr. Martinez was granted leave of absence for five days.

Mr. Cantlon was granted leave of absence until Monday next at 2 o'clock in the afternoon.

By consent, the judiciary committee presented the following report:

Mr. Speaker:

Your committee on judiciary, to whom was referred H. J. M. No. 2, relative to holding terms of the United States district court at certain places in Colorado, have had the same under consideration, and instruct me to report said memorial back to the House with the recommendation that it be passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Todd moved that the memorial just reported upon by the judiciary committee be read a third time now and put upon its final passage.

Which motion prevailed.

H. J. M. No. 2, memorializing Congress to pass bill providing for terms of United States district court at different points in the State, was read a third time.

The question being upon the adoption of the memorial.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hutchin-

son, Kimberly, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Trujillo, Voorhies, and Mr. Speaker.—39.

Gentlemen voting in the negative, none.

Gentlemen absent and not voting were:

Messrs. Bingham, Gunnell, Hoffman, Lewis, Luthe, McLaughlan, Mead, Spruance, Toll, and Valdez.—10.

A constitutional majority having voted in favor of the adoption of the memorial.

The memorial was adopted.

Mr. Brush moved that the House do now adjourn to 10 o'clock in the forenoon of Monday next, the 20th day of January.

Which motion prevailed.

At 12 o'clock M. the House adjourned.

SIXTEENTH DAY.

MONDAY, JANUARY 20th, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by Rev. Earl Cranston.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Brush, Chilcott, Clark, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hutchinson, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Thomas, Todd, Toll, Trujillo, and Mr. Speaker. —37.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Bromwell, Cantlon, Coddington, Hoffman, Lewis, Mann (Joseph), Martinez, Slockett, Southworth, Spruance, Valdez, and Voorhies.—12.

The journal of the previous day's session of the House was read and approved.

The committee on finance, ways and means, presented the following reports:

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred S. B. No. 14, entitled, an act to provide for the expenses of judges and district attorneys when absent from the counties of their residence, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole.

Respectfully,

ROBERT S. ROE,

Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 48, entitled, a bill for an act to regulate the issuing of county warrants, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

ROBERT S. ROE,

Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 47, entitled, a bill for an act to amend section 30 of chapter 34 of the general laws of the State of Colorado, entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, have had the same under consideration and instruct me to report said bill back to the House, with the recommendation that it be referred to the committee on fees and salaries.

Respectfully,

ROBERT S. ROE,

Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 15, entitled, an act providing for the election of precinct or assistant assessors, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed and that the bill attached hereto be substituted therefor.

Respectfully,

ROBERT S. ROE,

Chairman.

The committee on stock presented the following report:

Mr. Speaker:

Your committee on stock, to whom was referred H. B. No. 56, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it do pass with amendments herewith transmitted.

Respectfully,

J. L. BRUSH,

Chairman.

The committee on public lands presented the following reports:

Mr. Speaker:

Your committee on public lands, to whom was referred S. B. No. 13, an act to protect natural scenery from defacement by advertisement and to define the the penalty for so doing, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

WM. D. TODD,

Chairman.

Mr. Speaker:

Your committee on public lands, to whom was referred S. B. No. 45, a bill for an act accepting the provisions of an act of the congress of the United States, approved July 2nd, 1862, have had the same under consideration and in-

struct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

WM. D. TODD,

Chairman.

Mr. Gird moved that the report of the committee on finance, ways and means recommending that H. B. No. 47 be referred to the committee on fees and salaries be adopted.

Which motion prevailed.

The bill was so referred.

Mr. Gird introduced:

H. J. M. No. 6, relative to the establishment of a military post on the Republican river.

Which was read a first time and ordered printed.

Mr. Lovato presented the following resolution:

WHEREAS, Certain citizens of the State living in the county of Conejos, settled upon the public lands in said county more than twenty years ago, and since said settlement have continued to reside thereon and have improved and cultivated the same; and,

WHEREAS, Although occupying such land and improving the same as aforesaid, they failed to take any steps towards securing the fee thereof, alleging as an excuse therefor their ignorance of the laws and customs relevant thereto; and

WHEREAS, The State has caused said lands to be surveyed, and has by virtue of the enabling act and the act of the legislature entitled, an act to provide for the selection, location, approval, sale and leasing of State lands, approved March 17, 1877, selected said lands, and the title thereto by virtue of the premises hath vested in the State; therefore

Resolved, That the committee on public lands be and they are hereby instructed to inquire into the matters aforesaid, and if found right and proper so to do, to report a bill to this House for its action concerning the premises.

Mr. Gird moved that the resolution be referred to the committee on public lands.

Which motion prevailed.

Mr. Todd presented the following resolution and moved its adoption:

Resolved, That W. B. Felton, chief clerk of the House of Representatives of the first general assembly of Colorado, shall receive as compensation for his services in calling the House of Representatives of the second general assembly to order, as required by law, one day's per diem, as prescribed by law for the chief clerk, and mileage to and from his place of residence to Denver, at the same rate and to be computed in the same manner, as is prescribed by law for members of the General Assembly.

The question being upon the motion to adopt the resolution.

The motion prevailed.

Mr. Bartlett introduced:

H. B. No. 87, a bill for an act concerning the appropriation of water for mining purposes.

Which was read a first time and ordered printed.

H. B. No. 88, a bill for an act to amend section 122 of an act entitled, an act concerning counties, county officers and county government and repealing laws on these subjects, approved March 24, 1877, being the substitute submitted by the committee on finance, ways and means for H. B. No. 15, was read a first time and ordered printed.

Mr. Roe introduced:

H. B. No. 89, a bill for an act to amend section 1 of chapter 77 of the general laws of Colorado entitled, penitentiary.

Which was read a first time and ordered printed.

Mr. Todd introduced:

H. B. No. 90, a bill for an act to provide for the purchase of law books for the library of the supreme court.

Which was read a first time and ordered printed.

Mr. Todd introduced:

H. B. No. 91, a bill for an act to provide for the printing of the laws of this State in the most convenient and compact form, together with an index to the same.

Which was read a first time and ordered printed.

Mr. Chilcott introduced:

H. B. No. 92, a bill for an act to amend an act entitled, an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, approved March 20, 1877.

Which was read a first time and ordered printed.

Mr. Flower introduced:

H. B. No. 93, a bill for an act to repeal section 3 chapter 5 general laws of Colorado, and the insertion of a section in lieu thereof.

Which was read a first time and ordered printed.

S. C. R. No. 11, authorizing the printing of 500 copies of the Governor's inaugural, was read and laid over under the rules of the House.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed the following bills:

S. B. No. 4, an act to amend chapter 12 of the general laws, in relation to chattel mortgages.

S. B. No. 25, an act to amend chapter 87 of the general laws, in relation to lands sold for taxes.

S. B. No. 27, an act in relation to the manner of satisfying on the record trust deeds.

S. B. No. 31, an act to amend an act in relation to roads and public highways.

S. B. No. 34, an act to amend an act in relation to wills, executors and administrators, and which are herewith submitted for your favorable consideration.

Respectfully,

W. W. ORRICK,

Secretary.

H. J. M. No. 5, relative to the construction of a military road in southwestern Colorado, was read a first time and ordered printed.

H. B. No. 85, a bill for an act to establish and maintain a hospital for the insane, was read a second time and referred to the committee on State institutions.

H. B. No. 86, a bill for an act to establish a State indus-

trial school, and for the maintenance and government of the same, was read a second time and referred to the committee on State institutions.

By consent, the committee on elections and apportionments presented the following report:

Mr. Speaker:

Your committee on elections and apportionments, to whom was referred H. B. No. 46, an act entitled, an act relating to the representative district of Fremont and Custer counties, and H. B. No. 50, an act to amend an act entitled, an act regulating elections, have had the same under consideration, and instruct me to report said bills back to the House with the recommendation that they be passed.

Respectfully,

JULIUS H. CLARK,
Chairman.

Mr. Roe moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole with the gentleman from Lake county, Mr. Hutchinson, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. C. R. No. 12, in relation to printing Governor Pitkin's inaugural address, and instruct me to report the same back to the House with the recommendation that it do not pass, as a similar resolution from the Senate is now pending.

Also H. B. No. 49, a bill for an act to prescribe the qualifications of judges of county courts within this State; House made amendments thereto, and intruct me to report progress thereon.

Respectfully,

JOSEPH HUTCHINSON,
Chairman.

Mr. Roe moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

Mr. Gotthelf moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 12:30 o'clock P. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock in the afternoon.

Mr. Brush moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Lake county, Mr. Hutchinson, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 49, a bill for an act to prescribe the qualifications of county judges, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 51, a bill for an act to amend chapter 3 of the general laws of the State of Colorado, entitled, an act to provide a fund for the building and maintenance of the agricultural college of Colorado, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 53, a bill for an act to enable fence districts to fund their indebtedness, have made amendments thereto, and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 48, a bill for an act to regulate the issuing of warrants upon the treasury of the counties of this State,

and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 56, a bill for an act to protect the grazing lands of Colorado from the stock of non-residents, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 14, a bill for an act to provide for the expenses of judges and district attorneys when absent from the counties of their residence, and instruct me to report the same back to the House with the recommendation that it be referred to the judiciary committee.

Also S. B. No. 13, a bill for an act to protect natural scenery from defacement by advertisements, etc., and to define the penalty for so doing, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 45, a bill for an act to accept the provisions of an act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts enacted by the Senate and House of Representatives of the United States of America in Congress assembled, approved July 2, 1862. Have made certain amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Respectfully,

JOSEPH HUTCHINSON,

Chairman.

Mr. Flower moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

Mr. Brush moved that the House do now adjourn to 10 o'clock to-morrow forenoon.

Which motion prevailed.

At 4:30 o'clock P. M. the House adjourned.

SEVENTEENTH DAY.

TUESDAY, JANUARY 21st, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Mr. Speaker.—45.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Bartlett, Martinez, Spruance, and Voorhies.—4.

The journal of the previous day's session was read and approved.

The committee on penitentiary presented the following report:

Mr. Speaker:

Your committee on the penitentiary, to whom was referred H. B. No. 41, a bill for an act providing for the leasing of the penitentiary and the convict labor of the State of Colorado, have had the same under consideration and instruct me to report said bill back to the House with certain amendments and the recommendation that the bill be ordered printed as per said proposed amendments, and placed on file for consideration in committee of the whole.

Mr. Clark moved that the report of the committee on the penitentiary relative to H. B. No. 41 be adopted.

Which motion prevailed.

The bill was ordered printed.

The committee on agriculture presented the following reports:

Mr. Speaker:

Your committee on agriculture, to whom was referred H. B. No. 27, a bill for an act describing a lawful fence, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passsed with certain amendments herewith transmitted.

Respectfully,

M. D. MOREHEAD,

Chairman.

Mr. Speaker:

Your committee on agriculture, to whom was referred H. B. No. 58, a bill for an act relative to drainage, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to a special committee.

Respectfully,

M. D. MOREHEAD,

Chairman.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 42, 43, 63, 69, 71, 72, 73, 74, 76 and 77, also substitute for H. B. No. 29, and find the same correctly printed with the exception of H. B. No. 71, in section 4, second line of printed bill, the word "incurred" is left out.

Respectfully,

M. O. CODDINGTON,

Chairman.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has concurred in the passage of H. C. R. No. 9, relative to the appointment of a committee to inquire into the collection and disbursement of the military fund, and which is herewith returned.

I am also instructed to inform you that H. C. R. No. 11, amending joint rules, was amended by the Senate, and as amended the resolution was adopted, and I herewith return the resolution with the Senate amendments.

I am further instructed that H. B. No. 14, after having been amended by the Senate, was passed by a vote sufficient to adopt the emergency clause and the bill, and the Senate amendments are herewith returned, said bill being a bill in relation to interest on State warrants.

The Senate has also passed S. B. No. 15, in relation to securities on official bonds, and which is herewith submitted for your favorable consideration.

Respectfully,

W. W. ORRICK,

Secretary.

The committee on engrossment presented the following reports:

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 30, a bill for an act to repeal section 198 of the criminal code of chapter 24 of the general laws of Colorado, and the insertion of a section in lieu thereof, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 9, a bill for an act to define and punish the obtaining of money or property by confidence games, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 38, a bill for an act to amend an act to repeal all existing laws in relation to the creation, jurisdiction, pow-

ers, proceedings and practice of the county courts of the State of Colorado, and to enact other provisions in lieu thereof, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 33, a bill for an act to amend section 4 of chapter 31 of the general laws of Colorado, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 4, a bill for an act, stallions, jacks, bulls, rams and boars, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 10, a bill for an act to authorize the superintendent of the poor to bind out indigent children, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

The message from the Senate relative to Senate amendments to House bills and resolutions was taken up.

Mr. Roe moved that the House concur in Senate amendments to H. B. No. 14.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman,

Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—45.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Cordova, Martinez, and Spruance.—4.

A constitutional majority having voted in favor of concurring in the Senate amendments.

The amendments were concurred in.

Mr. Bromwell moved that H. C. R. No. 11, with Senate amendments thereto, be referred to the committee on rules.

Which motion prevailed.

The speaker announced Messrs. Cantlon, Scott and Voorhies as members on the part of the House of the joint committee raised under H. C. R. No. 9.

Mr. Brush introduced:

H. B. No. 94, a bill for an act concerning encumbrances on real property.

Which was read a first time and ordered printed.

Mr. Luthe introduced:

H. B. No. 95, a bill for an act fixing the salary of assistant librarian.

Which was read a first time and ordered printed.

Mr. Roe introduced:

H. B. No. 96, a bill for an act to amend section 6 of an act entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, approved March 24, 1877.

Which was read a first time and ordered printed.

Mr. Mann of Jefferson county introduced:

H. B. No. 97, a bill for an act to repeal section 60 of chapter 87 of the general laws of Colorado, entitled revenue, and to provide for the interest on taxes and the payment of the several funds.

Which was read a first time and ordered printed.

Mr. Evans introduced:

H. B. No. 98, a bill for an act to amend section 1 of article 4 of an act entitled, an act to prescribe certain powers and duties of the officers of the executive department, and certain rules in relation to the fiscal affairs of the State in connection therewith, approved February 27th, 1877.

Which was read a first time and ordered printed.

Mr. Thomas introduced:

H. B. No. 99, a bill for an act concerning costs in criminal cases.

Which was read a first time and ordered printed.

Mr. Hutchinson introduced:

H. B. No. 100, a bill for an act to prevent fires on the prairies along railroad lines.

Which was read a first time and ordered printed.

Mr. Roe introduced:

H. B. No. 101, a bill for an act to amend and repeal certain sections of an act entitled, an act concerning counties, county officers and county governments, and repealing laws on these subjects, approved March 24, 1877.

Which was read a first time and ordered printed.

Mr. Lewis introduced:

H. B. No. 102, a bill for an act to amend chapter 61 of the general laws, concerning lunatics.

Which was read a first time and ordered printed.

Mr. Bromwell introduced:

H. B. No. 103, a bill for an act for a proposed amendment to section 8 of article 6 of the constitution.

Which was read a first time and ordered printed.

Mr. Gebhard introduced:

H. B. No. 104, a bill for an act concerning the protection of the owners and proprietors of hotels and inns, and for the punishment of offenders.

Which was read a first time and ordered printed.

Mr. Crawford introduced:

H. J. R. No. 7, relative to the establishment of a military post in northwestern Colorado.

Which was read a first time and ordered printed.

H. J. R. No. 5, in relation to the construction of a military road in southwestern Colorado, was taken up under the rules of the House, read a first time and ordered printed.

Mr. Livesay introduced:

H. B. No. 105, a bill for an act providing for a change of venue in preliminary examinations before justices of the peace.

Which was read a first time and ordered printed.

S. B. No. 4, a bill for an act to amend chapter 12 of the general laws of the State of Colorado, entitled, chattel mortgages.

Which was read a first time.

S. B. No. 25, a bill for an act to amend chapter 87 of the general laws of Colorado, was read a first time.

S. B. No. 27, a bill for an act in relation to trust deeds, was read a first time.

S. B. No. 31, a bill for an act to amend chapter 88 of the general laws entitled, an act concerning roads and public highways, was read a first time.

S. B. No. 34, a bill for an act to amend section 112 of chapter 103, revised statutes entitled, wills, executors and administrators, was read a first time.

S. B. No. 15, a bill for an act relating to official bonds, and also to obligations given to boards of county commissioners, was read a first time.

Mr. Todd introduced:

H. B. No. 106, a bill for an act repealing section 65 of chapter 19 of the general laws.

Which was read a first time and ordered printed.

Mr. Harvey introduced:

H. B. No. 107, a bill for an act to provide for the employment of a chaplain for the penitentiary.

Which was read a first time and ordered printed.

Mr. Gotthelf introduced:

H. B. No. 108, a bill for an act to amend an act entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, approved March 24, 1877.

Which was read a first time and ordered printed.

S. C. R. No. 11, in relation to printing Governor Pitkin's inaugural address, was taken up under the rules of the House.

Mr. Toll moved to amend by providing that 1250 copies should be printed in the English language and 500 copies in the Spanish language.

Which motion to amend prevailed.

Mr. Toll moved that the resolution as amended be adopted.

Which motion prevailed.

Mr. Cantlon moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 11:45 o'clock A. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock in the afternoon.

By consent, Mr. Todd introduced:

H. B. No. 109, a bill for an act making appropriations to pay outstanding State certificates of indebtedness.

Which was read a first time and ordered printed.

Also H. B. No. 110, a bill for an act making appropriations to reimburse the several counties of the State, moneys heretofore expended by them in the support of insane paupers.

Which was read a first time and ordered printed.

Also H. B. No. 111, a bill for an act making appropriations for the support of insane paupers for the years 1879 and 1880.

Which was read a first time and ordered printed.

Also H. B. No. 112, a bill for an act making appropriations for the State board of health for the years 1879 and 1880.

Which was read a first time and ordered printed.

Also H. B. No. 113, a bill for an act making appropriations for expense of selecting and locating land donated to the State by the United States, and the expenses of the State board of land commissioners for the years 1879 and 1880.

Which was read a first time and ordered printed.

Also H. B. No. 114, a bill for an act making appropriations for the maintenance and support of the State penitentiary for the years 1879 and 1880.

Which was read a first time and ordered printed.

Also H. B. No. 115, a bill for an act making appropriations to pay expenses and claims under the law concerning fugitives from justice for the years 1879 and 1880.

Which was read a first time and ordered printed.

Also H. B. No. 116, a bill for an act to provide for the ordinary expenses of the executive, legislative and judicial departments of the State, and interest on the public debt for the years 1879 and 1880.

Which was read a first time and ordered printed.

Also H. B. No. 117, a bill for an act to authorize the State treasurer to pay interest on State warrants when there is money in the treasury not otherwise appropriated.

Which was read a first time and ordered printed.

The hour having arrived for which H. B. No. 12, a bill for an act concerning redemption of land sold under trust deeds and other instruments for security of money, was made a special order.

Mr. Todd moved that the bill be referred to the judiciary committee, and that S. B. No. 27, in relation to the same subject matter, be committed to the same committee.

Which motion prevailed.

H. B. No. 42, a bill for an act authorizing a tax levy of 15 mills on valuation for county purposes in Ouray county, was read a second time and referred to the committee on finance, ways and means.

H. B. No. 43, a bill for an act requiring the payment of taxes in cash, was read a second time and referred to the committee on finance, ways and means.

H. B. No. 63, a bill for an act to protect the public health and to regulate the practice of medicine in the State of Colorado, was read a second time and referred to the committee on education.

H. B. No. 79 was referred with H. B. No. 63 in accordance with resolution of the House previously adopted.

H. B. No. 69, a bill for an act to amend an act entitled, an act to provide for the appointment of sheep inspectors, was read a second time and referred to the committee on agriculture.

H. B. No. 71, a bill for an act providing for a change of venue in criminal cases in the district court and proceedings therein, was read a second time and referred to the judiciary committee.

H. B. No. 72, a bill for an act to amend an act entitled, an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, etc., was read a second time and referred to the committee on finance, ways and means.

H. B. No. 73, a bill for an act to amend an act entitled, an act to provide for the assessment and collection of revenue, etc., was read a second time and referred to the committee on finance, ways and means.

H. B. No. 74, a bill for an act to amend section 128 of chapter 30 of the general laws of Colorado entitled, elections, etc., was read a second time and referred to the committee on elections and apportionments.

H. B. No. 76, a bill for an act to make the chasing of deer or antelope with hounds a misdemeanor, was read a second time and referred to the committee on agriculture.

H. B. No. 77, a bill for an act to amend an act to provide for the assessment and collection of revenue, etc., was read a second time and referred to the committee on finance, ways and means.

By consent, the committee on rules presented the following report:

Mr. Speaker:

Your committee on rules, to whom was referred Senate amendment to H. C. R. No. 11, providing new joint rules, have had the same under consideration and instruct me to report said resolution back to the House with the recommendation that the Senate amendment be non-concurred in.

Respectfully,

W. D. TODD,
Chairman.

Mr. Todd moved that the report of the committee on rules be adopted.

Which motion prevailed.

The report of the committee on agriculture, recommending that H. B. No. 58 be referred to a special committee, was taken up.

Mr. Southworth moved that the report be adopted.

Which motion prevailed.

The report of the committee on agriculture recommending certain amendments to H. B. No. 27, was taken up.

Mr. Southworth moved that the report be adopted.

Which motion prevailed.

The amendments submitted being in the nature of a substitute, said substitute, as H. B. No. 118, a bill for an act declaring what shall be a lawful fence, was read a first time and ordered printed.

Mr. Gird moved that H. B. No. 27, for which H. B. No. 118 was substituted, be laid on the table.

Which motion prevailed.

S. B. No. 13, a bill for an act to protect natural scenery from defacement by advertisements, etc., and to define the penalty for so doing, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Lovato, Luthe, Maez, Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—43.

Gentleman voting in the negative was:

Mr. Mann (Joseph).—1.

Gentlemen absent and not voting were:

Messrs. Bartlett, Livesay, Martinez, Spruance, and Toll.—5.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

S. B. No. 45, a bill for an act accepting the provisions of an act of the Congress of the United States, approved July 2, 1862, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—44.

Voting in the negative, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Livesay, Martinez, Spruance, and Toll. —5.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

And it was ordered that the bill take effect in accordance with the provisions of the emergency clause therein contained.

H. B. No. 4, a bill for an act entitled, stallions, jacks, bulls, rams and boars, was read a third time.

The question being upon the passage of the bill,

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Luthe, McCandless, Mead, Morehead, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Trujillo, Voorhies, and Mr. Speaker.—32.

Gentlemen voting in the negative were:

Messrs. Clark, Cordova, Gotthelf, Gunnell, Hutchinson, Lovato, Maez, Mann (Joseph), Mann (W. J.), McLaughlan, Pease, and Valdez.—12.

Gentlemen absent and not voting were:

Messrs. Bartlett, Livesay, Martinez, Spruance and Toll. —5.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 9, a bill for an act to define and punish the obtaining of money or property by confidence games, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—44.

Gentlemen voting in the negative were, none:

Gentlemen absent and not voting were:

Messrs. Bartlett, Livesay, Martinez, Spruance, and Toll. —5.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Amended H. B. No. 10, a bill for an act to authorize the superintendents of the poor to bind out indigent children, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass,

Evans, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujuillo, Valdez, Voorhies, and Mr. Speaker.—45.

Gentleman voting in the negative was:

Mr. Flower.—1.

Gentlemen absent and not voting were:

Messrs. Bartlett, Martinez, and Spruance.—3.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 30, a bill for an act to repeal section 198 of the criminal code of chapter 24 of the general laws of Colorado, and the insertion of a section in lieu thereof, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gird, Gotthelf, Gunnell, Harvey, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (W. J.), McCandlass, McLaughlan, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—42.

Gentleman voting in the negative was:

Mr. Mann (Joseph).—1.

Gentlemen absent and not voting were:

Messrs. Bartlett, Gebhard, Hoffman, Martinez, Mead, and Spruance.—6.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 33, a bill for an act entitled, an act to amend section 4 of chapter 31 of the general laws of Colorado, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—45.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Gebhard, Martinez, and Spruance.—4.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

And it was ordered that the bill take effect in accordance with the provisions of the emergency clause therein contained.

H. B. No. 38, a bill for an act to amend an act entitled, an act to repeal all existing laws in relation to the creation, jurisdiction, powers, proceedings and practice of the county courts of the State of Colorado, and to enact other provisions in lieu thereof, was read a third time.

Mr. Livesay moved that the word "Gilpin" be stricken from the first section of the bill.

Which motion prevailed.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Douglass, Evans, Flower, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—42.

Gentleman voting in the negative was:

Mr. Maez.—1.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Crawford, Gebhard, Martinez, and Spruance.—6.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

By consent, Mr. Todd introduced:

H. J. R. No. 8, in relation to surveys on the public domain.

Which was read by title and ordered printed.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 18, entitled, an act to enable school districts to refund their bonds, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 5, entitled, a bill for an act giving consent to the acquisition by the United States of land for public uses in the State of Colorado, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. C. R. No. 7, for thanks to Dr. F. V. Hayden, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

At 3:40 P. M. the speaker in the presence of the House signed S. B. No. 18, a bill for an act to enable school districts to refund their indebtedness.

Also S. B. No. 5, a bill for an act giving consent to the acquisition of the United States of land for public uses in the State of Colorado.

Also S. J. R. No. 7, a resolution of thanks to Prof. F. V. Hayden.

Mr. Brandt was granted leave of absence from to-morrow's session of the House.

Mr. Douglass moved that the House do now adjourn to 10 o'clock to-morrow morning.

Which motion prevailed.

At 3:45 o'clock P. M. the House adjourned.

EIGHTEENTH DAY.

WEDNESDAY, JANUARY 22d, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—46.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Brandt, Martinez, and Spruance.—3.

The journal of the previous day's session was read and approved.

The speaker announced Messrs. Southworth, Brush, Brandt, Evans, and Douglass as the special committee to take in charge H. B. No. 58, a bill for an act relative to drainage.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 75, 82, 83, 88 and 90, and find the same correctly printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

The committee on claims presented the following report:

Mr. Speaker:

Your committee on claims, to whom was referred certain claims made by citizens of Middle Park for services rendered during an Indian raid made in the month of September last, together with a communication from the Governor recommending that the same be paid, have had the same under consideration, and after examining and verifying the accounts, would recommend that the committee on appropriations and expenditures prepare a bill providing for the payment of the same in full.

Respectfully,

FRANK BINGHAM,

Chairman.

Mr. Gird moved that the report of the committee on claims be referred to the committee on appropriations and expenditures.

Which motion prevailed.

The committee on military affairs presented the following report:

Mr. Speaker:

Your committee on military affairs, to whom was referred H. J. R. No. 3, relative to the establishment of a military post in southwestern Colorado, have had the same under

consideration, and instruct me to report said resolution back to the House, with the recommendation that it be adopted.

Respectfully,

D. L. SHEETS,

Chairman.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has concurred in the passage of H. J. M. No. 4, in relation to the extinguishment of the Indian title to the Ute reservation.

Also H. J. M. No. 1, memorializing Congress to donate arid lands to the State.

Also H. B. No. 6, providing what shall constitute a private seal, all of which I herewith return.

I am also instructed to inform you that Senators Parrish and Hill have been appointed on the part of the Senate on the joint committee raised by H. C. R. No. 9, to inquire into the collection and disbursement of the military fund.

I am further instructed to inform you that the Senate has receded from its amendment to H. C. R. No. 11, in relation to joint rules, and I herewith return the same.

I am further instructed to inform you that the Senate has concurred in House amendment to S. C. R. No. 11, relative to printing the Governor's inaugural message.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Todd moved that the clerk of the House be instructed to have the new joint rules adopted, printed on slips suitable for pasting in the pamphlet copies of the rules.

Which motion prevailed.

The committee on State institutions presented the following report:

Mr. Speaker:

Your committee on State institutions, to whom was referred H. B. No. 86, a bill for an act to establish a State

industrial school and for the maintenance and government of the same, have had the same under consideration and instruct me to report said bill back to the House, with the recommendation that it be passed with certain amendments herewith transmitted.

Respectfully,

G. M. CHILCOTT,

Chairman.

The committee on agriculture presented the following report:

Mr. Speaker:

Your committee on agriculture to whom was referred H. B. No. 64, an act to provide for the herding of rams, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed as amended by your committee.

Respectfully,

M. D. MOREHEAD,

Chairman.

Mr. Southworth presented the following resolution:

Resolved, That the use of the hall of the House of Representatives shall not be granted to any person or society without the unanimous consent of the House.

Mr. Southworth moved that the resolution be adopted.

Mr. Toll moved to amend the resolution by providing that the use of the hall may be granted by a vote of two-thirds.

Which motion to amend prevailed.

The question recurring upon the motion to adopt.

The motion prevailed.

Mr. Bromwell introduced:

H. B. No. 119, a bill for 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 revise and amend the same so as to enable the city council to establish a system of sewerage.

Which was read a first time and ordered printed.

Mr. Thomas introduced:

H. B. No. 120, a bill for an act to amend sections 33, 42, 44 and 45 of chapter 87 of the general laws of the State of Colorado.

Which was read a first time and ordered printed.

Mr. McLaughlan introduced:

H. B. No. 121, a bill for an act to amend section 123 of chapter 22 of the general laws of Colorado, and to repeal section 122 of said chapter.

Which was read a first time and ordered printed.

Mr. Lewis introduced:

H. B. No. 122, a bill for an act to amend chapter 30 of the general laws entitled, elections.

Which was read a first time and ordered printed.

Mr. Luthe introduced:

H. B. No. 123, a bill for an act relating to commutations of sentence and pardon after conviction.

Which was read a first time and ordered printed.

Mr. Roe introduced:

H. B. No. 124, a bill for an act to amend sections 10 and 11 of article 4 of chapter 33, entitled, executive department, of the general laws of Colorado.

Which was read a first time and ordered printed.

S. B. No. 4, a bill for an act to amend chapter 12 of the general laws of the State of Colorado entitled, chattel mortgages, was read a second time and referred to the judiciary committee.

S. B. No. 15, a bill for an act relating to official bonds, and also to obligations given to boards of county commissioners, was read a second time and referred to the committee on counties and county lines.

S. B. No. 25, a bill for an act to amend chapter 87 of the general laws of Colorado, was read a second time and referred to the committee on finance, ways and means.

S. B. No. 31, a bill for an act to amend chapter 88 of the general laws, etc., was read a second time and referred to the committee on roads and bridges.

S. B. No. 34, a bill for an act to amend section 112 of chapter 103, revised statutes, etc., was read a second time and referred to the judiciary committee.

H. B. No. 82, a bill for an act to repeal section 63 of chapter 92 of the general laws, was read a second time and referred to the judiciary committee.

H. B. No. 83, a bill for an act to repeal a portion of chapter 87 of the general laws, was read a second time and referred to the judiciary committee.

H. B. No. 88, a bill for an act to amend section 122 of an act entitled, an act concerning counties, county officers and county government, etc., was read a second time and referred to the committee on finance, ways and means.

H. B. No. 90, a bill for an act to provide for the purchase of law books for the library of the supreme court, was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 75, a bill for an act to enable cities and towns to purchase and manage ditches and canals to supply water for irrigation and other purposes, was read a second time.

Mr. Todd moved that H. B. No. 75 be referred to the committee of the whole.

Which motion prevailed.

The committee on enrollment presented the following report:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 14, a bill for an act to amend section 16 of article 7 of chapter 33, and section 4 of chapter 49 of the general laws of Colorado, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Roe moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole with the gentleman from Arapahoe county, Mr. Todd, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 15, a bill for an act providing for the election of precinct or assistant assessors, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 46, a bill for an act entitled, an act relating to the representative district of Fremont and Custer counties, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 64, a bill for an act to provide for the herding of rams, have made certain amendments thereto, and instruct me to report the same back to the House and recommend its passage as amended, and instruct me further to report progress of the committee and ask leave to sit again at 2 o'clock this afternoon.

Respectfully,

WM. D. TODD,

Chairman.

Mr. Luthe moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

Mr. Roe moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 12 M. the House took a recess.

AFTERNOON SESSION.

The Speaker called the House to order at 2 P. M., and committee of the whole resumed its session, with the gentleman from Arapahoe county, Mr. Todd, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 86, a bill for an act to establish a State industrial school, and for the maintenance and government of the same, have made certain amendments

thereto, and instruct me to report the same back to the House with the recommendation that it be recommitted to the committee on State institutions.

Also H. B. No. 75, a bill for an act to enable cities and towns to purchase and manage ditches and canals to supply water for irrigation and other purposes, have made certain amendments and instruct me to report the same back to the House and recommend its passage as amended.

Also H. J. R. No. 3, in relation to the establishment of a military post in southwestern Colorado, and instruct me to report the same back to the House and recommend its adoption.

Respectfully,

WM. D. TODD,

Chairman.

Mr. Bingham moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

By consent, Mr. Slockett introduced:

H. B. No. 125, a bill for an act to amend an act entitled, an act relating to the exemption of volunteer firemen as jurors and from paying a poll tax in the State of Colorado, and to repeal certain acts relating thereto.

Which was read a first time and ordered printed.

Mr. Toll introduced:

H. B. No. 126, a bill for an act providing for the holding of an annual term of the district court in Rio Grande county.

Which was read a first time and ordered printed.

Mr. Douglass introduced:

H. B. No. 127, a bill for an act to provide a fund for erecting additional buildings at the mute and blind institute and for other improvements.

Which was read a first time and ordered printed.

Also H. B. No. 128, a bill for an act to amend an act entitled, an act to erect an institute for the education of the mute and blind, provide for its support and management, and repeal all laws for the organization, management and maintenance of the mutes.

Which was read a first time and ordered printed.

Mr. Evans moved that the House do now adjourn to 10 o'clock to-morrow forenoon.

Which motion prevailed.

At 3 o'clock in the afternoon the House adjourned.

NINETEENTH DAY.

THURSDAY, JANUARY 23d, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Brandt, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gotthelf, Harvey, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Pease, Phillips, Scott, Sheets, Slockett, Thomas, and Mr. Speaker.—31.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Bingham, Bromwell, Cantlon, Gird, Gunnell, Hoffman, Luthe, Martinez, Mead, Morehead, Roe, Southworth, Spruance, Todd, Toll, Trujillo, Valdez, and Voorhies.—18.

The journal of the previous day's session was read and approved.

The members of the committee on education, and Messrs. Valdez, Voorhies, Roe, Toll, Southworth, and Gird, were granted leave of absence from this forenoon session of the House.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed the following:

S. C. R. No. 12, asking Congress to appropriate a sufficient amount to complete the military post near Pagosa Springs and the military wagon road leading to it.

S. B. No. 29, an act concerning joint stock companies formed for religious, educational and benevolent purposes, and which are herewith submitted for your consideration.

H. B. No. 17, an act to amend the criminal code relating to indictments, and which is herewith returned.

Also substitute S. B. No. 23, an act in relation to the protection and propagation of fish, and which is also submitted for your consideration.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Brandt presented the petition of citizens of Larimer county, asking the passage of a bill to stop the liquor traffic.

Mr. Mann of Jefferson moved that the petition just read be referred to the special committee having H. B. No. 23 in charge.

Which motion prevailed.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 78, 81, 84, 87, 89, 91, 92, 93, 97, 109, 110, 111, 112, 113, 115 and 117, also amended H. B. No. 41, and H. J. R. No. 6, and find the same correctly printed except fourth word in eleventh line, sixth section of amended H. B. No. 41 should read "to" instead of "so."

Respectfully,

M. O. CODDINGTON,

Chairman.

Mr. Bartlett introduced:

H. B. No. 129, a bill for an act relating to mining districts, district laws, location and representation of placer mining claims.

Which was read a first time and ordered printed.

Mr. Gebhard introduced:

H. B. No. 130, a bill for an act to amend section 2572 and 2583 of the general laws.

Which was read a first time and ordered printed.

Mr. Flower introduced:

H. B. No. 131, a bill for an act to provide a revenue for the support of the school of mines at Golden and to repeal section 12 of chapter 91 of the general laws.

Which was read a first time and ordered printed.

Mr. Evans introduced:

H. B. No. 132, a bill for an act providing that the State treasurer shall countersign all warrants issued by the auditor of State, and keep a record of the same.

Which was read a first time and ordered printed.

Also H. B. No. 133, a bill for an act to prescribe certain duties of the attorney general.

Which was read a first time and ordered printed.

S. C. R. No. 12, in relation to a military post near Pagosa Springs, etc., was read and laid over under the rules of the House.

Substitute for S. B. No. 23, a bill for an act to amend an act entitled, an act to provide for the propagation, preservation and protection of fish, etc., was read a first time.

S. B. No. 29, a bill for an act concerning joint stock companies formed for religious, educational and benevolent purposes, was read a first time.

Amended H. B. No. 41, a bill for an act providing for the leasing of the penitentiary and the convict labor of the State, was read a second time and referred to the committee of the whole.

H. B. No. 78, a bill for an act to amend sections 12 and 21 of chapter 34 of the general laws of the State of Colorado, entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, was read a second time and referred to the committee on fees and salaries.

H. B. No. 81, a bill for an act to authorize the publication of all laws of a general nature in newspapers as soon as the same are signed by the Governor, was read a second time and referred to the committee on printing.

H. B. No. 84, a bill for an act to amend section 2 of an act entitled, an act to provide for the maintenance, government and police of the penitentiary; also the mode of appointing officers and fixing the salary of the same, and to repeal several acts relating thereto, was read a second time and referred to the committee on penitentiary.

H. B. No. 87, a bill for an act concerning the appropriation of water for mining purposes, was read a second time and referred to the committee on mines and mining.

H. B. No. 89, a bill for an act to amend section 1 of chapter 77 of the general laws of Colorado, entitled penitentiary, was read a second time and referred to the committee on penitentiary.

H. B. No. 91, a bill for an act to provide for the printing of the laws of this State in the most convenient and compact form, etc., was read a second time and referred to the committee on printing.

H. B. No. 92, a bill for an act to amend an act entitled, an act to provide for the assessment and collection of revenues and to repeal certain acts in relation thereto, etc., was read a second time and referred to the committee on finance, ways and means.

H. B. No. 93, a bill for an act to repeal section 3 chapter 5 general laws of Colorado, and the insertion of a section in lieu thereof, was read a second time and referred to the judiciary committee.

H. B. No. 97, a bill for an act to repeal section 60 of chapter 87 of the general laws of Colorado, entitled revenue, etc., was read a second time and referred to the committee on finance, ways and means.

H. B. No. 109, a bill for an act making appropriations to pay outstanding State certificates of indebtedness, was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 110, a bill for an act making appropriations to reimburse the several counties of the State for moneys heretofore expended by them in the support of insane paupers, was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 111, a bill for an act making appropriations for the support of insane paupers for the years 1879 and 1880, was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 112, a bill for an act making appropriations for the State board of health for the years 1879 and 1880, was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 113, a bill for an act making appropriations for expense of selecting and locating land donated to the State by the United States, etc., was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 115, a bill for an act making appropriations to pay expenses and claims under the law concerning fugitives from justice, etc., was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 117, a bill for an act to authorize the State treasurer to pay interest on State warrants when there is money in the treasury not otherwise appropriated, was read a second time and referred to the committee on finance, ways and means.

H. J. R. No. 6, in relation to the establishment of a military post on the Republican river, was read a second time and referred to the committee on military affairs.

By consent, Mr. Mann of Boulder county presented the following resolution, which was laid on the table for future action of the House:

Resolved, That there be a committee of three appointed by the Speaker, to be called a committee on public health, and that all bills and resolutions pertaining to the public health, sanitary affairs and the practice of medicine in the State are hereby withdrawn from the consideration of the several committees to whom they have been referred, and are hereby referred to the committee of public health.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 5,

S. B. No. 18, and J. R. No. 7 to His Excellency the Governor for his signature, at 4 P. M., January 22, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

Your joint committee on enrollment examined H. B. No. 14, a bill for an act to amend section 16 of article 7 of chapter 33, and section 4 of chapter 49 of the general laws of Colorado, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

At 11:30 o'clock A. M. the speaker, in the presence of the House, signed H. B. No. 14, a bill for an act to amend section 16 of article 7 of chapter 33, and section 4 of chapter 49 of the general laws of Colorado.

The following communication was received from the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 23, 1879.

HON. RIENZI STREETER:

Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. J. R. No. 7, entitled a joint resolution for thanks to Dr. F. V. Hayden, United States geologist in charge of the survey of the territories, and have filed the same with the secretary of State.

Very respectfully,

FREDERICK W. PITKIN,

Governor.

Mr. Luthe moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 11:37 o'clock A. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock in the afternoon.

By consent, Mr. Todd introduced:

H. B. No. 134, a bill for an act to encourage the formation and establishment of a State historical and natural history society.

Which was read a first time and ordered printed.

Mr. Harvey introduced:

H. B. No. 135, a bill for an act to amend section 42 of an act entitled, an act to provide for the maintenance, government and police of the penitentiary, also the mode of appointing officers and fixing salaries of the same, and to repeal several acts relating thereto.

Which was read a first time and ordered printed.

Mr. Roe introduced:

H. B. No. 136, a bill for an act for the relief of Arapahoe county.

Which was read a first time and ordered printed.

Mr. Lewis introduced:

H. B. No. 137, a bill for an act to amend chapter 100 of the general laws of the State of Colorado, entitled, towns and cities.

Which was read a first time and ordered printed.

Mr. Bingham introduced:

H. B. No. 138, a bill for an act to reimburse Bent county for maintenance of prisoners.

Which was read a first time and ordered printed.

Mr. Southworth introduced:

H. B. No. 139, a bill for an act for granting licenses for the shipping of game.

Which was read a first time and ordered printed.

Mr. Toll introduced:

H. B. No. 140, a bill for an act to strike off a portion of the county of Saguache and add the same to the county of Rio Grande.

Which was read a first time and ordered printed.

By consent, the resolution offered this forenoon by Mr.

Mann of Boulder county, in relation to the creation of a committee on public health, was taken up.

Mr. Mann of Boulder county moved that the resolution be adopted.

Which motion prevailed.

The speaker announced Messrs. Mann of Boulder county, Todd and Sheets as said committee.

The special committee having in charge H. B. No. 23, presented the following report:

Mr. Speaker:

Your special committee, to whom was referred H. B. No. 23, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be laid on the table and the accompanying bill passed in its stead.

Respectfully,

R. A. SOUTHWORTH,

Chairman.

And the bill reported by said committee as H. B. No. 141, a bill for an act to suppress intemperance, pauperism and crime, was read a first time and ordered printed.

The committee on engrossment presented the following reports:

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 56, a bill for an act to protect the grazing lands of Colorado from the stock of non-residents, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 46, a bill for an act relating to the representative district of Fremont and Custer counties, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 31, a bill for an act to amend 258 and 259 of the criminal code, chapter 24 of the general laws, and to repeal sections 266 and 192 of the criminal code, chapter 24 of the general laws of Colorado, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 64, a bill for an act to provide for the herding of rams, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

The committee on enrollment presented the following reports:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 6, a bill for an act providing what shall constitute a private seal, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. J. M. No. 4, relative to the extinguishment of the Indian title to the Ute reservation, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

By consent, Mr. Mead introduced:

H. B. No. 142, a bill for an act to furnish road overseers with laws pertaining to their office, together with plats of roads in their respective districts.

Which was read a first time and ordered printed.

By consent, the committee on education presented the following report:

Mr. Speaker:

Your committee on education, to whom was referred H. B. No. 62, being a bill for an act in relation to salary of county superintendent of schools, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

H. P. H. BROMWELL,

Chairman.

H. B. No. 31, a bill for an act to amend sections 258 and 259 of the criminal code, chapter 24 of the general laws, and to repeal sections 266 and 192 of the criminal code, chapter 24 of the general laws of Colorado, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Clark, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Hutchinson, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Morehead, Pease, Phillips, Roe, Scott, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—39.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Cantlon, Chilcott, Cordova, Gunnell, Kimberly, Martinez, Mead, Sheets, and Spruance.—10.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 46, a bill for an act entitled, an act relating to the representative district of Fremont and Custer counties, was read a third time.

Mr. McCandlass moved that the bill be referred to the judiciary committee.

Which motion prevailed.

H. B. No. 56, a bill for an act to protect the grazing lands of Colorado from the stock of non-residents, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Brush, Clark, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Hoffman, Hutchinson, Livesay, Luthe, Maez, Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker. —35.

Gentlemen voting in the negative were:

Messrs. Bartlett, Bromwell, Harvey, Lewis, Lovato, and Mann (Joseph).—6.

Gentlemen absent and not voting were:

Messrs. Cantlon, Chilcott, Cordova, Gunnell, Kimberly, Martinez, Pease, and Spruance.—8.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 64, a bill for an act to provide for the herding of rams, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Bromwell, Brush, Clark, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker. —41.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Brandt, Cantlon, Chilcott, Cordova, Gunnell, Martinez, Scott, and Spruance.—8.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Mead moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Grand county, Mr. Crawford, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration amended H. B. No. 41, a bill for an act providing for the leasing of the penitentiary and the convict labor of the State of Colorado, and instruct me to report the same back to the House with the recommendation that it do not pass.

Respectfully,

J. H. CRAWFORD,

Chairman.

Mr. Gird moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has concurred in the House amendments to S. B. No. 45, in relation to accepting the provisions of an act of Congress donating public lands to the States and Territories.

I am also instructed to inform you that the Senate has concurred in the passage by the House of H. J. M. No. 2, in relation to holding terms of the United States court in different portions of the State, and which is herewith returned.

That the Senate has amended and passed as amended

H. B. No. 13, in relation to wolves and coyotes, and which is returned for your concurrence in Senate amendments.

That the Senate has also passed S. B. No. 35, in relation to establishing a State board of agriculture.

Also S. B. No. 44, in relation to the method of collecting and receipting for taxes for State institutions, and which are herewith submitted for your consideration.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Brush moved that the House do now adjourn to 10 o'clock to-morrow forenoon.

Which motion prevailed.

At 3:20 o'clock P. M. the House adjourned.

TWENTIETH DAY.

FRIDAY, JANUARY 24th, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—43.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Gunnell, Hutchinson, Martinez, Southworth, Spruance, and Toll.—6.

The journal of the previous day's session was read and approved.

Mr. Gunnell was granted leave of absence until Monday next at 10 o'clock A. M.

Mr. McCandlass was excused from attendance upon to-morrow's and Monday's session of the House.

Mr. Chilcott was excused from attendance upon to-morrow's session of the House.

Mr. Bush was granted leave of absence from to-morrow's session of the House.

Mr. Maez was granted leave of absence for five days.

Mr. Pease was granted leave of absence from noon to-day until Monday next at 10 o'clock A. M.

Mr. Brandt presented the petition of citizens of Colorado relative to equal suffrage.

Mr. Evans moved that the petition be indefinitely postponed.

Which motion was lost.

Mr. Mann of Jefferson county moved that the petition be referred to the committee on elections and apportionments.

Which motion prevailed.

The committee on fees and salaries presented the following report:

Mr. Speaker:

Your committee on fees and salaries, to whom was referred H. B. No. 47, a bill for an act to amend section 30 of chapter 34 of the general laws of the State of Colorado, entitled, an act to fix and regulate the fees chargeable by county, precinct, and other officers, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it do pass.

Also H. B. No. 108, a bill for an act to amend an act entitled, an act to fix and regulate the fees chargeable by county, precinct, and other officers, and instruct me to report the bill back to the House with the recommendation that it be not passed.

Also H. B. No. 78, a bill for an act to amend sections 12 and 21 of chapter 34 of the general laws of the State of Colorado, entitled, an act to fix and regulate the fees chargeable by county, precinct, and other officers, and instruct me to report said bill back to the House with the recommendation that it do pass.

Respectfully,

R. DOUGLASS,

Chairman.

The committee on State institutions presented the following report:

Mr. Speaker:

Your committee on State institutions, to whom was referred H. B. No. 68, for an act establishing the Colorado inebriate and insane asylum, have had the same under consideration, and ask leave to make the following report:

After due consideration as to the form and substance of the bill, they have thought that the matter could be better submitted by two bills, and the committee have caused them to be drawn, and herewith submit the same and ask that they be made substitutes for the original bill.

Respectfully,

G. M. CHILCOTT,

Chairman.

The committee on judiciary presented the following reports:

Mr. Speaker:

Your committee on the judiciary, to whom was referred a proposed substitute for H. B. No. 29, a bill for an act concerning cases in any district or county court, the venue of which has been changed thereto, have had the same under consideration and instruct me ro report said substitute back to the House with the recommendation that it be passed with the amendments herewith transmitted.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 34, a bill for an act to amend section 112 of chapter 103, revised statutes, entitled, wills, executors, and administrators, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 4, a bill for an act to amend chapter 12 of the general laws of the State of Colorado, entitled, chattel mortgages, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the udiciary, to whom was referred H. B. No. 82, an act to repeal section 63 of chapter 92 of the general laws, have had the same under consideration and instruct me to report said bill back to the house with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 83, an act to repeal portion of chapter 87 of the general laws, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 60, an act to repeal section 16 chapter 60, concerning limitations of the general laws, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred amended S. B. No. 19, a bill for an act changing the boundaries of certain judicial districts and rearranging the counties therein, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with the amendments herewith transmitted.

Respectfully,

THOS. J. CANTLON,

Chairman.

The committee on the penitentiary presented the following report:

Mr. Speaker:

Your committee on penitentiary, to whom was referred H. B. No. 89, a bill for an act to amend section 1 of chapter 77 of the general laws of Colorado entitled, penitentiary, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

R. HARVEY,

Chairman.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 94, 95, 96, 99, 100, 101, 102, 103, 104, 105, 106,

107, 114 and 116, also H. J. M. No. 8, and H. J. R. Nos. 5 and 7, and find the same correctly printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

The committee on public lands presented the following reports:

Mr. Speaker:

Your committee on public lands, to whom was referred the accompanying resolution relating to public lands in Conejos county, have had the same under consideration, and instruct me to report said resolution back to the House with the statement that the committee do not deem it advisable to report any bill on the subject.

Respectfully,

WM. D. TODD,

Chairman.

Mr. Speaker:

Your committee on public lands, to whom was referred H. B. No. 1, a bill to provide for the appointment of a secretary of the State board of land commissioners, who shall also act as immigration agent, and defining his duties, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed, the subject being included in a bill reported from said committee.

Respectfully,

WM. D. TODD,

Chairman.

The committee on military affairs presented the following report:

Mr. Speaker:

Your committee on military affairs, to whom was referred H. J. R. No. 6, relative to the establishment of a military post on the Republican river in eastern Colorado, have had the same under consideration and instruct me to

report said resolution back to the House with the recommendation that it be passed.

Respectfully,

D. L. SHEETS,

Chairman.

The joint committee on enrollment presented the following report:

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 14 to His Excellency the Governor for his signature, at 2 o'clock P. M., January 23, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Senate message relative to Senate amendments to H. B. No. 13, was taken up.

Mr. Mann of Jefferson county moved that the House concur in the Senate amendments.

Mr. Flower moved as an amendment that the amendments be referred to the committee of the whole House.

Which motion to amend prevailed.

The question recurring upon the motion as amended.

The motion prevailed and the amendments were so referred.

Mr. Phillips presented the following resolution:

Resolved, That the committee on enrollment be authorized to employ such additional clerical force for the enrollment of bills, as they shall find necessary.

Mr. Douglass moved that the resolution be adopted.

Which motion prevailed.

The committee on State institutions introduced:

H. B. No. 143, a bill for an act conferring jurisdiction upon justice and police courts in cases of inebriates or common drunkards, and giving county commissioners certain powers in regard to the transfer of such persons to an inebriate asylum, and authorizing said boards to cause to be levied and collected a special revenue for the support of such inebriates.

Which was read a first time and ordered printed.

Also H. B. No. 144, a bill for an act to establish the Colorado inebriate and insane asylum and providing for its location, which was read a first time and ordered printed.

The committee on public lands introduced:

H. B. No. 145, a bill for an act relating to the powers and duties of the State board of land commissioners, and the management of the State lands, and defining the duties of the secretary of the board.

Which was read a first time and ordered printed.

Mr. Thomas introduced:

H. B. No. 146, a bill for an act to provide for licensing commercial travelers.

Which was read a first time and ordered printed.

Also H. B. No. 147, a bill for an act concerning justices of the peace.

Which was read a first time and ordered printed.

Mr. Douglass introduced:

H. B. No. 148, a bill for an act in relation to the service of papers in legal proceedings.

Which was read a first time and ordered printed.

Mr. Luthe introduced:

H. B. No. 149, a bill for an act relating to corporations.

Which was read a first time and ordered printed.

Mr. Brush introduced:

H. B. No. 150, a bill for an act to repeal section 16 of chapter 60 of the general laws of Colorado entitled, limitations.

Which was read a first time and ordered printed.

Mr. Evans introduced:

H. B. No. 151, a bill for an act to amend section 19 of chapter 101 of the general laws, entitled, an act concerning the university of Colorado.

Which was read a first time and ordered printed.

Mr. Thomas introduced:

H. B. No. 152, a bill for an act to amend an act entitled, an act to provide for the selection, location, appraisal and leasing of State lands.

Which was read a first time and ordered printed.

Mr. McCandlass introduced:

H. B. No. 153, a bill for an act to amend an act entitled, an act in relation to municipal corporations.

Which was read a first time and ordered printed.

Also H. B. No. 154, a bill for an act in relation to county courts.

Which was read a first time and ordered printed.

Mr. Flower introduced:

H. B. No. 155, a bill for an act to repeal section 7 of chapter 41 of the general laws of Colorado, entitled, an act for the preservation of wild game and insectivorous birds.

Which was read a first time and ordered printed.

Mr. Toll introduced:

H. B. No. 156, a bill for an act to amend an act entitled, an act to provide for the payment of salaries to officers of the executive and judicial departments of the State of Colorado.

Which was read a first time and ordered printed.

S. B. No. 35, a bill for an act to amend chapter 7 of the general laws entitled, an act to establish a State board of agriculture and define its duties, was read a first time.

S. B. No. 44, a bill for an act to provide for the method of collecting and receipting for taxes for State institutions, was read a first time.

The speaker submitted a communication from the president of the Denver and South Park railroad, asking the House to participate in an excursion over that road to-morrow.

Mr. Todd moved that the letter be laid aside temporarily.

Which motion prevailed.

S. C. R. No. 12, in relation to military post at Pagosa Springs, etc., was taken up under the rules of the House.

Mr. Hoffman moved that the resolution be adopted.

Mr. Roe moved that the resolution be referred to the committee on military affairs.

Which motion prevailed.

S. B. No. 23, a bill for an act to amend an act entitled, an act to provide for the propagation, preservation and protection of fish, was read a second time and referred to the committee on appropriations and expenditures.

S. B. No. 29, a bill for an act concerning joint stock companies formed for religious, educational and benevolent purposes, was read a second time and referred to the committee on corporations.

The committee on enrollment presented the following reports:

Mr. Speaker:

Your committee on enrollment have examined H. J. M. No. 2, to the Senate and House of Representatives of the United States of America in Congress assembled, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. J. M. No. 1, memorializing Congress to donate the arid lands to the State of Colorado, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 17, a bill for an act to amend the criminal code regarding the form of indictments, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Flower moved that the rules be suspended and that amended S. B. No. 19, a bill for an act changing the boundaries of certain judicial districts and rearranging the counties therein, be read a third time now and put upon its final passage.

Which motion prevailed.

Mr. Flower moved to amend by adopting the amendment recommended by the judiciary committee, which was to strike Costilla county from the third district and add the same to the fourth district.

Which motion to amend prevailed, and the bill was read a third time.

Mr. Voorhies moved that the further consideration of the bill be postponed until three o'clock this afternoon.

Which motion was lost.

Mr. Voorhies moved to amend the bill by striking El Paso county from the fourth district and adding the same to the second.

Which motion to amend was lost.

Mr. Voorhies moved that the House do now adjourn.

Which motion was lost.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Slockett, Southworth, Thomas, Todd, Trujillo, Valdez, and Mr. Speaker.—39.

Gentlemen voting in the negative were:

Messrs. Bingham, Bromwell, Toll, and Voorhies.—4.

Gentlemen absent and not voting were:

Messrs. Gunnell, Hutchinson, Kimberly, Martinez, Sheets, and Spruance.—6.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the passage of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Brush, Cantlon, Chilcott, Clark,

Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Lewis, Livesay, Luthe, Maez, Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Mr. Speaker.—38.

Gentlemen voting in the negative were:

Messrs. Bingham, Bromwell, Mann (Joseph), and Voorhies.—4.

Gentlemen absent and not voting were:

Messrs. Gunnell, Hutchinson, Kimberly, Lovato, Martinez, Sheets, and Spruance.—7.

A constitutional majority having voted in favor of the passage of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions contained therein.

By consent, the judiciary committee presented the following report:

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 36, a bill for an act to amend an act to secure liens to mechanics and others, and to repeal all other acts in relation thereto, have had the same under consideration and instruct me to report said bill back to the House, with the recommendation that it be passed with the amendments herewith transmitted.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Todd called up the communication from the president of the Denver and South Park railroad, and presented the following resolution in relation thereto:

Resolved, That the thanks of this House are hereby tendered the officers of the Denver and South Park railroad company for their kind invitation to an excursion on the 25th instant, but the said day being the last day upon which bills can be introduced, it is impossible to accept the invitation.

Mr. Todd moved that the resolution be adopted and the clerk of the House instructed to send a copy thereof to the officers of the said railroad company.

Which motion prevailed.

Mr. Mead moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 12:20 o'clock P. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock in the afternoon.

Mr. Mann of Jefferson county moved that the clerk of the House be instructed to request the Senate to return amended S. B. No. 19 to the House for further action.

Which motion prevailed.

H. J. R. No. 7, in relation to the establishment of a military post in northwestern Colorado, was read a second time and referred to the committee on military affairs.

H. J. R. No. 8, in relation to surveys on the public domain, was read a second time and referred to the committee on mines and mining.

H. J. R. No. 5, in relation to the construction of a military road in southwestern Colorado, was read a second time and referred to the committee on mining affairs.

H. B. No. 94, a bill for an act concerning encumbrances on real property, was read a second time and referred to the judiciary committee.

H. B. No. 95, a bill for an act fixing the salary of assistant librarian, was read a second time and referred to the committee on fees and salaries.

H. B. No. 96, a bill for an act to amend section 6 of an act entitled, an act to fix and regulate the fees chargeable by county, precinct, and other officers, etc., was read a second time and referred to the committee on fees and salaries.

H. B. No. 99, a bill for an act concerning costs in criminal cases, was read a second time and referred to the judiciary committee.

H. B. No. 100, a bill for an act to prevent fires on the

prairies along railroad lines, was read a second time and referred to the committee on agriculture.

H. B. No. 101, a bill for an act to amend and repeal certain sections of an act entitled, an act concerning counties, county officers and county government, etc., was read a second time and referred to the committee on finance, ways and means.

H. B. No. 102, a bill for an act to amend chapter 61 of the general laws concerning lunatics, was read a second time and referred to the judiciary committee.

H. B. No. 103, a bill for an act for a proposed amendment to section 8 of article 6 of the constitution, was read a second time and referred to the judiciary committee.

H. B. No. 104, a bill for an act concerning the protection of the owners and proprietors of hotels and inns, and for the punishment of offenders, was read a second time and referred to the judiciary committee.

H. B. No. 105, a bill for an act providing for a change of venue in preliminary examinations before justices of the peace, was read a second time and referred to the judiciary committee.

H. B. No. 106, a bill for an act repealing section 65 of chapter 19 of the general laws, was read a second time and referred to the judiciary committee.

H. B. No. 107, a bill for an act to provide for the employment of a chaplain for the penitentiary, was read a second time and referred to the committee on the penitentiary.

H. B. No. 114, a bill for an act making appropriations for the maintenance and support of the State penitentiary, etc., was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 116, a bill for an act to provide for the ordinary expenses of the executive, legislative and judicial departments of the State, etc., was read a second time and referred to the committee on appropriations and expenditures.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the

Senate has passed S. B. No. 21, an act to amend an act to provide for the branding, herding and care of stock, and to repeal certain acts in relation thereto, and passed by vote sufficient to carry the emergency clause.

Also H. B. No. 4 has passed, which is herewith returned, being an act in regard to stallions, jacks, bulls, rams and boars.

Also, the Senate has referred to you for your consideration a petition of citizens of Bent county against the passage of that portion of H. B. No. 59 which abolishes the September term of the district court of Bent county.

Respectfully,

W. W. ORRICK,

Secretary.

Reports of committees were taken up.

Mr. Todd moved that the report of the committee on education, recommending that H. B. No. 62 do not pass, be concurred in.

Which motion prevailed.

Mr. Southworth moved to adopt the report of the special committee on H. B. No. 23, recommending the substitution of another bill therefor.

Mr. Luthe moved that further consideration of the report be postponed until Monday next.

Which motion prevailed.

Mr. Mann of Jefferson county moved that the report of the committee on State institutions relative to H. B. No. 68, recommending the substitution of other bills therefor, be adopted, and that H. B. No. 68 be laid on the table.

Which motion prevailed.

By consent, Mr. Lovato introduced:

H. B. No. 157, a bill for an act to amend an act entitled, an act concerning fences and enclosures in Conejos county and in other counties under certain circumstances.

Which was read a first time and ordered printed.

Mr. McLaughlan introduced H. B. No. 158, a bill for an act to amend an act concerning mines, chapter 66 of the general laws.

Which was read a first time and ordered printed.

Mr. Thomas introduced:

H. B. No. 159, a bill for an act to repeal section 8 of an act entitled, an act to incorporate the Colorado and Clear Creek railroad company, approved February 9, 1865.

Which was read a first time and ordered printed.

Also H. B. No. 160, a bill for an act to provide for the herding and driving of stock.

Which was read a first time and ordered printed.

Mr. Scott introduced:

H. B. No. 161, a bill for an act to establish the office of inspector of kerosene or illuminating oils, and for the purpose of establishing a safe commercial standard for all illuminating oils which are composed wholly or in part of the products of petroleum.

Which was read a first time and ordered printed.

Mr. Evans moved that the rules be suspended and that H. B. No. 36 be taken up for final passage.

Pending which motion Mr. Evans moved that the bill be recommitted to the judiciary committee with instructions to report on Monday next.

Which motion prevailed.

By consent, Mr. Livesay introduced:

H. B. No. 162, a bill for an act to amend sections 1, 2, 3, 4, 5, 9 and 11 of an act entitled, an act to secure liens to mechanics and others, and to repeal all other acts in relation thereto, chapter 59 general laws State of Colorado.

Which was read a first time and ordered printed.

Mr. Toll introduced:

H. B. No. 163, a bill for an act concerning divorces.

Which was read a first time and ordered printed.

Also H. B. No. 164, a bill for an act requiring purchasers of hides taken from horned cattle to keep a record of the hides purchased.

Which was read a first time and ordered printed.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment examined H. B. No.

17, for an act to amend the criminal code regarding the form of indictments, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. J. M. No. 2, to the Senate and House of Representatives of the United States of America in Congress assembled, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. J. M. No. 4, relating to extinguishment of the Indian title to the Ute reservation, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. J. M. No. 1, memorializing Congress to donate arid lands to the State of Colorado, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 6, an act providing what shall constitute a private seal, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 13, an act to protect natural scenery from defacement by advertisements, etc., and to define the penalty for so doing, and find the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

At 3:50 o'clock P. M. the Speaker in the presence of the House signed S. B. No. 13, a bill for an act to protect natural scenery from defacement by advertisements, etc., and to define the penalty for so doing.

Also H. B. No. 6, a bill for an act providing what shall constitute a private seal.

Also H. J. R. No. 4, in relation to the extinguishment of the Indian title to the Ute reservation.

Also H. J. R. No. 2, in relation to terms of the United States district court at different points in this State.

Also H. B. No. 17, a bill for an act to amend the criminal code regarding the forms of indictments.

Also H. J. M. No. 1, in relation to arid lands, etc.

Mr. Mead was granted leave of absence until Monday next at 10 o'clock in the forenoon.

By consent, Mr. Clark introduced:

H. J. R. No. 9, in relation to rights of settlers on Maxwell grant.

Which was read by title and ordered printed.

Mr. Mann of Jefferson county moved that the House do now adjourn to 10 o'clock to-morrow forenoon.

Which motion prevailed.

At 4:05 o'clock P. M. the House adjourned.

TWENTY-FIRST DAY.

SATURDAY, JANUARY 25th, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Cantlon, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Mann (Joseph), Mann (W. J.), Martinez, McLaughlan, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker. —41.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Brush, Chilcott, Gunnell, Hutchinson, Maez, McCandlass, Mead, and Spruance.—8.

The journal of the previous day's session was read and approved.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that previous to the time at which the Senate was advised that a member of the House had given notice that he would move for a reconsideration of the vote by which S. B. No. 19 as amended by the House was passed, the said bill as amended by the House had been reported back to the Senate and the House amendments concurred in, and the bill as amended by the House and concurred in by the Senate was delivered to the committee on enrollment, and the same reported back correctly enrolled.

Respectfully,

W. W. ORRICK,

Secretary Senate.

The petition transmitted from the Senate against passage of H. B. No. 59, establishing term of court in Bent county, was read.

Mr. Bingham moved that the petition be referred to the judiciary committee.

Which motion prevailed.

The committee on agriculture presented the following reports:

Mr. Speaker:

Your committee on agriculture, to whom was referred H. B. No. 69, an act to amend an act entitled, an act to provide for the appointment of sheep inspectors, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed as amended by the committee.

Respectfully,

M. D. MOREHEAD,
Chairman.

Mr. Speaker:

Your committee on agriculture, to whom was referred H. B. No. 76, a bill for an act making the chasing of deer or antelope with hounds a misdemeanor, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it do not pass.

Respectfully,

M. D. MOREHEAD,
Chairman.

The committee on roads and bridges presented the following report:

Mr. Speaker:

Your committee on roads and bridges, to whom was referred S. B. No. 31, a bill for an act to amend chapter 88 of the general laws entitled, an act concerning roads and public highways, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

LUCAS BRANDT,
Chairman.

The committee on the penitentiary presented the following report:

Mr. Speaker:

Your committee on penitentiary, to whom was referred H. B. No. 107, a bill for an act to provide for the employment of a chaplain for the penitentiary, have had the same

under consideration and instruct me to report said bill back to the House to fill blank in section 2 with 1200 with the recommendation that it be passed.

Respectfully,

R. HARVEY,

Chairman.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 98, 118, 120, 121, 122, 123, 124, 125, 126, 127, 128, 132, 133, 135, 136 and 138, and find the same correctly printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

The following message was received from the Governor:

STATE OF COLORADO,

EXECUTIVE DEPARTMENT,

DENVER, January 24, 1879.

HON. RIENZI STREETER:

Speaker of the House of Representatives:

SIR: I have the honor to inform you, that I have this day signed H. B. No. 14, entitled, an act to amend section 16 of article 7 chapter 33, and section 4 of chapter 49 of the general laws of Colorado, and have filed the same with the secretary of State.

Very respectfully,

FREDERICK W. PITKIN,

Governor.

Mr. Todd presented the following resolution:

Resolved, That appropriation bills and bills from the committee on finance shall have precedence of other business before the House or committee of the whole, unless otherwise ordered by the majority of the House.

Mr. Todd moved that the resolution be adopted, and demanded the yeas and nays thereon.

Which were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Cantlon, Clark, Coddington, Cordova, Crawford, Douglass, Flower, Gebhard, Gird, Gotthelf, Harvey, Lewis, Livesay, Lovato, Luthe, Mann (W. J.), Martinez, McLaughlan, Morehead, Pease, Phillips, Roe, Scott, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Mr. Speaker.—35.

Gentlemen voting in the negative were:

Messrs. Evans, and Mann (Joseph).—2.

Gentlemen absent and not voting were:

Messrs. Brandt, Chilcott, Gunnell, Hoffman, Hutchinson, Kimberly, Maez, McCandlass, Mead, Sheets, Spruance, and Voorhies.—12.

Two-thirds of the gentlemen elected to the House having voted in favor of the adoption of the resolution.

The resolution was adopted.

Mr. Voorhies introduced:

H. J. R. No. 10, in relation to old settlers.

Also H. J. R. No. 11, in relation to the removal of the land office from Lake City.

Which were read a first time and ordered printed.

Mr. Thomas introduced:

H. J. R. No. 12, in relation to Charles Autobias.

Which was read a first time and ordered printed.

Mr. Sheets introduced:

H. B. No. 165, a bill for an act to prevent extortion and discrimination by common carriers.

Which was read a first time and ordered printed.

Mr. Toll introduced:

H. B. No. 166, a bill for an act to provide for declaring the office of county commissioner vacant, and for the filling of such vacancy by appointment.

Which was read a first time and ordered printed.

Mr. Thomas introduced:

H. B. No. 167, a bill for an act to repeal chapter 15 of the general laws of the State of Colorado.

Which was read a first time and ordered printed.

Mr. Roe introduced:

H. B. No. 168, a bill for an act to amend an act entitled, an act to provide for the assessment and collection

of revenue, and to repeal certain acts in relation thereto, approved March 20, 1879.

Which was read a first time and ordered printed.

Mr. Bartlett introduced:

H. B. No. 169, a bill for an act to amend an act entitled, an act concerning mines, approved February 13, 1874.

Which was read a first time and ordered printed.

Mr. Lovato introduced:

H. B. No. 170, a bill for an act for the relief of occupants of State lands entered upon prior to the location thereof by the State board of land commissioners.

Which was read a first time and ordered printed.

Mr. Thomas introduced:

H. B. No. 171, a bill for an act to create the county of Alamosa.

Which was read a first time.

Mr. Gotthelf moved that the rules be suspended in order that H. B. No. 171 may be referred before being printed.

Which motion prevailed.

The bill was referred to the committee on counties and county lines.

Mr. Flower introduced:

H. B. No. 172, a bill for an act to repeal sections 1225, 1226 and 1227 of the general laws of the State of Colorado.

Which was read a first time and ordered printed.

Also H. B. No. 173, a bill for an act to amend an act concerning juries and jurors.

Which was read a first time and ordered printed.

Mr. Todd introduced:

H. B. No. 174, a bill for an act to amend chapter 72 of the general laws.

Which was read a first time and ordered printed.

Also H. B. No. 175, a bill for an act making appropriations for the support of the insane asylum for the years 1879 and 1880.

Which was read a first time and ordered printed.

Also H. B. No. 176, a bill for an act making appropriations for expense of selecting, locating, appraising and sell-

ing lands donated to the State by the United States, and the expenses of the State board of land commissioners for the years 1879 and 1880.

Which was read a first time and ordered printed.

Also H. B. No. 177, a bill for an act to amend an act entitled, an act to prescribe certain powers and duties of the officers of the executive department, and certain rules in relation to the fiscal affairs of the State in connection therewith.

Which was read a first time and ordered printed.

Mr. Bromwell introduced:

H. B. No. 178, a bill for an act to regulate the practice, pleading and procedure in actions at law in the State of Colorado.

Mr. Bromwell moved that H. B. No. 178 be laid on the table for future consideration.

Which motion prevailed.

Mr. Pease introduced:

H. B. No. 179, a bill for an act to change the county line between Douglass and Jefferson counties, so as to provide for the same to run on government lines instead of the center of the Platte river.

Which was read a first time.

Mr. Mann of Jefferson moved that the rules be suspended in order that the bill just read may be referred before being printed.

Which motion prevailed.

The bill was referred to the committee on counties and county lines.

Mr. Cantlon introduced:

H. B. No. 180, a bill for an act to regulate the service of summons and other processes issued by justices of the peace.

Which was read a first time and ordered printed.

Mr. Bromwell introduced:

H. B. No. 181, a bill for an act to extend the provisions of section 9 of an act of the legislative assembly of the Territory of Colorado, approved February 8, 1872, entitled, an act to provide for the future execution of the trust relat-

ing to the town site of the City of Denver and to regulate the same, as amended by an act entitled, an act to amend an act entitled, an act to provide for the further execution of the trust relating to the town site of the City of Denver and to regulate the same, approved February 10, 1876.

Which was read a first time and ordered printed.

Also H. B. No. 182, a bill for an act to amend section 40 chapter 19 of the general laws of the State of Colorado entitled, an act to provide for the formation of corporations, approved March 14, 1877.

Which was read a first time and ordered printed.

Mr. Luthe introduced:

H. B. No. 183, a bill for an act making the stealing of dogs a larceny.

Which was read a first time and ordered printed.

Also H. B. No. 184, a bill for an act conferring jurisdiction in garnishment on justices of the peace on judgments.

Which was read a first time and ordered printed.

Also H. B. No. 185, a bill for an act in relation to costs in criminal cases.

Which was read a first time and ordered printed.

Mr. Lewis introduced:

H. B. No. 186, a bill for an act to amend section 21 of an act entitled, an act concerning counties, county officers and county government, and repealing laws on these subjects, chapter 22 general laws, State of Colorado.

Which was read a first time and ordered printed.

Mr. Harvey introduced:

H. B. No. 187, a bill for an act to amend section 182 division 12, entitled, fraudulent and malicious mischief, of chapter 24, entitled, criminal code, of the general laws of the State of Colorado.

Which was read a first time and ordered printed.

Mr. Livesay introduced:

H. B. No. 188, a bill for an act to repeal section 226 of chapter 20, entitled, proceedings supplementary to execution of an act providing a system of procedure in civil actions in the courts of justice of the State of Colorado.

Which was read a first time and ordered printed.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment examined amended S. B. No. 19, an act changing the boundaries of certain judicial districts of the State and rearranging the counties therein, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 45, for an act accepting the provisions of an act of the Congress of the United States, approved July 2, 1862, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Messrs. Roe, Coddington and Harvey were excused from attendance upon this afternoon's session of the House.

Mr. Luthe moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 12:05 o'clock P. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the house to order at 2 o'clock in the afternoon.

At 2 o'clock and 2 minutes, the speaker in the presence of the House signed S. B. No. 45, a bill for an act accepting the provisions of an act of the Congress of the United States, approved July 2, 1862.

Also amended S. B. No. 19, a bill for an act changing the boundaries of certain judicial districts of the State and rearranging the counties therein.

Mr. Livesay introduced:

H. B. No. 189, a bill for an act to repeal section 1 and 2 entitled, an act in relation to the jurisdiction of the justices of the peace and the practice in justice's courts.

Which was read a first time and ordered printed.

Also H. B. No. 190, a bill for an act to enable county commissioners to appropriate certain military funds for county purposes.

Which was read a first time and ordered printed.

Mr. Todd introduced:

H. B. No. 191, a bill for an act to enable the state board of agriculture to open the State agricultural college for public instruction.

Which was read a first time and ordered printed.

Also H. B. No. 192, a bill for an act to amend an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act and to revise and amend the same, approved April 6, 1877.

Which was read a first time and ordered printed.

Mr. Toll introduced:

H. B. No. 193, a bill for an act to amend an act entitled, an act providing a system of procedure in civil courts of justice of the State of Colorado, approved March 11, 1879.

Mr. Toll moved that H. B. No. 193 be placed on file for first reading on Monday next.

Which motion prevailed.

Mr. Bromwell introduced:

H. B. No. 194, a bill for an act to amend an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof and revise and amend the same, so as to grant the city council by ordinance to close all places of business on the Sabbath day.

Which was read a first time and ordered printed.

Also H. B. No. 195, a bill for an act to amend section 9 of an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act and to revise and amend the same, approved April 6, 1877.

Which was read a first time and ordered printed.

Mr. Cantlon introduced:

H. B. No. 196, a bill for an act to provide for the action of replevin in the courts of the State of Colorado.

Mr. Toll moved that H. B. No. 196 be placed on file for first reading on Monday next.

Which motion prevailed.

Mr. Cantlon introduced:

H. B. No. 197, a bill for an act to amend section 8 of article 14 of the constitution of the State of Colorado.

Which was read a first time and ordered printed.

Also H. B. No. 198, a bill for an act to provide for appeals from judgments rendered by justices of the peace against complaining witnesses on preliminary examinations.

Which was read a first time and ordered printed.

Mr. Mann of Jefferson county introduced:

H. B. No. 199, a bill for an act for a proposed amendment to section 3 of article 10 of the constitution of Colorado.

Which was read a first time and ordered printed.

Mr. Voorhies introduced:

H. B. No. 200, a bill for an act providing for writs of error from the supreme to district and county courts.

Which was read a first time and ordered printed.

Also H. B. No. 201, a bill for an act to entitle certain counties to fund their indebtedness.

Which was read a first time and ordered printed.

Mr. Lewis introduced:

H. B. No. 202, a bill for an act to provide for the payment of the first regiment of Colorado mounted militia.

Which was read a first time and ordered printed.

By consent, the committee on the judiciary presented the following reports:

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 36, a bill for an act to amend an act entitled, an act to secure liens to mechanics and others, and to repeal

all other acts in relation thereto, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with the amendments herewith transmitted.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 94, a bill for an act requiring the wife to join the husband in the execution of any instrument encumbering his real estate, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 55, an act to amend an act entitled, an act to provide for the holding of two or more terms of the supreme court of the State of Colorado annually, and to make certain regulations incident thereto, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 102, a bill for an act to amend chapter 61 of the general laws concerning lunatics, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with the amendments herewith transmitted.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 99, a bill for an act concerning costs in criminal cases, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

S. B. No. 35, a bill for an act to amend chapter 7 of the general laws entitled, an act to establish a State board of agriculture and define its duties, was read a second time and referred to the committee on State institutions.

S. B. No. 44, a bill for an act to provide for the method of collecting and receipting for taxes for State institutions, was read a second time and referred to the committee on State institutions.

H. B. No. 98, a bill for an act to amend section 1 of article 4 of an act entitled, an act to prescribe certain powers and duties of the officers of the executive department and certain rules in relation to the fiscal affairs of the State in connection therewith, approved February 27, 1877, was read a second time and referred to the committee on finance, ways and means.

H. B. No. 118, a bill for an act declaring what shall be a lawful fence, was read a second time.

Mr. Mann of Jefferson county moved that H. B. No. 118 be referred to the committee of the whole.

Which motion prevailed.

H. B. No. 120, a bill for an act to amend sections 33, 42, 44 and 45 of chapter 87 of the general laws of the State of Colorado, was read a second time and referred to the committee on finance, ways and means.

H. B. No. 121, a bill for an act to amend section 123 of chapter 22 of the general laws of Colorado, etc., was read a second time and referred to the committee on finance, ways and means.

H. B. No. 122, a bill for an act to amend chapter 30 of

the general laws entitled, elections, was read a second time and referred to the committee on elections and apportionments.

H. B. No. 123, a bill for an act relating to commutations of sentence and pardon after conviction, was read a second time and referred to the judiciary committee.

H. B. No. 124, a bill for an act to amend sections 10 and 11 of article 4 of chapter 33, entitled, executive department, of the general laws of Colorado, was read a second time and referred to the committee on finance, ways and means.

H. B. No. 125, a bill for an act to amend an act entitled, an act relating to the exemption of volunteer firemen as jurors, etc., was read a second time and referred to the judiciary committee.

H. B. No. 126, a bill for an act providing for the holding of an annual term of the district court in Rio Grande county, was read a second time and referred to the judiciary committee.

H. B. No. 127, a bill for an act to provide a fund for erecting additional buildings at the mute and blind institute, etc., was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 128, a bill for an act to amend an act entitled, an act to create an institute for the education of the mute and blind, etc., was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 132, a bill for an act providing that the State treasurer shall countersign all warrants issued by the auditor, etc., was read a second time and referred to the committee on finance, ways and means.

H. B. No. 133, a bill for an act to prescribe certain duties of the attorney general, was read a second time and referred to the judiciary committee.

H. B. No. 135, a bill for an act to amend section 42 of an act entitled, an act to provide for the maintenance, government and police of the penitentiary, etc., was read a second time and referred to the committee on finance, ways and means.

H. B. No. 136, a bill for an act for the relief of Arapahoe county, was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 138, a bill for an act to reimburse Bent county for maintenance of prisoners, was read a second time and referred to the committee on appropriations and expenditures.

By consent, Mr. Todd introduced:

H. B. No. 203, a bill for an act providing for certain entries to be made by county clerks and recorders in the receiving book and general index kept by them.

Which was read a first time and ordered printed.

Mr. Voorhies moved that the House do now take a recess until 5 o'clock this afternoon.

Which motion prevailed.

And at 3:15 o'clock P. M. the House took a recess.

The speaker called the House to order at 5 o'clock in the afternoon.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment presented H. J. M. No. 1 to His Excellency the Governor for his signature, at 4 o'clock P. M., January 25, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. J. M. No. 4 to His Excellency the Governor for his signature, at 4 o'clock P. M., January 25, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No.

6, an act providing what shall constitute a private seal, to His Excellency the Governor for his signature, at 4 o'clock P. M., January 25, 1879.

Respectfully,

D. L SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 17, an act to amend the criminal code regarding the form of indictments, to His Excellency the Governor for his signature, at 4 o'clock P. M., January 25, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. J. M. No. 2 to His Excellency the Governor for his signature, at 4 o'clock P. M., January 25, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 13, for an act to protect natural scenery from defacement by advertisement and to define the penalty for so doing, to His Excellency the Governor for his signature, at 4 o'clock P. M., January 25, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

The following communication was received from the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 25, 1879.

HON. RIENZI STREETER,
Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. J. M. No. 1, relating to arid lands.

Also H. J. M. No. 2, relating to United States district courts in Colorado.

Also H. J. M. No. 4, relative to the Ute reservation.

Also H. B. No. 6, entitled, an act providing what shall constitute a private seal, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

By consent, Mr. Mann of Boulder county introduced:

H. B. No. 204, a bill for an act to prohibit discrimination by telegraph companies against the people or any citizen of Colorado.

Which was read a first time and ordered printed.

Mr. Livesay introduced:

H. B. No. 205, a bill for an act providing for appeals from the district and county courts to the supreme court and for writs of error from the supreme court to the district court and county court, and repealing chapters 17, 18, 35 and 36 of the code of civil procedure.

Which was read a first time and ordered printed.

Mr. Bromwell introduced:

H. B. No. 206, a bill for an act requiring county clerks to certify a list of county and precinct officers to the secretary of State.

Which was read a first time and ordered printed.

Mr. Toll introduced:

H. B. No. 207, a bill for an act to amend section 6 of article 5 of the constitution of the State of Colorado.

Which was read a first time and ordered printed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed the following bills:

S. B. No. 69, an act concerning masonic bodies.

Also S. B. No. 72, an act to amend an act entitled, an act to establish and maintain a system of free schools.

All of which are herewith submitted.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Flower moved that the bills just received from the Senate be ordered to a first reading at this time.

Messrs. Livesay and Voorhies demanded a call of the House.

The roll was called and pending the announcement of the result thereof.

Mr. Mann of Jefferson county moved that further proceedings under the call of the House be dispensed with.

Which motion prevailed.

The question recurring upon the motion to order Senate bills to a first ruling.

The motion prevailed.

S. B. No. 69, a bill for an act concerning masonic bodies, was read a first time.

S. B. No. 72, a bill for an act to amend an act entitled, an act to establish and maintain a system of free schools approved March 20, 1877, was read a first time.

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

Which motion prevailed.

At 5:55 o'clock P. M. the House adjourned.

TWENTY-SECOND DAY.

MONDAY, JANUARY 27th, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by Rev. J. H. Merritt.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Kimberly, Lewis, Livesay, Lovato, Luthe, Mann (Joseph), Mann (W. J.), Martinez, McLaughlan, Mead, Morehead, Phillips, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—39.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Cantlon, Flower, Hoffman, Hutchinson, Maez, McCandlass, Pease, Roe, Spruance, and Toll.—10.

The journal of the previous day's session was read and approved.

Mr. Southworth presented a petition of citizens of Denver asking for the passage of a law to suppress the liquor traffic.

Mr. Douglass moved that the petition just read be referred to the committee of the whole, to be considered with bill reported by the special committee having H. B. No. 23 in charge.

Which motion prevailed.

The committee on engrossment presented the following reports:

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 51, a bill for an act to amend chapter 3 of the general laws of the State of Colorado entitled, an act to provide a fund for the building and maintenance of the agricultural college of Colorado, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 75, a bill for an act to enable cities and towns to purchase and manage ditches and canals to supply water for

irrigation and other purposes, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 53, a bill for an act to enable fence districts to fund their indebtedness, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Senate amendments to H. B. No. 13 were taken up for consideration.

Mr. Brush moved that the Senate amendments to section 2 of H. B. No. 13, a bill for an act to repeal chapter 105 of the general laws of the State of Colorado, be not concurred in.

Which motion prevailed.

Mr. Brush moved that the Senate amendments to section 3 and the addition of section 5 be concurred in.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Gotthelf, Gunnell, Kimberly, Lewis, Livesay, Lovato, Luthe, Mann (Joseph), Mann (W. J.), Martinez, McLaughlan, Mead, Morehead, Phillips, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—36.

Gentleman voting in the negative was:

Mr. Harvey.—1.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brandt, Bromwell, Cantlon, Flower, Hoffman, Hutchinson, Maez, McCandlass, Pease, Roe, and Spruance.—12.

A constitutional majority having voted in favor of concurring in the Senate amendments.

The amendments were concurred in.

Mr. Harvey introduced:

H. C. R. No. 13, in relation to printing index of bills.

Mr. Harvey moved that the rules be suspended in order that the resolution just introduced may be considered at this time.

Which motion prevailed.

Mr. Harvey moved that the resolution be adopted.

Which motion did not prevail.

S. B. No. 21, a bill for an act to amend an act to provide for the branding, herding and care of stock, and to repeal certain acts in relation thereto, was read a first time.

S. B. No. 69, a bill for an act concerning masonic bodies, was read a second time.

Mr. Todd moved that the bill just read be referred to the committee of the whole.

Which motion prevailed.

H. B. No. 72, a bill for an act to amend an act entitled, an act to establish and maintain a system of free schools, was read a second time.

Mr. Todd moved that the bill just read be referred to the committee of the whole.

Which motion prevailed.

Reports of committees were taken up for consideration.

Mr. Brush moved that the report of the judiciary committee recommending that S. B. No. 4 be not passed, be non-concurred in.

Mr. Luthe moved as an amendment that the report be adopted.

Which motion to amend was lost.

The question recurring upon the motion to non-concur.

The motion prevailed.

Mr. Brush moved that the bill be referred to the committee of the whole.

Which motion prevailed.

The judiciary committee having reported upon H. B. No. 82, and recommended that it do not pass.

Mr. Todd moved that the bill be referred to the committee of the whole.

Which motion prevailed.

H. B. No. 51, a bill for an act to amend chapter 3 of the general laws of the State of Colorado, entitled, an act to provide a fund for the building and maintenance of the agricultural college of Colorado, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Gunnell, Harvey, Kimberly, Lewis, Livesay, Luthe, Mann (Joseph), Mann (W. J.), McLaughlan, Mead, Morehead, Phillips, Scott, Slockett, Southworth, Thomas, Todd, and Mr. Speaker.—30.

Gentlemen voting in the negative were:

Messrs. Gotthelf, Lovato, Martinez, Toll, Trujillo and Valdez.—6.

Gentlemen absent and not voting were:

Messrs. Bartlett, Bromwell, Cantlon, Flower, Hoffman, Hutchinson, Maez, McCandlass, Pease, Roe, Sheets, Sprurance, and Voorhies.—13.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 53, a bill for an act to enable fence districts to fund their indebtedness, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Kimberly, Lewis, Livesay, Lovato, Luthe, Mann (W. J.), Martinez, McLaughlan, Mead, Morehead, Phillips, Scott, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—37.

Gentleman voting in the negative was:

Mr. Mann (Joseph).—1.

Gentlemen absent and not voting were:

Messrs. Bartlett, Cantlon, Flower, Hoffman, Hutchinson, Maez, McCandlass, Pease, Roe, Sheets, and Spruance.—11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Messrs. Hutchinson, Pease and Roe were granted leave of absence for to-day.

H. B. No. 75, a bill for an act to enable cities and towns to purchase aud manage ditches and canals to supply water for irrigation and other purposes, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Gotthelf, Harvey, Kimberly, Lewis, Livesay, Lovato, Mann (Joseph), Mann (W. J.), Martinez, McLaughlan, Mead, Morehead, Phillips, Scott, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—36.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Cantlon, Flower, Gunnell, Hoffman, Hutchinson, Luthe, Maez, McCandlass, Pease, Roe, Sheets, and Spruance.—13.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Gotthelf, Harvey, Kimberly, Lewis, Livesay, Lovato, Mann (Joseph), Mann (W. J.), Martinez, McLaughlan, Mead, Morehead, Phillips, Scott, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—36.

Gentlemen voting in the negative were, none.

Gentlemen absent and and not voting were:

Messrs. Bartlett, Cantlon, Flower, Gunnell, Hoffman, Hutchinson, Luthe, Maez, McCandlass, Pease, Roe, Sheets, and Spruance.—13.

A constitutional majority having voted in favor of the adoption of the emergency clause

It was ordered that the bill take effect in accordance with the provisions thereof.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed S. B. No. 57, entitled, an act to establish the county of Carbonate, and to provide for terms of court therein, and that said bill received a vote sufficient to pass the emergency clause.

W. W. ORRICK,
Secretary.

Mr. Bingham moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 11:55 o'clock A. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock in the afternoon.

The following communication was received from the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 27, 1879.

HON. RIENZI STREETER,
Speaker of the House of Representatives:

SIR: I have the honor to inform you, that I have this day signed H. B. No. 17, entitled, an act to amend the criminal code regarding the form of indictments, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed S. C. R. No. 13, relating to Pagosa Springs.

Which is herewith submitted for your consideration.

Also, the Senate has instructed me to request of your Honorable Body the return of S. B. No. 57, creating the county of Carbonate.

Respectfully,

W. W. ORRICK,
Secretary.

Mr. Todd moved that the request of the Senate be complied with and that S. B. No. 47 be returned to that body.

Which motion prevailed.

S. C. R. No. 13, relating to Pagosa Springs, was read a first time by consent, and laid over under the rules of the House.

Mr. Mead moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Gilpin county, Mr. Livesay, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole house have had under consideration H. B. No. 47, a bill for an act to amend section 30 of chapter 34 of the general laws of the State of Colorado entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, and instruct me to report the same back to the house and recommend its passage.

Also H. B. No. 78, a bill for an act to amend sections 12 and 21 of chapter 34 of the general laws of the State of Colorado entitled, an act to fix and regulate the fees charge-

able by county, precinct and other officers, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 108, a bill for an act to amend an act entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, approved March 24, 1877, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 60, a bill for an act to repeal section 16 chapter 60 concerning limitation, of the general laws, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 82, a bill for an act to repeal section 63 of chapter 92 of the general laws, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 83, a bill for an act to repeal a portion of chapter 87 of the general laws, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 89, a bill for an act to amend section 1 of chapter 77 of the general laws of Colorado, entitled, penitentiary, and instruct me to report the same back to the House with the recommendation that it be referred to the penitentiary committee, with instructions to report an amendment making provision for the commutation of life sentences.

Also S. B. No. 4, a bill for an act to amend chapter 12 of the general laws of the State of Colorado, entitled, chattel mortgages, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also S. B. No. 34, a bill for an act to amend section 112 of an act entitled, wills, executors and administrators, chapter 103 revised statutes, and instruct me to report the same back to the House and recommend its passage.

Respectfully,

J. McD. LIVESAY,

Chairman.

Mr. Gird moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has refused to recede from the Senate amendment to H. B. No. 13, entitled, wolves and coyotes, and request the appointment of a committee of conference in relation to said amendment.

Respectfully,

W. W. ORRICK,
Secretary of the Senate.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed S. B. No. 1, entitled, an act to regulate the practice, pleading and procedure in actions at law in the State of Colorado.

Which is herewith submitted for your consideration.

Respectfully,

W. W. ORRICK,
Secretary.

The joint committee on enrollment presented the following report:

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 19, relative to changing the boundaries of certain judicial districts, and S. B. No. 45, accepting the provisions of an act of Congress of the United States, approved July 2, 1862, to His Excellency the Governor for his signature, at 2 o'clock and 30 minutes P. M., January 27, 1879.

Respectfully,

D. L. SHEETS,
Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Todd moved that the rules be suspended and that S. B. No. 1 be ordered to a first reading at this time.

Which motion prevailed.

Mr. Brush moved that the House do now adjourn until 10 o'clock to-morrow morning.

Upon this motion Mr. Todd demanded the yeas and nays.

Which were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Brush, Coddington, Cordova, Crawford, Evans, Gebhard, Harvey, Lovato, Luthe, Mann (W. J.), Martinez, McLaughlan, Mead, Morehead, Scott, Slockett, Southworth, Trujillo, Valdez, and Voorhies.—22.

Gentlemen voting in the negative were:

Messrs. Bingham, Bromwell, Cantlon, Chilcott, Clark, Douglass, Gird, Gotthelf, Gunnell, Kimberly, Lewis, Livesay, Mann (Joseph), Phillips, Sheets, Thomas, Todd, and Mr. Speaker.—18.

Gentlemen absent and not voting were:

Messrs. Flower, Hoffman, Hutchinson, Maez, McCandlass, Pease, Roe, Spruance, and Toll.—9.

A majority having voted in favor of adjournment.

The House adjourned at 4:10 o'clock P. M.

TWENTY-THIRD DAY.

TUESDAY, JANUARY 28th, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

Roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gird, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Scott, Sheets, Slockett, South-

worth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—43.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Gebhard, Gotthelf, Hutchinson, Maez, Roe, and Spruance.—6.

The journal of the previous day's session was read and approved.

Mr. Mead moved that the request of the Senate for a committee of conference on H. B. No. 13, entitled, wolves and coyotes, be granted.

Which motion prevailed.

And the speaker announced Messrs. Brush and Phillips as members of said committee on the part of the House.

Mr. Livesay moved that the vote by which S. B. No. 1 was ordered to a first reading be reconsidered.

Which motion prevailed.

The motion recurring upon the motion to order to a first reading.

Mr. Todd moved to postpone until 2 o'clock this afternoon.

Which motion was lost.

The question again recurring upon the motion to order to a first reading.

Mr. Mead moved that the further consideration of S. B. No. 1 be indefinitely postponed.

On motion of Mr. Todd, there being no objection, the whole subject was postponed until 2 o'clock this afternoon.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed S. B. No. 3, entitled, an act concerning the abatement of actions and the parties thereto.

Also S. B. No. 8, an act concerning practice in chancery.

Also S. B. No. 9, entitled, an act to further define the duties of clerks of the district and county courts.

Also S. B. No. 10, entitled, an act concerning masters in chancery, their appointment and duties.

Also S. B. No. 57, an act to establish the county of Carbonate and to provide for terms of court therein, which last named bill received a vote sufficient to pass the emergency clause.

All of which are herewith submitted.

Respectfully,

W. W. ORRICK,

Secretary.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that Messrs. Butters and DeFrance have been appointed on the conference committee from the Senate on H. B. No. 13, in relation to wolves and coyotes.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Gunnell moved that the rules be suspended and that S. B. No. 57 be ordered to a first reading at this time.

Which motion prevailed.

S. B. No. 57, a bill for an act to establish the county of Carbonate and to provide for terms of court therein, was read a first time.

The committee on printing presented the following reports:

Mr. Speaker:

Your committee on printing, to whom was referred H. B. No. 91, a bill to provide for the printing of the laws of the State, have had the same under consideration, and instruct me to report it back to the House with the recommendation that it do pass with the following amendment, which is herewith submitted.

Respectfully,

M. O. CODDINGTON,

Chairman.

Mr. Speaker:

Your committee on printing, to whom was referred H. B. No. 81, a bill to authorize the publication of all laws of a general nature in newspapers, have had the same under

consideration and instruct me to report the same back to the House with the recommendation that it do not pass.

Respectfully,

M. O. CODDINGTON,

Chairman.

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 119, 129, 130, 131, 137, 139, 140, 141, 142, 147, 148, 149, 150, 151, 154, 155, 159, 167 and 174, and find the same correctly printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

The committee on agriculture presented the following report:

Mr. Speaker:

Your committee on agriculture, to whom was referred H. B. No. 100, an act to prevent fires on the prairies along railroad lines have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it do not pass.

Respectfully,

M. D. MOREHEAD,

Chairman.

The committee on penitentiary presented the following report:

Mr. Speaker:

Your committee on penitentiary, to whom was referred H. B. No. 84, a bill for an act to amend section 2 of an act entitled, an act to provide for the maintenance, government, and police for the penitentiary, also the mode of appointing officers and fixing the salary of the same and to repeal several acts relating thereto, have had the same under consideration and instruct me to report said bill back to the House with amendments, with the recommendation that it be passed as amended.

Respectfully,

R. HARVEY,

Chairman.

The committee on State institutions presented the following report:

Mr. Speaker:

Your committee on State institutions, to whom was referred H. B. No. 86, a bill for an act to establish a State industrial school, and for the maintenance and government of the same, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be passed, with certain amendments herewith transmitted.

Respectfully,

G. M. CHILCOTT,

Chairman.

The special committee having H. B. No. 58 in charge presented the following report:

Mr. Speaker:

Your special committee, to whom was referred H. B. No. 58, a bill for an act relative to drainage, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

R. A. SOUTHWORTH,

Chairman.

The committee on appropriations and expenditures presented the following reports:

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 128, entitled, a bill to amend an act to create an institute for the education of the mute and blind, provide for its support and management, and repeal all laws for the organization, management and maintenance of mutes, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

J. McD. LIVESAY,

Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 70, entitled, an act for the payment of the amount remaining due on account of the expenses of the late constitutional convention, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,
J. McD. LIVESAY,
Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred S. B. No. 38, entitled, a bill for an act to provide for the payment of witnesses in the contested election case of J. L. Boyd against A. H. DeFrance for a seat in the State Senate from the 7th district, and to reimburse the said DeFrance his expenses incurred by reason of such contest, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,
J. McD. LIVESAY,
Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 90, entitled, an act to provide for the purchase of law books for the library of the supreme court, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with accompanying amendment.

Respectfully,
J. McD. LIVESAY,
Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 112, entitled, a bill for an act making appropriation for the State board of health for the

years 1879 and 1880, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with the accompanying amendment.

Respectfully,

J. McD. LIVESAY,

Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 115, entitled, a bill for an act making appropriations to pay expenses and claims under the law concerning fugitives from justice for the years 1879 and 1880, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with accompanying amendment.

Respectfully,

J. McD. LIVESAY,

Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 61, entitled, a bill for an act to amend section 3 of chapter 33 of the general laws of Colorado, entitled, fish, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

J. McD. LIVESAY,

Chairman.

Mr. Speaker:

Your committee on appropriations, to whom was referred H. B. No. 127, an act to provide for the erecting of additional buildings at the mute and blind institute, and for other improvements, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with accompanying amendments.

J. McD. LIVESAY,

Chairman.

The committee on the judiciary presented the following reports:

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 123, a bill for an act relating to the commutation of sentence and pardon after conviction, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 125, a bill for an act to amend an act entitled, an act relating to the exemption of volunteer firemen as jurors, and from paying a poll tax in the State of Colorado, and to repeal certain acts relating thereto, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with the amendments herewith transmitted.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 12, a bill for an act concerning redemption of lands sold under trust deeds, and other instruments of writing for the security of money, have had the same under consideration and instruct me to report said bill back to House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 75, a bill for an act concerning release of mortgage, trust deeds and instruments of writing for the security

of money, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 44, a bill for an act concerning the foreclosure of trust deeds and other instruments to secure money on real estate, and the sale and redemption thereof, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 27, a bill for an act in relation to trust deeds, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 126, a bill for an act providing for the holding of an annual term of the district court in Rio Grande county, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 133, a bill for an act to prescribe certain duties

of the attorney general, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 103, a bill for an act for a proposed amendment to section 8 of article 6 of the constitution, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 105, a bill for an act providing for a change of venue in preliminary examinations before justice of the peace, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 106, a bill for an act repealing section 65 of chapter 19 of the general laws, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 14, a bill for an act to provide for the expense of judges and district attorneys when absent from the counties

of their residence, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole House.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Chilcott presented the following resolution:

Resolved, That the secretary of State be requested to forward forthwith to the president of the Senate of the United States of America a duly certified copy of H. J. M. No. 2.

Mr. Thomas moved that the resolution be adopted.

Which motion prevailed.

H. B. No. 196, a bill for an act to provide for the action of replevin in courts in the State of Colorado, was read a first time and ordered printed.

S. B. No. 3, a bill for an act concerning the abatement of actions and the parties thereto, was read a first time.

Mr. Toll moved that the first reading of S. B. Nos. 8, 9, and 10 be deferred until to-morrow.

Which motion prevailed.

S. C. R. No. 13, in relation to Pagosa Springs, was read a second time and referred to the committee of the whole.

S. B. No. 21, a bill for an act to amend an act to provide for the branding, herding and care of stock, and to repeal certain acts in relation thereto, was read a second time and referred to the committee on stock.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed S. C. R. No. 14, relative to enable the State to enter lands sufficient to make good the deficiencies in the public building fund, university fund and penitentiary fund.

Also S. B. No. 49, entitled, an act to amend an act entitled, conveyances, chapter 18 of general laws, which bill received a vote sufficient to pass the emergency clause.

Also have amended and passed H. B. No. 56, an act to protect the grazing lands of Colorado from stock of non-residents.

Also S. B. No. 96, an act to amend section 34 of an act entitled, an act to reduce the law incorporating the city of Denver, etc.

Also S. B. No. 95, an act to amend section 17 of an act entitled, an act to reduce the law incorporating the city of Denver.

Also S. B. No. 98, an act to amend section 59 of an act entitled, an act to reduce the law incorporating the city of Denver.

All of which are herewith submitted.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Gotthelf was granted leave of absence until to-morrow morning.

H. B. No. 140, a bill for an act to strike off a portion of the county of Saguache and to add the same to the county of Rio Grande, was read a second time and referred to the committee on counties and county lines.

H. B. No. 119, a bill for an act to amend an act entitled, an act to reduce the law incorporating the city of Denver, etc., was read a second time.

Mr. Voorhies moved that the bill just read be referred to a special committee to be composed of the members of the House from Arapahoe county.

Which motion prevailed.

H. B. No. 129, a bill for an act relating to mining districts, district laws, location, and representations of placer mining claims, was read a second time and referred to the committee on mines and mining.

H. B. No. 130, a bill for an act to amend sections 2572 and 2583 of the general laws, was read a second time and referred to the committee on stock.

H. B. No. 131, a bill for an act to provide a revenue for the support of the school of mines at Golden, etc., was

read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 137, a bill for an act to amend chapter 100 of the general laws of the State of Colorado, etc., was read a second time and referred to the committee on roads and bridges.

H. B. No. 139, a bill for an act for granting licenses for the shipping of game, was read a second time and referred to the committee on public lands.

H. B. No. 141, a bill for an act to suppress intemperance, prostitution and crime, was read a second time.

Mr. Mann of Jefferson county moved that the bill just read be referred to the committee of the whole and made a special order for next Thursday at 2 o'clock in the afternoon.

Which motion prevailed.

H. B. No. 142, a bill for an act to furnish road overseers with laws pertaining to their office, etc., was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 147, a bill for an act concerning justices of the peace, was read a second time and referred to the judiciary committee.

H. B. No. 148, a bill for an act in relation to the service of papers in legal proceedings, was read a second time and referred to the judiciary committee.

H. B. No. 149, a bill for an act relating to corporations, was read a second time and referred to the committee on corporations.

H. B. No. 150, a bill for an act to repeal section 16 of chapter 60 of the general laws entitled, limitations, was read a second time and referred to the judiciary committee.

H. B. No. 151, a bill for an act to amend section 19 of chapter 101, of the general laws entitled, an act concerning the university of Colorado, was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 154, a bill for an act in relation to county courts, was read a second time and referred to the judiciary committee.

H. B. No. 155, a bill for an act to repeal section 7 of chapter 41 of the general laws of Colorado entitled, an act for the preservation of wild game and insectiverous birds, was read a second time and referred to the committee on agriculture.

H. B. No. 159, a bill for an act to repeal section 8 of an act entitled, an act to incorporate the Colorado and Clear Creek railroad company, etc., was read a second time and referred to the committee on corporations.

H. B. No. 167, a bill for an act to repeal chapter 15 of the general laws of the State of Colorado, was read a second time and referred to the judiciary committee.

H. B. No. 174, a bill for an act to amend chapter 72 of the general laws, was read a second time and referred to the committee on printing.

Mr. Mann of Jefferson county moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 12:30 o'clock P. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock in the afternoon.

The hour having arrived for the consideration of the special order, being the motion to indefinitely postpone S. B. No. 1.

Mr. Cantlon moved that the vote by which S. B. No. 1 and the motion to indefinitely postpone the same was made the special order for 2 o'clock this afternoon, be reconsidered.

Which motion was lost.

The question recurring upon the motion to indefinitely postpone.

Mr. Todd moved that the House do now take a recess until 7 o'clock this evening.

Which motion prevailed.

At 4:45 o'clock P. M. the House took a recess.

EVENING SESSION.

The speaker called the House to order at 7 o'clock P. M.

Mr. Todd gave notice that he would move a reconsideration of the vote whereby H. B. No. 78 was laid on the table.

By consent, amended S. C. R. No. 14, in relation to entry of State lands, was read a first time.

Substitute for S. B. No. 49, a bill for an act to amend an act entitled, conveyances, was read a first time.

S. B. No. 95, a bill for an act to amend section 17 of an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act, and to revise and amend the same, was read a first time.

S. B. No. 96, a bill for an act to amend section 34 of an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act, and to revise and amend the same, approved April 6, A. D. 1877, was read a first time.

S. B. No. 98, a bill for an act to amend section 59 of an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act, and to revise and amend the same, approved April 6, 1877, was read a first time.

The regular order for this hour being the further consideration of S. B. No. 1, was taken up.

The question being upon the motion to indefinitely postpone the bill.

Mr. Todd moved that the House do now adjourn.

Which motion prevailed.

At 9:25 o'clock P. M. the House adjourned to 10 o'clock to-morrow forenoon.

TWENTY-FOURTH DAY.

WEDNESDAY, JANUARY 29th, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Valdez, Voorhies, and Mr. Speaker.—44.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Hutchinson, Maez, Roe, Spruance, and Trujillo.—5.

The journal of the previous day's session was read and approved.

Mr. Trujillo was excused from attendance upon to-day's session of the House.

By consent, Senate amendments to H. B. No. 56, were taken up.

Mr. Todd moved that the House concur in the Senate amendments to H. B. No. 56, a bill for an act to protect the grazing lands of Colorado from the stock of non-residents.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Livesay, Luthe, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Valdez, Voorhies, and Mr. Speaker.—41.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Crawford, Hutchinson, Lovato, Maez, Martinez, Roe, Spruance, and Trujillo.—8.

A constitutional majority having voted in favor of concurring in the Senate amendments.

The amendments were concurred in.

The regular order for the hour being the further consideration of S. B. No. 1, was taken up.

The question being upon the motion to indefinitely postpone the bill.

Mr. Bromwell demanded the yeas and nays.

Which were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Brush, Cantlon, Clark, Coddington, Crawford, Evans, Flower, Gebhard, Harvey, Lewis, Livesay, Luthe, Mann (W. J.), Martinez, McLaughlan, Mead, Morehead, Scott, Sheets, Slockett, Southworth, Thomas, Valdez, Voorhies, and Mr. Speaker.—27.

Gentlemen voting in the negative were:

Messrs. Bingham, Bromwell, Chilcott, Douglass, Gird, Gotthelf, Gunnell, Hoffman, Kimberly, Lovato, Mann (Joseph), McCandlass, Pease, Phillips, and Todd.—15.

Gentlemen absent and not voting were:

Messrs. Cordova, Hutchinson, Maez, Roe, Spruance, Toll, and Trujillo.—7.

A majority having voted in favor of indefinite postponement.

The bill was indefinitely postponed.

Mr. Luthe moved that the vote by which S. B. No. 1 was indefinitely postponed be reconsidered, and that the motion to reconsider be laid on the table.

Upon this motion Mr. Bromwell demanded the yeas and nays.

Mr. Todd moved that the House do now take a recess until 2 o'clock this afternoon, and demanded the yeas and nays on said motion.

Which were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bromwell, Chilcott, Cordova, Gotthelf, Gunnell, Hoffman, Mann (Joseph), McCandlass, Pease, and Todd.—10.

Gentlemen voting in the negative were:

Messrs. Bartlett, Bingham, Brandt, Brush, Cantlon, Clark, Coddington, Crawford, Douglass, Evans, Flower, Gebhard,

Gird, Harvey, Kimberly, Lewis, Livesay, Lovato, Luthe, Mann (W. J.), Martinez, McLaughlan, Mead, Morehead, Phillips, Scott, Slockett, Southworth, Thomas, Toll, Valdez, Voorhies, and Mr. Speaker.—33.

Gentlemen absent and not voting were:

Messrs. Hutchinson, Maez, Roe, Sheets, Spruance, and Trujillo.—6.

A majority not having voted in favor of taking a recess.

The motion did not prevail.

The question recurring upon the motion to reconsider and to lay the motion to reconsider on the table.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Brush, Cantlon, Clark, Coddington, Cordova, Crawford, Evans, Flower, Gebhard, Harvey, Kimberly, Lewis, Livesay, Luthe, Mann (W. J.), Martinez, McLaughlan, Mead, Morehead, Phillips, Scott, Sheets, Slockett, Southworth, Thomas, Toll, Valdez, Voorhies, and Mr. Speaker.—32.

Gentlemen voting in the negative were:

Messrs. Bromwell, Chilcott, Douglass, Gird, Gotthelf, Gunnell, Hoffman, Mann (Joseph), McCandlass, Pease, and Todd.—11.

Gentlemen absent and not voting were:

Messrs. Hutchinson, Lovato, Maez, Roe, Spruance, and Trujillo.—6.

A majority having voted in the affirmative.

The motion to reconsider was laid on the table.

Mr. Gunnell moved that the rules be suspended in order that S. B. No. 57 may be read a second time at this time and referred.

Which motion was lost.

The committee on printing presented the following reports:

Mr. Speaker:

Your committee on printing, to whom was referred H. B. No. 174, an act to amend chapter 72 of the general laws, have had the same under consideration and instruct

me to report the same back to the House with the recommendation that it be passed.

M. O. CODDINGTON,
Chairman.

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 145, 146, 175, 172, 163, 162, 134, 165, 160, 157, 156, 152, 158, 153 and 169, also H. J. M. No. 9, and find the same correctly printed, with the exception of H. B. No. 158, 8th word line 4 of section 1 should read "vein" instead of "view," and H. B. No. 153 the 4th word in line 2 of section 1 should read "April" instead of "March."

Respectfully,
M. O. CODDINGTON,
Chairman.

The committee on appropriations and expenditures presented the following report:

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred substitute for S. B. No. 23, entitled a bill for an act to amend an act to provide for the protection, preservation and propagation of fish, etc., have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be passed with accompanying amendments.

Respectfully,
J. McD. LIVESAY,
Chairman.

The committee on roads and bridges presented the following report:

Mr. Speaker:

Your committee on roads and bridges, to whom was referred H. B. No. 137, a bill for an act to amend chapter 100 of the general laws of the State of Colorado, entitled, towns and cities, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

L. BRANDT,
Chairman.

The committee on public health presented the following report:

Mr. Speaker:

Your special committee on public health, to whom was referred H. B. No. 63, an act to protect the public health and regulate the practice of medicine in the State of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole House.

Respectfully,

W. J. MANN,
Chairman.

The committee on enrollment presented the following report:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 4, a bill for an act entitled, stallions, jacks, bulls, rams and boars, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,
Chairman.

The committee of conference on H. B. No. 13 presented the following report:

Mr. Speaker:

Your committee of conference, to whom was referred H. B. No. 13, an act in relation to wolves and coyotes, beg leave to report that they have met the Senate committee, and the Senate committee receded from its amendment, substituting 50 cents in the place of 75 cents for every scalp.

Respectfully,

ALFRED BUTTERS,
A. H. DEFRANCE,
Senate Committee.

J. L. BRUSH,
IVORY PHILLIPS,
House Committee.

S. B. No. 57, a bill for an act to establish the county of Carbonate, and provide for terms of court therein, was read a second time.

Mr. Coddington moved that the bill just read be referred to the judiciary committee.

Which motion prevailed.

S. C. R. No. 14, in relation to State lands, was read a second time.

Mr. Mann of Jefferson county moved that the resolution be adopted.

Which motion prevailed.

S. B. No. 49, a bill for an act to amend an act entitled, conveyances, was read a second time and referred to the judiciary committee.

S. B. No. 95, a bill for an act to amend section 17 of an act entitled, an act to reduce the law incorporating the city of Denver, etc.

Also S. B. No. 96, a bill for an act to amend section 34 of an act entitled, an act to reduce the law incorporating the city of Denver, etc.

Also S. B. No. 98, a bill for an act to amend section 59 of an act entitled, an act to reduce the law incorporating the city of Denver, etc., was read a second time and referred to the special committee consisting of the members of the House from Arapahoe county.

H. J. R. No. 9, in relation to settlers on the Maxwell grant, was read a second time and referred to the committee of the whole.

H. B. No. 134, a bill for an act to encourage the formation and establishment of a State historical and natural history society, was read a second time and referred to the committee on education.

H. B. No. 145, a bill for an act relating to the powers and duties of the State board of land commissioners, etc., was read a second time.

Mr. Todd moved that the bill just read be referred to the committee of the whole.

Which motion prevailed.

H. B. No. 146, a bill for an act to provide for licensing commercial travelers, was read a second time and referred to the committee on finance, ways and means.

H. B. No. 152, a bill for an act to amend an act entitled, an act to provide for the selection, etc., of State lands, was read a second time and referred to the committee on public lands.

H. B. No. 153, a bill for an act to amend an act entitled, an act in relation to municipal corporations, was read a second time and referred to the committee on corporations.

H. B. No. 156, a bill for an act to amend an act entitled, an act to provide for the payment of salaries to officers of the executive and judicial departments of the State of Colorado, was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 157, a bill for an act to amend an act entitled, an act concerning fences and enclosures in Conejos county, etc., was read a second time and referred to the committee on counties and county lines.

H. B. No. 158, a bill for an act to amend an act concerning mines, etc., was read a second time and referred to the committee on mines and mining.

H. B. No. 160, a bill for an act to provide for the herding and driving of stock, was read a second time and referred to the committee on stock.

H. B No. 162, a bill for an act to amend sections 1, 2, 3, 4, 5, 9 and 11 of an act to secure liens to mechanics, etc., was read a second time and referred to the judiciary committee.

H. B. No. 163, a bill for an act concerning divorces, was read a second time and referred to the judiciary committee.

H. B. No. 165, a bill for an act to prevent extortion and discrimination by common carriers, was read a second time and referred to the committee on corporations.

H. B. No. 169, a bill for an act to amend an act entitled, an act concerning mines,.etc., was read a second time and referred to the committee on mines and mining.

H. B. No. 172, a bill for an act to repeal sections 1,225,

1,226 and 1,227 of the general laws of the State of Colorado, was read a second time and referred to the judiciary committee.

H. B. No. 175, a bill for an act making appropriation for the support of the insane asylum for the years 1879 and 1880, was read a second time and referred to the committee on appropriations and expenditures.

Mr. Todd called up S. B. No. 4, a bill for an act to amend chapter 12 of the general laws of the State of Colorado entitled, chattel mortgages, which had been considered in the committee of the whole House and reported back with the recommendation that it do not pass.

And S. B. No. 4, a bill for an act to amend chapter 12 of the general laws of the State of Colorado entitled, chattel mortgages, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Brandt, Brush, Cordova, Evans, Gotthelf, Livesay, Lovato, Mann (W. J.), Martinez, McLaughlan, Morehead, Southworth, Thomas, and Todd.—14.

Gentlemen voting in the negative were:

Messrs. Bartlett, Bingham, Bromwell, Cantlon, Clark, Coddington, Crawford, Douglass, Flower, Gebhard, Gird, Gunnell, Harvey, Kimberly, Lewis, Luthe, Mann (Joseph), McCandlass, Pease, Phillips, Scott, Slockett, Toll, Valdez, Voorhies, and Mr. Speaker.—26.

Gentlemen absent and not voting were:

Messrs. Chilcott, Hoffman, Hutchinson, Maez, Mead, Roe, Sheets, Spruance, and Trujillo.—9.

A constitutional majority having failed to vote in favor of the passage of the bill.

The bill failed to pass.

Mr. Brush moved that the House do now take a recess until 7 o'clock this evening.

Which motion prevailed.

At 12:30 o'clock P. M. the House took a recess.

EVENING SESSION.

The speaker called the House to order at 7 o'clock in the evening.

S. B. No. 34, a bill for an act to amend section 112 of an act entitled, wills, executors and administrators, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gotthelf, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Mann (Joseph), McCandlass, McLaughlan, Mead, Morehead, Phillips, Scott, Sheets, Slockett, Southworth, and Mr. Speaker.—28.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bingham, Bromwell, Brush, Cantlon, Chilcott, Clark, Gird, Hutchinson, Luthe, Maez, Mann (W. J.), Martinez, Pease, Roe, Spruance, Thomas, Todd, Toll, Trujillo, Valdez, and Voorhies.—21.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

By consent, the special committee consisting of the Arapahoe county delegation presented the following reports:

Mr. Speaker:

The Arapahoe county delegation, to whom was referred S. B. No. 95, a bill for an act to amend section 17 of an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act and to revise and amend the same, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

W. D. TODD,

Chairman for the delegation.

Mr. Speaker:

The Arapahoe county delegation, to whom was referred S. B. No. 98, a bill for an act to amend section 59 of an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act, and to revise and amend the same, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with accompanying amendments.

Respectfully,

WM. D. TODD,

Chairman for the delegation.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed S. B. No. 63, an act to enable the State to purchase a certain number of reports of cases at law and chancery determined in supreme court by L. B. France, reporter.

Also S. B. No. 67, entitled, an act to provide an additional fund for the current expenses of the State university, and for the improvement of the buildings and grounds thereof.

Also S. B. No. 62, entitled, an act to amend chapter 19 of the general laws of the State of Colorado entitled, corporations.

Also that the Senate has receded from its amendment to section 2 of said bill to H. B. No. 13, entitled, wolves and coyotes, which amendment was non-concurred in by the House.

Also the Senate has passed S. B. No. 86, entitled, an act to amend section 128 of an act entitled, elections, chapter 30 of the general laws.

Also S. B. No. 97, an act providing the manner in which county seats may be changed.

Also S. B. No. 107, an act to amend section 40 of chapter 19 of the general laws of Colorado.

Also S. C. R. No. 17, relative to the appointment of a joint committee to consider the constitutional amendment now before the General Assembly.

Also S. C. R. No. 18, relative to the appointment of a joint committee on amendments to the code of civil procedure.

All of which are herewith submitted.

W. W. ORRICK,
Secretary.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has adopted unanimously the accompanying preamble and resolution, introduced by Senator Rhodes of the 2d senatorial district:

WHEREAS, The experience of more than a century of freedom has demonstrated the profound wisdom and political prescience of those immortal patriots, the fathers of our common country, in laying broad and deep the foundation of liberty by providing for the separation of the executive, judicial and executive departments of our government; and

WHEREAS, It is the highest duty of all freemen to resent with scorn any usurpation or encroachment by one department of our government upon the rights and prerogatives of the others; and

WHEREAS, The framers of our constitution evidently intended section 27 of act 6 of that instrument as a broad farce and huge practical joke; therefore, be it

Resolved, by the Senate of the second General Assembly of the State of Colorado, That the money of that noble band of Spartans who so gallantly immolated themselves upon the altar of duty in hurling back into the teeth of would-be usurpers that traitorous and insidious attack upon our liberties, Senate Bill No. 1, is entitled to the lasting gratitude of the "dear people," and that their memory ought to be enshrined, and ever preserved green in the hearts of all true patriots.

On Fame's political camping ground
Their silent tents are spread
And glory fails to guard with sacred round
The bivouac of the dead.

Mr. Flower moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole with the gentleman from Park county, Mr. Flower, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 36, a bill for an act to amend an act to secure liens to mechanics and others, and to repeal all other acts in relation thereto, have amended the title by making it read, a bill for an act to amend an act entitled, an act to secure liens to mechanics and others, and to repeal all other acts in relation thereto, being section 1652 of the general laws, have made certain amendments to the bill, and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 1, a bill for an act to provide for the appointment of a secretary of the State board of land commissioners, etc., and instruct me to report the same back to the House with the recommendation that it be indefinitely postponed.

Also H. J. R. No. 6, relative to the establishment of a military post on the Republican river, and instruct me to report the same back to the House with the recommendation that it be adopted.

Also H. B. No. 107, a bill for an act to provide for the employment of a chaplain for the penitentiary, have made amendments thereto, and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 29, a bill for an act concerning cases in any district or county court, the venue of which has been changed thereto, have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 76, a bill for an act to make the chasing of deer or antelope with hounds a misdemeanor, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 69, a bill for an act to amend an act entitled, an act to provide for the appointment of sheep inspectors, have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also S. B. No. 69, a bill for an act concerning masonic bodies, and instruct me to report the same back to the House with the recommendation that it be referred to the judiciary committee.

Also H. B. No. 106, a bill for an act repealing section 65 of chapter 19 of the general laws, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 126, a bill for an act providing for the holding of an annual term of the district court in Rio Grande county, and instruct me to report the same back to the House and recommend its passage.

Respectfully,

J. T. FLOWER,

Chairman.

Mr. Toll moved that the House do now adjourn.

Which motion prevailed.

At 10:05 o'clock P. M. the House adjourned to 10 o'clock to-morrow forenoon.

TWENTY-FIFTH DAY.

THURSDAY, JANUARY 30th, 1879.

House met at 10 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—43.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Clark, Gunnell, Hutchinson, Luthe, Roe, and Spruance.—6.

The journal of the previous day's session was read and approved.

Mr. Livesay moved that the report of the committee of the whole of yesterday evening's session be agreed to, with the exception of that part relating to H. B. No. 29.

Which motion prevailed.

Mr. Livesay moved to amend H. B. No. 29 by striking the words "civil or" from the first section.

Which motion prevailed.

Mr. Livesay moved to further amend the bill by adding a new section as section 3.

Which motion prevailed.

Mr. Livesay moved to further amend the bill by adding a new section as section 4.

Which motion prevailed.

Mr. Mann of Jefferson county moved to amend section 2 of the bill by inserting the words "and jurors" after the word "officers."

Which motion prevailed.

Mr. Mann of Jefferson county moved that the report of the committee of the whole be now agreed to as amended by the House.

Which motion prevailed.

By consent, H. B. No. 61, a bill for an act to amend section 3 of chapter 33 of the general laws of Colorado, entitled, fish, was recommitted to the committee on appropriations and expenditures.

By consent, Mr. Southworth presented the following resolution:

WHEREAS, There was a convention of farmers and people directly interested in the question of irrigation held in the city of Denver in December last; and

WHEREAS, Said convention did authorize and appoint a committee to draft a bill which would mete justice to all parties concerned to present to this General Assembly, to be made a law by them; and

WHEREAS, Said committee did draft such bill, and said bill was presented to this House and referred to the committee on irrigation; and

WHEREAS, It is the opinion of this House that said committee have had ample time to consider the same; now therefore, be it

Resolved, by the House of Representatives of the second General Assembly of the State of Colorado, That the committee on irrigation be and are hereby instructed to report immediately and without delay on H. B. No. 22.

Mr. Southworth moved that the resolution be adopted.

Mr. Douglass moved to amend the resolution by requiring said committee to report at as early an hour as practicable.

Mr. Evans moved as an amendment to the amendment that the committee be instructed to report by 10 o'clock to-morrow morning.

Which motion to amend the amendment prevailed.

The question recurring upon the motion to amend as amended.

The motion prevailed.

The question then recurring upon the adoption of the resolution as amended.

The motion prevailed.

It was further ordered that the committee on irrigation be allowed to sit during sessions of the House.

Mr. McCandlass presented a petition of citizens of Fremont county asking the passage of H. B. No. 23.

Mr. Mann of Jefferson county moved that the petition

be referred to the committee of the whole House, in connection with H. B. No. 23.

Which motion prevailed.

Mr. Douglass presented the following resolution:

Resolved, That hereafter this House shall convene at the hour of 9 o'clock A. M. each day, unless otherwise ordered.

Mr. Douglass moved that the resolution be adopted.

Mr. Livesay moved to amend the resolution by providing for an evening session at 7 o'clock.

Mr. Todd moved to amend the amendment by providing that the evening session shall begin at half-past 7 o'clock.

Which motion to amend prevailed.

The question recurring upon the motion to amend as amended.

The motion prevailed.

The question then recurring upon the motion to adopt the resolution as amended.

The motion prevailed.

The committee on appropriations and expenditures presented the following report:

Mr. Speaker:

Your committee on appropriations, to whom was referred H. B. No. 109, a bill for an act making appropriations to pay outstanding State certificates of indebtedness, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

J. McD. LIVESAY,

Chairman.

The committee on State institutions presented the following report:

Mr. Speaker:

Your committee on State institutions, to whom was referred S. B. No. 44, a bill for an act to provide for the method of collecting and receipting for taxes for State institutions, have had the same under consideration and in-

struct me to report said bill back to the house with the recommendation that it be passed.

Respectfully,
GEO. M. CHILCOTT,
Chairman.

The committee on military affairs presented the following reports:

Mr. Speaker:

Your committee on military affairs, to whom was referred H. J. R. No. 7, relating to the establishment of a military post in northwestern Colorado, have had the same under consideration and instruct me to report said H. J. R. No. 7 back to the House with the recommendation that it be passed.

Respectfully,
D. L SHEETS,
Chairman.

Mr. Speaker:

Your committee on military affairs, to whom was referred H. J. R. No. 5, relative to the construction of a military road in southwestern Colorado, have had the same under consideration and instruct me to report said H. J. R. No. 5 back to the House with the recommendation that it be passed.

Respectfully,
D. L. SHEETS,
Chairman.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 161, 180, 182, 183, 186, 188, 189, 190, 194, 197, 201, 202, 203, 206 and 207.

Also H. J. M. No. 11, and find the same correctly printed.

Respectfully,
M. O. CODDINGTON,
Chairman.

The committee on engrossment presented the following reports:

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 60, a bill for an act to repeal section 16 of chapter 60, concerning limitations, of the general laws, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B No. 47, a bill for an act to amend chapter 34 of the general laws of the State of Colorado, entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

The committee on mines and mining presented the following report:

Mr. Speaker:

Your committee on mines and mining, to whom was referred H. J. M. No. 8, relative to change of surveys on the public domain, have had the same under consideration and instruct me to report said memorial back to the House with the recommendation that it be adopted.

Respectfully,

J. G. EVANS,

Chairman.

The special committee having S. B. No. 96 in charge presented the following report:

Mr. Speaker:

Your special committee to whom was referred S. B. No. 96, a bill for an act to amend section 34 of an act entitled, an act to reduce the law incorporating the city of Denver, etc., etc., have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

H. P. H. BROMWELL,

Chairman.

S. C. R. No. 17, raising a joint committee on constitutional amendments, was read a first time.

Mr. Toll moved that the rules be suspended in order that the resolution just read may be considered at this time.

Which motion prevailed.

Mr. Mann of Jefferson county moved that the resolution be adopted.

Which motion prevailed.

The speaker announced Messrs. Toll, Douglass and Mann of Jefferson county as members of said committee on part of the House.

S. C. R. No. 18, raising a joint committee on amendments to the code, was read a first time.

Mr. Toll moved that the rules be suspended in order that the resolution just read may be considered at this time.

Which motion prevailed.

Mr. Toll moved that the resolution be adopted.

Which motion prevailed.

The speaker announced Messrs. Cantlon, Livesay and Gunnell as members on the part of the House of said joint committee.

S. B. No. 62, a bill for an act to amend chapter 19 of the general laws of the State of Colorado entitled, corporations.

Also S. B. No. 63, a bill for an act to enable the State to purchase a certain number of reports of cases at law and chancery, determined in supreme court of Colorado by L. B. France, reporter.

Also S. B. No. 67, a bill for an act to provide an additional fund for the current expenses of the State university, and for the improvement of the buildings and grounds thereof.

Also S. B. No. 86, a bill for an act to amend section 128 of an act entitled, elections, chapter 30 of general laws.

Also S. B. No. 97, a bill for an act providing the manner in which county seats may be changed, and for the repeal of certain acts pertaining thereto.

Also S. B. No. 107, a bill for an act to amend section 40

of chapter 19 of the general laws of the State of Colorado, were read a first time.

H. B. No. 161, a bill for an act to establish the office of inspector of kerosene or illuminating oils, etc., was read a second time and referred to the committee on corporations.

H. B. No. 180, a bill for an act to regulate the service of summons and other processes issued by justices of the peace, was read a second time and referred to the judiciary committee.

H. B. No. 182, a bill for an act to amend section 40 of chapter 19 of the general laws, etc., was read a second time and referred to the committee on corporations.

H. B. No. 183, a bill for an act making the stealing of a dog larceny, was read a second time and referred to the committee on judiciary.

H. B. No. 186, a bill for an act to amend section 21 of an act entitled, an act concerning counties, county officers, county government, etc., was read a second time and referred to the committee on finance, ways and means.

H. B. No. 188, a bill for an act to repeal section 226 of the code of civil procedure, was read a second time and referred to the joint committee on amendments to the code.

H. B. No. 189, a bill for an act to repeal sections 1 and 2 of an act entitled, an act in relation to the jurisdiction of justices of the peace, and the practice in justice's courts, was read a second time and referred to the judiciary committee.

H. B. No. 190, a bill for an act to enable county commissioners to appropriate certain military funds for county purposes, was read a second time and referred to the committee on military affairs.

H. B. No. 194, a bill for an act to amend an act entitled, an act to reduce the law incorporating the city of Denver, etc., was read a second time and referred to the special committee consisting of the Arapahoe county delegation.

H. B. No. 197, a bill for an act to amend section 8 of article 14 of the constitution of the State of Colorado, was read a second time and referred to the special joint committee on amendments to the constitution.

H. B. No. 201, a bill for an act to enable certain counties to fund their indebtedness, was read a second time and referred to the committee on finance, ways and means.

H. B. No. 202, a bill for an act to provide for the payment of the first regiment of Colorado mounted militia, was read a second time and referred to the committee on military affairs.

H. B. No. 203, a bill for an act providing for certain entries to be made by county clerks and recorders in the receiving book, etc., was read a second time and referred to the judiciary committee.

H. B. No. 206, a bill for an act requiring county clerks to certify a list of county and precinct officers to the secretary of State, was read a second time and referred to the committee on finance, ways and means.

H. B. No. 207, a bill for an act to amend section 6 of article 5 of the constitution of the State of Colorado, was read a second time and referred to the special joint committee on constitutional amendments.

H. J. R. No. 11, asking the removal of the United States land office from Lake City to Silverton, was read a second time and referred to the committee of the whole House.

H. B. No. 47, a bill for an act to amend section 30 of chapter 34 of the general laws of the State of Colorado entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Brush, Chilcott, Coddington, Crawford, Douglass, Evans, Gebhard, Gird, Gotthelf, Kimberly, Lewis, Livesay, Lovato, Luthe, Mann (W. J.), Martinez, McCandlass, McLaughlan, Morehead, Pease, Phillips, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—33.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bromwell, Cantlon, Clark, Cordova, Flower,

Gunnell, Harvey, Hoffman, Hutchinson, Maez, Mann (Joseph), Mead, Roe, Scott, Sheets, and Spruance.—16.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 60, a bill for an act to repeal section 16 chapter 60, concerning limitations, of the general laws, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Brush, Coddington, Crawford, Douglass, Evans, Gebhard, Gird, Gotthelf, Harvey, Kimberly, Lewis, Livesay, Luthe, Mann (W. J.), McCandlass, McLaughlan, Morehead, Pease, Phillips, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—31.

Gentlemen voting in the negative were:

Messrs. Chilcott, Cordova, Lovato, and Martinez.—4.

Gentlemen absent and not voting were:

Messrs. Bromwell, Cantlon, Clark, Flower, Gunnell, Hoffman, Hutchinson, Maez, Mann (Joseph), Mead, Roe, Scott, Sheets, and Spruance.—14.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

According to notice previously given, Mr. Todd moved that the vote whereby the report of the committee of the whole of January 27th was agreed to, so far as related to H. B. No. 78, be reconsidered.

Which motion prevailed.

The question recurring upon the motion to agree to the report of the committee of the whole relative to H. B. No. 78, which was that the bill do not pass.

Mr. Todd moved to amend section 1 of the bill by striking out 10 cents and inserting 15 cents in lieu thereof.

Which motion prevailed.

Mr. Cantlon moved to amend section 2 of the bill by striking out 20 cents and inserting 25 cents in lieu thereof.

Which motion was lost.

Mr. Toll moved that the vote whereby section 1 was amended be reconsidered.

Which motion prevailed.

The question recurring upon the motion to strike out 10 cents and insert 15 cents in lieu thereof.

Mr. Toll moved that the motion to amend be laid on the table.

Which motion prevailed.

Mr. Luthe moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 12:30 o'clock P. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock in the afternoon.

By consent, Mr. Gird presented a petition of citizens of Denver asking for passage of Ohio damage liquor law.

Mr. Gird moved that the petition be referred to the committee of the whole.

Which motion prevailed.

H. B. No. 36 was ordered printed as amended.

Mr. Flower moved that the consideration of the resolution from the Senate in memory of the noble band of Spartans, etc., be indefinitely postponed.

Which motion prevailed.

Mr. Luthe presented the following resolution:

Resolved, That the engrossing committee be authorized to employ such assistant engrossing clerks from time to time as may be necessary.

Mr. Luthe moved that the resolution be adopted.

Which motion prevailed.

The hour having arrived for the consideration of the special order.

Mr. Todd moved that the House do now go into committee of the whole for the consideration of the special order.

Which motion prevailed.

The House moved itself into the committee of the whole with the gentleman from Arapahoe county, Mr. Todd, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration the special order, being H. B. No. 141, a bill for an act to suppress intemperance, pauperism and crime, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 23, a bill for an act to prescribe conditions upon which retail liquor dealers, saloon keepers, etc., shall do business, and instruct me to report the same back to the House with the recommendation that it be indefinitely postponed.

Respectfully,

W. D. TODD,

Chairman.

Mr. Luthe moved that the report of the committee of the whole be amended so that H. B. No. 141 should be indefinitely postponed.

Upon this motion Messrs. Brush and Douglass demanded a call of the House, pending the call of the roll.

Mr. Toll moved that further proceeding under the call of the House be dispensed with.

Which motion prevailed.

The question recurring upon the motion to amend the report.

Mr. Luthe moved that the report be laid on the table.

Upon this motion Mr. Southworth demanded the yeas and nays.

Which were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Cantlon, Chilcott, Clark, Evans, Flower, Gebhard, Gotthelf, Hoffman, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (W. J.) McLaughlan, Pease, Sheets, Slockett, Southworth, Thomas, Toll, Trujillo, Valdez, and Voorhies.—25.

Gentlemen voting in the negative were:

Messrs. Brandt, Brush, Cordova, Crawford, Douglass, Gird, Gunnell, Harvey, Lewis, Mann (Joseph), Martinez, McCandlass, Mead, Morehead, Phillips, Scott, Todd, and Mr. Speaker.—18.

Gentlemen absent and not voting were:

Messrs. Bartlett, Bromwell, Coddington, Hutchinson, Roe, and Spruance.—6.

A majority having voted in the affirmative.

The motion to lay on the table prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed with emergency clause S. B. No. 6, entitled, an act in relation to attachments issuing out of justice's courts.

Also that the Senate has appointed Senators Wolcott of Clear Creek, and John, as the committee on the part of the Senate, authorized by S. C. R. No. 18, relative to the amendments to the code of civil procedure.

Also that the Senate has appointed Senators Wolcott of Gilpin, and Webster, as the committee on the part of the Senate, authorized by S. C. R. No. 17, relative to the constitutional amendments now before the General Assembly.

Also the Senate has passed with an emergency clause S. B. No. 106, entitled, an act to change the names of the counties of Lake and Carbonate.

Also that the Senate has passed H. J. R. No. 3, relative to the establishment of a military post in southwestern Colorado.

Also that the Senate has amended H. B. No. 9, by inserting after the word, "of," in the 4th line of section 2 of engrossed bill the words, "brace faro or," and as amended have passed the same.

Also that the Senate has amended and passed H. B. No. 10.

All of which are herewith submitted.

W. W. ORRICK,

Secretary.

Mr. Mann of Jefferson county was granted leave of absence for the balance of this day.

By consent, the committee on stock presented the following report:

Mr. Speaker:

Your committee on stock, to whom was referred S. B. No. 21, a bill for an act to amend an act to provide for the branding, herding, and care of stock, and to repeal certain acts in relation thereto, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with amendments herewith transmitted.

Respectfully,

J. L. BRUSH,
Chairman.

The committee on appropriations and expenditures presented the following reports:

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 156, entitled, a bill for an act to amend an act entitled, an act to provide for the payment of salaries to officers of the executive and judicial departments of the State of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole.

Respectfully,

J. McD. LIVESAY,
Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 61, entitled, a bill for an act to amend section 3 of chapter 33 of the general laws of Colorado entitled, fish, have had the same under consideration and instruct me to report the said bill back to the House with the recommendation that it be passed with accompanying amendment.

J. McD. LIVESAY,
Chairman.

The committee on corporations presented the following report:

Mr. Speaker:

Your committee on corporations, to whom was referred H. B. No. 149, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

CHAS. H. TOLL,
Chairman.

Mr. Todd moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Arapahoe county, Mr. Southworth, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 115, a bill for an act making appropriations to pay expenses and claims under the law concerning fugitives from justice for the years 1879 and 1880, have made amendments thereto and instruct me to report the same back to the House with the recommendation that it be passed as amended.

Also H. B. No. 112, a bill for an act making appropriations for the State board of health for the years 1879 and 1880, have made amendments thereto, and instruct me to report the same back to the House with the recommendation that it be passed as amended.

Also H. B. No. 127, a bill for an act to provide a fund for erecting additional buildings at the mute and blind institute and for other improvements, have made amendments thereto, and instruct me to report the same back to the House with the recommendation that it be passed as amended.

Also S. B. No. 31, a bill for an act to amend chapter 88 of the general laws entitled, an act concerning roads and public highways, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 118, a bill for an act describing what shall constitute a lawful fence, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 109, a bill for an act making appropriations to pay outstanding State certificates of indebtedness, and instruct me to report the same back to the House and recommend its passage.

Respectfully,

R. A. SOUTHWORTH,

Chairman.

Mr. Gird moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

By consent, H. J. R. No. 8, in relation to surveys on public domain, was taken up for consideration.

Mr. Toll moved that the resolution be adopted.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Brush, Cantlon, Chilcott, Clark, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gunnell, Harvey, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Morehead, Pease, Phillips, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Valdez, Voorhies, and Mr. Speaker.—38.

Gentlemen voting in the negative were, none:

Gentlemen absent and not voting were:

Messrs. Bromwell, Coddington, Cordova, Gotthelf, Hoffman, Hutchinson, Luthe, Mead, Roe, Spruance, and Trujillo.—11.

A constitutional majority having voted in favor of the adoption of the resolution.

The resolution was adopted.

Mr. Livesay moved that the House do now take a recess until half-past 7 o'clock this evening.

Which motion prevailed.

At 10 minutes after 5 o'clock in the afternoon the House took a recess.

EVENING SESSION.

The speaker called the House to order at half after 7 in the evening.

Mr. Todd moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Arapahoe county, Mr. Southworth, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 102, a bill for an act to amend chapter 61 of the general laws concerning lunatics, have made amendments thereto, and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 99, a bill for an act concerning costs in criminal cases, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 94, a bill for an act concerning encumbrances on real property, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 55, a bill for an act to amend an act entitled, an act to provide for the holding of two or more terms of the supreme court annually, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also S. B. No. 72, a bill for an act to amend an act entitled, an act to establish and maintain a system of free schools, approved March 20, A. D. 1877, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 58, a bill for an act relative to drainage, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 84, a bill for an act to amend section 2 of an act entitled, an act to provide for the maintenance, etc., of the penitentiary, and instruct me to report the same back to the House with the recommendation that it be recommitted to the committee on the penitentiary.

Also H. B. No. 86, a bill for an act to establish a State industrial school and for the maintenance and government of the same, and instruct me to report the same back to the House with the recommendation that it be indefinitely postponed.

Also H. B. No. 90, a bill for an act to provide for the purchase of law books for the library of the supreme court, have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 91, a bill for an act to provide for the printing of the laws of the State in the most convenient and compact form, together with an index to the same, and instruct me to report the same back to the House with the recommendation that it retain its place on general orders.

Also H. B. No. 103, a bill for an act proposing an amendment to section 8 of article 6 of the constitution, and instruct me to report the same back to the House with the recommendation that it be referred to the special joint committee on amendments to the constitution.

Also H. B. No. 105, a bill for an act providing for a change of venue in preliminary examinations before justices of the peace, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 125, a bill for an act to amend an act entitled, an act relating to the exemption of volunteer firemen as jurors, etc., have made amendments thereto, and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 133, a bill for an act prescribing certain

duties of the attorney general, and instruct me to report the same back to the House and recommend its passage.

Also S. C. R. No. 13, in relation to Pagosa Springs, and instruct me to report the same back to the House with the recommendation that it be adopted.

Also H. B. No. 7, a bill for an act concerning release of mortgages, trust deeds, and instruments of writing for the security of money, and instruct me to report the same back to the House with the recommendation that it retain its place on general orders.

Also H. B. No. 12, a bill for an act concerning redemption of land sold under trust deeds, etc., and instruct me to report the same back to the House with the recommendation that it retain its place on general orders.

Also H. B. No. 44, a bill for an act concerning foreclosure of trust deeds, and instruct me to report the same back to the House with the recommendation that it retain its place on general orders.

Also H. B. No. 70, a bill for an act providing for the payment of the amount remaining due on account of the late constitutional convention, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 81, a bill for an act to authorize the publication of all laws of a general nature in newspapers, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 100, a bill for an act to prevent fires on prairies along railroad lines, and instruct me to report the same back to the House with the recommendation that it retain its place on general orders.

Also H. B. No. 123, a bill for an act in relation to commutation of sentences and pardon after conviction, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 128, a bill for an act to amend an act entitled, an act to create an institute for the education of the mute and blind, and instruct me to report the same

back to the House with the recommendation that it do not pass.

Also S. B. No. 27, a bill for an act in relation to trust deeds, and instruct me to report the same back to the House with the recommendation that it retain its place on general orders.

Also S. B. No. 38, a bill for an act to provide for the payment of witnesses in the case of Boyd vs. DeFrance, and instruct me to report the same back to the House with the recommendation that it be recommitted to the committee on appropriations and expenditures.

Also substitute for S. B. No. 23, a bill for an act to amend an act entitled, an act to provide for the protection, preservation and propagation of fish, etc., and instruct me to report the same back to the House with the recommendation that it retain its place on general orders.

R. A. SOUTHWORTH,
Chairman.

Mr. Toll moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

The following report was received from the Senate.

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed S. B. No. 74, an act in relation to habeas corpus.

Also S. B. No. 81, an act concerning jurisdiction, powers and practice of county courts.

Also S. B. No. 102, an act in relation to bastardy.

Also S. B. No. 68, an act requiring the publishing of certain laws of the Territory of Colorado, together with the laws passed at this session, and which bill passed by a vote sufficient to enact the emergency clause contained therein.

Also S. B. No. 40, an act giving justices of the peace jurisdiction in replevin, which bill passed with an emergency clause and by a vote sufficient to enact it.

All of which are herewith submitted.

W. W. ORRICK,
Secretary.

By consent, Mr. Voorhies introduced:

H. C. R. No. 14, raising a joint committee to consider bills relating to fish.

Mr. Voorhies moved that the rules be suspended in order that the resolution may be considered at this time.

Which motion prevailed.

Mr. Voorhies moved that the resolution be adopted.

Which motion prevailed.

The speaker announced Messrs. Voorhies and Flower as members on the part of the House of said joint committee.

Mr. Gunnell moved that the House do now adjourn.

Which motion prevailed.

At 9:35 o'clock P. M. the House adjourned to 9 o'clock to-morrow forenoon.

TWENTY-SIXTH DAY.

FRIDAY, JANUARY 31st, 1879.

House met at 9 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

Roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Cordova, Crawford, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—40.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Clark, Coddington, Douglass, Gunnell, Hutchinson, Kimberly, Luthe, Roe, and Spruance.—9.

The journal of the previous day's session was read and approved.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 176, 173, 170, 166, 164, 143, 144 and 168 and H. J. M. No. 4, and find the same correctly printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

The committee on stock presented the following report:

Mr. Speaker:

Your committee on stock, to whom was referred H. B. No. 130, an act to amend sections 2,572 and 2,583 of the general laws, have had the same under consideration and instruct me to report the said bill back to the House with the recommendation that it be passed.

Respectfully,

J. L. BRUSH,

Chairman.

The committee on State institutions presented the following report:

Mr. Speaker:

Your committee on State institutions, to whom was referred S. B. No. 35, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole House.

Respectfully,

G. M. CHILCOTT,

Chairman.

The committee on penitentiary presented the following report:

Mr. Speaker:

Your committee on penitentiary, to whom was re-referred H. B. No. 89, a bill for an act to amend section 1 of chap. 77 of the general laws, entitled, penitentiary, have had the same under consideration and instruct me to report said

bill back to the House with the recommendation that it be passed.

Respectfully,

R. HARVEY,

Chairman.

The committee on mines and mining presented the following report:

Mr. Speaker:

Your committee on mines and mining, to whom was referred H. B. No. 87, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with the amendments.

The committee on judiciary presented the following reports:

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. Nos. 18, 39, 148, 188 and 193, and H. C. R. No. 8, the same being bills and a resolution relating to amendments to the code of civil procedure, have had the same under consideration and instruct me to report said bills back to the House with the recommendation that they be referred to the joint committee of amendments on the code.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 167, a bill for an act to repeal chapter 15 of the general laws of the State of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee on mines.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 163, a bill for an act concerning divorces, have had

the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 172, a bill for an act to repeal sections 1,225, 1,226 and 1,227 of the general laws of the State of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee on appropriations.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on judiciary, to whom was referred H. B. No. 183, a bill for an act making the stealing of a dog larceny, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred the substitute for S. B. No. 49, a bill for an act to amend an act entitled, conveyances, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 154, a bill for an act in relation to county courts,

have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be amended by striking out the last word of said bill, and then passed.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 104, a bill for an act concerning the protection of the owner and proprietor of hotels and inns and for the punishment of offenders, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with the amendments herewith transmitted.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 57, a bill for an act to establish the county of Carbonate and to provide for terms of court therein, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole House.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 71, a bill for an act providing for a change of venue in criminal cases in the district court and proceedings therein, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 150, a bill for an act to repeal section 16 of chapter 60 of the general laws entitled, limitations, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed, because identical with H. B. No. 60, previously considered.

Respectfully,

THOS. J. CANTLON,

Chairman.

The committee on enrollment presented the following reports:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 13, a bill for an act to repeal chapter 105 of the general laws of the State of Colorado and for other purposes, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 56, a bill for an act to protect the grazing lands of Colorado from the stock of non-residents, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

The committee on military affairs presented the following reports:

Mr. Speaker:

Your committee on military affairs, to whom was referred S. C. R. No. 12, asking an appropriation from Congress to complete the military post near Pagosa Springs, also the military wagon road leading to it, have had the same under consideration and instruct me to report said resolution back to

the House with the recommendation that it be referred to committee of the whole.

Respectfully,

D. L. SHEETS,

Chairman.

Mr. Speaker:

Your committee on military affairs, to whom was referred H. B. No. 2, a bill for an act to provide for the enrollment, organization and government of the militia, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole.

Respectfully,

D. L. SHEETS,

Chairman.

Mr. Speaker:

Your committee on military affairs, to whom was referred H. B. No. 190, for an act to enable county commissioners to appropriate certain military funds for county purposes, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

D. L. SHEETS,

Chairman.

Mr. Speaker:

Your committee on military affairs, to whom was referred H. B. No. 202, to provide for the payment of Colorado mounted militia, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

D. L. SHEETS,

Chairman.

Senate amendments to House bills were now taken up.

Mr. Livesay moved that the House concur in Senate amendments to H. B. No. 9, a bill for an act to define and punish the obtaining of money and property by confidence games.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Cantlon, Chilcott, Cordova, Crawford, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Lewis, Livesay, Lovato, Maez, Mann (W. J.), Martinez, McCandlass, McLaughlan, Morehead, Pease, Scott, Slockett, Southworth, Thomas, Todd, Trujillo, Valdez, and Mr. Speaker.—31.

Gentlemen voting in the negative were, none:

Gentlemen absent and not voting were:

Messrs. Bingham, Brush, Clark, Coddington, Douglass, Gunnell, Hoffman, Hutchinson, Kimberly, Luthe, Mann (Joseph), Mead, Phillips, Roe, Sheets, Spruance, Toll, and Voorhies.—18.

A constitutional majority having voted in favor of concurring in Senate amendments.

The amendments were concurred in.

Mr. Todd moved that the House concur in Senate amendments to amended H. B. No. 13, a bill for an act to authorize the superintendents of the poor to bind out indigent children.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Cantlon, Chilcott, Cordova, Crawford, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (W. J.), Martinez, McCandlass, McLaughlan, Morehead, Pease, Scott, Slockett, Southworth, Thomas, Todd, Trujillo, Valdez, and Mr. Speaker. —34.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bingham, Clark, Coddington, Douglass, Gunnell, Hutchinson, Luthe, Mann (Joseph), Mead, Phillips, Roe, Sheets, Spruance, Toll, and Voorhies.—15.

A constitutional majority having voted in favor of concurring in the Senate amendments.

The amendments were concurred in.

Mr. Todd moved that the reports of the judiciary committee recommending that H. B. No. 67 be referred to the committee on mines and mining, and that H. B. No. 172 be referred to the committee on appropriations and expenditures, be adopted.

Which motion prevailed.

And it was also ordered that certain bills relating to amendments to the code be referred to the special joint committee on amendments to the code, as recommended by the judiciary committee.

Mr. Morehead moved that the hour for taking the noon recess be changed from 12:30 o'clock P. M. to 12 o'clock noon.

Which motion prevailed.

Amended S. B. No. 6, a bill for an act in relation to attachments issuing out of justice's courts.

Also S. B. No. 43, a bill for an act giving justices of the peace jurisdiction in replevin, and in relation to the practice in such cases.

Also S. B. No. 68, a bill for an act requiring the secretary of State to collect together the laws of the Territory of Colorado, which may be in force at the close of the present session of the legislature, with all the acts passed at the present session.

Also S. B. No. 74, a bill for an act in relation to habeas corpus.

Also S. B. No. 81, a bill for an act concerning jurisdiction, powers and practice of county courts.

Also S. B. No. 106, a bill for an act to change the names of the counties of Lake and Carbonate.

Also S. B. No. 102, a bill for an act in relation to bastardy, were read a first time.

S. B. No. 62, a bill for an act to amend chapter 19 of the general laws, etc., was read a second time and referred to the committee on corporations.

S. B. No. 63, a bill for an act to enable the State to purchase a certain number of reports of cases at law, etc., was read a second time and referred to the judiciary committee.

S. B. No. 67, a bill for an act to provide an additional fund for the current expenses of the State university, etc., was read a second time and referred to the committee on appropriations and expenditures.

S. B. No. 86, a bill for an act to amend section 128 of an act entitled, elections, etc., was read a second time and referred to the judiciary committee.

S. B. No. 97, a bill for an act providing the manner in which county seats may be changed, etc., was read a second time and referred to the committee on counties and county lines.

S. B. No. 107, a bill for an act to amend section 40 of chapter 19 of the general laws, etc., was read a second time and referred to the committee on corporations.

H. B. No. 143, a bill for an act conferring jurisdiction upon justices in police courts, etc.

Also H. B. No. 144, a bill for an act to establish the Colorado inebriate and insane asylum, etc.

Also H. B. No. 164, a bill for an act requiring purchasers of hides taken from horned cattle to keep a record, etc.

Also H. B. No. 166, a bill for an act to provide for declaring the office of county commissioner vacant, etc., were read a second time and referred to the committee of the whole.

H. B. No. 168, a bill for an act to amend an act entitled, an act to provide for the assessment and collection of revenue, etc., was read a second time and referred to the committee on finance, ways and means.

H. B. No. 170, a bill for an act for the relief of occupants of State lands settled upon prior to the location thereof by the State board of land commissioners, was read a second time and referred to the committee on public lands.

H. B. No. 173, a bill for an act to amend an act concerning jurors and juries, was read a second time and referred to the judiciary committee.

H. B. No. 176, a bill for an act making appropriations for expense of selecting, locating, etc., of State lands, was read a second time and referred to the committee of the whole.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has adopted H. C. R. No. 14, providing a joint committee on bills in reference to the protection of fish, and has appointed on such committee Senator Hall of Park county.

Respectfully,

W. W. ORRICK,

Secretary.

The committee on engrossment presented the following reports:

Mr. Speaker:

Your committee on engrossment have examined H. J. R. No. 6, relative to the establishment of a military post on the Republican river in eastern Colorado, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 29, a bill for an act concerning cases in any district or county court, the venue of which has been changed thereto, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 69, a bill for an act to amend an act to provide for the appointment of sheep inspectors, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B.

No. 106, a bill for an act repealing section 65 of chapter 19 of the general laws, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 107, a bill for an act to provide for the employment of a chaplain for the penitentiary, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 109, a bill for an act making appropriations to pay outstanding State certificates of indebtedness and find the same correctly engrossed.

Respectfully,
H. E. LUTHE.
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 112, a bill for an act making appropriations for the State board of health for the years 1879 and 1880, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 118, a bill for an act declaring what shall be a lawful fence, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B.

No. 126, a bill for an act providing for the holding of an annual term of the district court in Rio Grande county, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 127, a bill for an act to provide a fund for erecting additional buildings at the mute and blind institute and for other improvements, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,
Chairman.

The committee on counties and county lines presented the following report:

Mr. Speaker:

Your committee on counties and county lines, to whom was referred H. B. No. 179, a bill for an act to change the county lines between Douglass and Jefferson counties so as to provide for the same to run on government lines instead of the center of the Platte river, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with amendments herewith transmitted.

Respectfully,

ISAAC GOTTHELF,
Chairman.

The committee on finance, ways and means presented the following reports:

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 98, a bill for an act to amend section 1 of article 4 of an act entitled, an act to prescribe certain powers and duties of the officers of the executive department and certain rules in relation to the fiscal affairs of the State in connection therewith, approved February 27th, 1877, have had the same under consideration and instruct

me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

ROBERT S. ROE,
Chairman.

H. E. LUTHE,
Chairman pro tem.

Mr. Speaker:

Your committee on finance, ways, and means, to whom was referred H. B. No. 146, entitled, a bill for an act to provide for licensing commercial travelers, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be put upon general file for consideration of committee of the whole.

Respectfully,

ROBERT S. ROE,
Chairman.

H. E. LUTHE,
Chairman pro tem.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 206, a bill for an act requiring county clerks to certify a list of county and precinct officers to the secretary of State, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

ROBERT S. ROE,
Chairman.

H. E. LUTHE,
Chairman pro tem.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 132, a bill for an act providing that the State treasurer shall countersign all warrants issued by the auditor of State and keep a record of the same, have had the same under consideration and instruct me to report

said bill back to the House with the recommendation that it be passed.

Respectfully,

ROBERT S. ROE,

Chairman.

H. E. LUTHE,

Chairman pro tem.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 120, a bill for an act to amend sections 33, 42, 44 and 45 of chapter 87 of the general laws of the State of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

ROBERT S. ROE,

Chairman.

H. E. LUTHE,

Chairman pro tem.

The special joint committee on amendments to the constitution presented the following report:

Mr. Speaker:

Your committee appointed to act jointly with a committee from the Senate, and to whom was referred the consideration of the several bills introduced for amendments to the constitution, have had said bills under consideration and recommend the passage of S. B. No. 43.

Very respectfully,

CHAS. H. TOLL,

Chairman on part of the House.

By consent, H. B. No. 179, a bill for an act to change the county lines between Douglas and Jefferson counties, etc., was read a second time and ordered printed as amended by the committee on counties and county lines.

Mr. Todd moved that the report of the committee of the whole relative to H. B. No. 141 be taken from the table.

Which motion prevailed.

The question recurring upon the motion to amend the

report so that H. B. No. 141 should be indefinitely postponed.

The motion was lost.

Mr. Todd moved that the report of the committee of the whole recommending that H. B. No. 141 do not pass be disagreed to.

Which motion prevailed.

Mr. Todd moved that H. B. No. 141 be amended by striking out certain words and inserting others in lieu thereof.

Which motion prevailed.

Mr. Chilcott moved that H. B. No. 141 be ordered engrossed and placed on calendar for a third reading.

Which motion prevailed.

S. C. R. No. 13, in relation to Pagosa Springs, was taken up under the rules of the House.

Mr. Mann of Jefferson county moved that the resolution be adopted.

Which motion prevailed.

S. B. No. 31, a bill for an act to amend chapter 88 of the general laws entitled, an act concerning roads and public highways, was read a third time.

Mr. Voorhies moved that the bill be referred to a special committee of three.

Which motion prevailed.

The speaker announced Messrs. Morehead, Southworth and Gotthelf as said committee.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 4, for an act entitled, stallions, jacks, bulls, rams and boars, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No.

13, for an act to repeal chapter 105 of the general laws of the State of Colorado and for other purposes, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 56, for an act to protect the grazing lands of Colorado from the stock of non-residents, and find the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. C. R. No. 14, relative to permitting the State to enter lands sufficient to make good deficiencies in the public building fund, university fund, and penitentiary fund, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 34, for an act to amend section 112 of chapter 103, revised statutes entitled, wills, executors and administrators, and find the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

At 11:40 A. M. the speaker in the presence of the House signed H. B. No. 4, a bill for an act entitled, stallions, jacks, bulls, rams and boars.

Also H. B. No. 13, a bill for an act to repeal chapter 105 of the general laws of the State of Colorado, and for other purposes.

Also H. B. No. 56, a bill for an act to protect the grazing lands of Colorado from the stock of non-residents.

Also S. B. No. 34, a bill for an act to amend section 112 of chapter 103, revised statutes entitled, wills, executors and administrators.

Also S. C. (J.) R. No. 14, in relation to State lands.

Mr. Mead moved that the committee on irrigation be granted further time to report on H. B. No. 22, and that said bill and report be made a special order for 7:30 o'clock this evening.

Which motion prevailed.

By consent, H. B. No. 145, a bill for an act relating to the powers and duties of the State board of land commissioners and the management of the State lands, and defining the duties of the secretary of the board, was taken from general orders and placed before the House for consideration.

Mr. Mann of Jefferson county moved that section 4 be stricken from the bill.

Pending which motion, Mr. Cantlon moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 12:23 o'clock P. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock in the afternoon.

By consent, the special joint committee on fish bills presented the following report:

Mr. Speaker:

Your special committee on conference, to whom was referred the various House and Senate bills for the protection and propagation of fish, etc., have had the same under consideration and instruct me to report the following substitute back to the Houses with the recommendation that it be passed.

J. H. P. VOORHIES,
Chairman.

H. B. No. 145 was taken up as unfinished business of the forenoon session.

The question pending, being on the motion of Mr. Mann of Jefferson county, to strike out section 4 of the bill.

The motion was lost.

Mr. Mann of Jefferson county moved to amend section 1 of the bill by striking out the word "fifteen" from the section and inserting in lieu thereof the word "ten."

Which motion was lost.

Mr. Todd moved that the bill be now ordered engrossed and placed on calendar for third reading.

Which motion prevailed.

Mr. Flower moved that S. B. No. 23, relative to fish, be made a special order to be taken up immediately after disposing of H. B. No. 22, this evening.

Which motion prevailed.

S. B. No. 72, a bill for an act to amend an act entitled, an act to establish and maintain a system of free schools, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Chilcott, Clark, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Lewis, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Phillips, Scott, Sheets, Slockett, Southworth, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—33.

Gentlemen voting in the negative were:

Messrs. Mann (Joseph), and Pease.—2.

Gentlemen absent and not voting were:

Messrs. Bingham, Cantlon, Coddington, Gotthelf, Gunnell, Hoffman, Hutchinson, Kimberly, Livesay, Lovato, Roe, Spruance, Thomas, and Valdez.—14.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Chilcott, Clark, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Lewis, Lovato, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Phillips, Scott, Sheets, Slockett, Southworth, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—34.

Gentlemen voting in the negative were:

Messrs. Gotthelf, Mann (Joseph), and Pease.—3.

Gentlemen absent and not voting were:

Messrs. Bingham, Cantlon, Coddington, Gunnell, Hoffman, Hutchinson, Kimberly, Livesay, Roe, Spruance, Thomas, and Valdez.—12.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill should take effect in accordance with the provisions thereof.

H. J. R. No. 6, relating to the establishment of a military post on the Republican river, was read a third time.

Mr. Gird moved that the resolution be adopted.

Which motion prevailed.

H. B. No. 69, a bill for an act to amend an act entitled, an act to provide for the appointment of sheep inspectors, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Chilcott, Clark, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Lewis, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Scott, Sheets, Slockett, Southworth, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—36.

Gentleman voting in the negative was:

Mr. Cordova.—1.

Gentlemen absent and not voting were:

Messrs. Bingham, Cantlon, Coddington, Gunnell, Hoff-

man, Hutchinson, Kimberly, Livesay, Roe, Spruance, Thomas, and Valdez.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 106, a bill for an act repealing section 65 of chapter 19 of the general laws, was read a third time and ordered to retain its place on calendar.

H. B. No. 107, a bill for an act to provide for the employment of a chaplain for the penitentiary, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Brandt, Brush, Gird, Harvey, Lewis, Mann (W. J.), Mead, Morehead, Scott, Southworth, Todd, Toll, Voorhies, and Mr. Speaker.—14.

Gentlemen voting in the negative were:

Messrs. Bartlett, Bromwell, Chilcott, Clark, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gotthelf, Lovato, Luthe, Maez, Mann (Joseph), Martinez, McCandlass, McLaughlan, Pease, Phillips, Sheets, Slockett, and Trujillo.—23.

Gentlemen absent and not voting were:

Messrs. Bingham, Cantlon, Coddington, Gunnell, Hoffman, Hutchinson, Kimberly, Livesay, Roe, Spruance, Thomas, and Valdez.—12.

A constitutional majority not having voted in favor of the passage of the bill.

The bill failed to pass.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has amended and passed as amended H. B. No. 51, an act to amend chapter 3 of the general laws entitled, an act to provide a fund for the building and maintenance of the agricultural college.

Also S. B. No. 105, an act concerning limitations of actions.

Also S. B. No. 82, an act concerning jurisdiction of the county judges and county court in cases of injunction.

Also substitute for S. B. No. 91, an act providing for the payment of clerical services in secretary of State's office.

Also S. B. No. 135, an act to provide for the purchase of supplies for the supreme court and the executive and legislative departments of State and for renting rooms for the same, which bill received a vote sufficient to pass the emergency clause.

Also S. B. No. 22, an act to amend an act to provide for and regulate the holding of the district courts in the several judicial districts in this State, which bill received a vote sufficient to pass the emergency clause.

Also S. B. No. 73, an act in regard to acknowledgments.

All of which are herewith submitted.

Respectfully,

W. W. ORRICK,

Secretary.

H. B. No. 29, a bill for an act concerning cases in any district or county court, the venue of which has been changed thereto, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Chilcott, Clark, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Kimberly, Lewis, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Scott, Sheets, Slockett, Southworth, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—38.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bingham, Cantlon, Coddington, Gunnell, Hoffman, Hutchinson, Livesay, Roe, Spruance, Thomas, and Valdez.—11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Cantlon, Clark, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Scott, Sheets, Slockett, Southworth, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—37.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bingham, Chilcott, Coddington, Gunnell, Hoffman, Hutchinson, Lovato, McLaughlan, Roe, Spruance, Thomas, and Valdez.—12.

A constitutional majority having voted in the affirmative.

It was ordered that the bill should take effect in accordance with the provisions thereof.

H. B. No. 109, a bill for an act making appropriations to pay outstanding State certificates of indebtedness, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Brush, Cantlon, Chilcott, Clark, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Kimberly, Lewis, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Sheets, Slockett, Southworth, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—35.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bingham, Bromwell, Coddington, Gunnell, Hoffman, Hutchinson, Livesay, Lovato, McLaughlan, Roe, Scott, Spruance, Thomas, and Valdez.—14.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 112, a bill for an act making appropriation for the State board of health for the years 1879 and 1880, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Kimberly, Lewis, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Scott, Sheets, Slockett, Southworth, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—38.

None in the negative.

Gentlemen absent and not voting were:

Messrs. Bingham, Coddington, Cordova, Gunnell, Hoffman, Hutchinson, Livesay, Roe, Spruance, Thomas, and Valdez.—11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 126, a bill for an act providing for the holding of an annual term of the district court in Rio Grande county, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Kimberly, Lewis, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Scott, Sheets, Slockett, Southworth, Todd, Toll, Voorhies, and Mr. Speaker.—38.

Gentlemen voting in the negative, none.

Gentlemen absent and not voting were:

Messrs. Bingham, Coddington, Gunnell, Hoffman, Hutchinson, Livesay, Roe, Spruance, Thomas, Trujillo, and Valdez.—11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 127, a bill for an act to provide a fund for erecting additional buildings at the mute and blind institute, and for other improvements, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Brush, Cantlon, Chilcott, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Kimberly, Lewis, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Phillips, Scott, Sheets, Slockett, Southworth, Todd, Trujillo, Voorhies, and Mr. Speaker.—34.

Gentlemen voting in the negative were:

Messrs. Bromwell, Clark, and Toll.—3.

Gentlemen absent and not voting were:

Messrs. Bingham, Coddington, Gunnell, Hoffman, Hutchinson, Livesay, McLaughlan, Pease, Roe, Spruance, Thomas, and Valdez.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title agreed to.

H. B. No. 118, a bill for an act declaring what shall constitute a lawful fence, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Chilcott, Clark, Cordova, Crawford, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Kimberly, Lewis, Lovato, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Scott, Sheets, Slockett, Southworth, Todd, Trujillo, Voorhies, and Mr. Speaker.—34.

Gentlemen voting in the negative were:

Messrs. Douglass, Luthe, Maez, and Toll.—4.

Gentlemen absent and not voting were:

Messrs. Bingham, Cantlon, Coddington, Gunnell, Hoffman, Hutchinson, Livesay, Roe, Spruance, Thomas, and Valdez.—11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title agreed to.

By consent, the committee on corporations presented the following reports:

Mr. Speaker:

Your committee on corporations, to whom was referred H. B. No. 67, a bill for an act to amend an act to provide for formation of corporations, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed as amended in the amended draft also herewith submitted.

Respectfully,

CHAS. H. TOLL,

Chairman.

Mr. Speaker:

Your committee on corporations, to whom was referred S. B. No. 62, a bill for an act to amend chapter 19 of the general laws of the State entitled, corporations, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

CHAS. H. TOLL,

Chairman.

The committee on counties and county lines presented the following reports:

Mr. Speaker:

Your committee on counties and county lines, to whom was referred H. B. No. 140, a bill for an act to strike off a portion of the county of Saguache and to add the same to the county of Rio Grande, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it do pass.

Respectfully,

J. GOTTHELF,

Chairman.

Mr. Speaker:

Your committee on counties and county lines, to whom was referred H. B. No. 66, a bill for an act amendatory to an act entitled, an act relating to surveys, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it do not pass.

Respectfully,

J. GOTTHELF,

Chairman.

Mr. Speaker:

Your committee on counties and county lines, to whom was referred H. B. No. 157, a bill for an act to amend an act entitled, an act concerning fences and enclosures in Conejos county and in other counties under certain circumstances, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole.

Respectfully,

J. GOTTHELF,

Chairman.

The committee on agriculture presented the following report:

Mr. Speaker:

Your committee on agriculture,.to whom was referred S. B. No. 31, an act concerning roads and highways, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with amendments.

Respectfully,

M. D. MOREHEAD,

Chairman.

S. B. No. 22, a bill for an act to amend an act entitled, an act to provide for and regulate the holding of the district courts in the several judicial districts in this State, and the manner of commencing and adjourning the same, and return of process, and providing for transfer of causes therein, and for continuing causes, actions and proceedings in case of adjournment, and to repeal all other acts in relation thereto, was read a first time.

Senate amendments to H. B. No. 51 were taken up.

Mr. Brush moved that the House concur in Senate amendments, etc.

H. B. No. 51, a bill for an act to amend chapter 3 of the general laws of the State of Colorado, entitled, an act to provide a fund for the building and maintenance of the agricultural college of Colorado.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Brandt, Brush, Chilcott, Clark, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Scott, Sheets, Slockett, Southworth, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—37.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Bingham, Bromwell, Cantlon, Coddington, Gunnell, Hutchinson, Kimberly, Roe, Spruance, Thomas, and Valdez.—12.

A constitutional majority having voted in favor of concurring in the Senate amendments.

The amendments were concurred in.

Mr. Toll moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into a committee of the whole, with the gentleman from Jefferson county, Mr. Pease, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration:

S. B. No. 14, a bill for an act to provide for the expenses of judges and district attorneys when absent from the coun-

ties of their residence, and instruct me to report the same back to the House with the recommendation that its further consideration be postponed until to-morrow evening's session.

Also H. B. No. 176, a bill for an act making appropriations for expenses of selecting, locating, appraising, selling and leasing lands donated to the State by the United States, and the expenses of the State board of land commissioners for the years 1879 and 1880, have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 91, a bill for an act to provide for the printing of the laws of this State in the most convenient and compact form, etc., and instruct me to report the same back to the House with the recommendation that it be referred to the judiciary committee.

Also H. B. No. 7, a bill for an act concerning release mortgages, trust deeds, and instruments of writing for security of money.

Also H. B. No. 12, a bill for an act concerning redemption of land sold under trust deeds and other instruments of writing.

Also H. B. No. 44, a bill for an act concerning the foreclosure of trust deeds, etc., with the recommendation that they do not pass.

Also S. B. No. 57, a bill for an act to establish the county of Carbonate, etc., and instruct me to report the same back to the House and recommend its passage.

Respectfully,

J. G. PEASE,

Chairman.

Mr. Todd moved that the report of the committee of the whole be agreed to, except so far as it related to H. B. No. 44.

Mr. Cantlon moved to amend the motion so as to except S. B. No. 57.

Which motion to amend prevailed.

The question recurring upon the motion as amended.

Mr. Cantlon moved that the House do now take a recess until 7:30 o'clock this evening.

Which motion was lost.

The question again recurring upon the motion as amended..

Mr. Flower moved that the vote by which the amendment was adopted be reconsidered.

Upon which motion Mr. Todd demanded the yeas and nays.

Which were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Chilcott, Crawford, Flower, Gotthelf, Kimberly, Livesay, Lovato, Maez, Mann (Joseph), McCandlass, McLaughlan, Mead, Pease, Todd, and Toll. —17.

Gentlemen voting in the negative were:

Messrs. Brush, Cantlon, Clark, Douglass, Gebhard, Gird, Harvey, Lewis, Luthe, Mann (W. J.), Martinez, Morehead, Phillips, Scott, Sheets, Slockett, Southworth, Thomas, Trujillo, and Mr. Speaker.—20.

Gentlemen absent and not voting were:

Messrs. Bingham, Bromwell, Coddington, Cordova, Evans, Gunnell, Hoffman, Hutchinson, Roe, Spruance, Valdez, and Voorhies.—12.

A majority not having voted in the affirmative.

The motion to reconsider did not prevail.

The question recurring upon the motion as amended, being to agree to the report of the committee of the whole except so far as it related to H. B. No. 44 and S. B. No. 57.

Mr. Cantlon moved that the House do now take a recess until half after 7 o'clock this evening.

Which motion prevailed.

At 5:15 o'clock P. M. the House took a recess.

EVENING SESSION.

The speaker called the House to order at 7:30 o'clock P. M.

The business unfinished at the time of taking a recess was taken up.

Being the report of the committee of the whole.

The pending motion being to agree to the report of the committee of the whole except so far as it related to H. B. No. 44 and S. B. No. 57.

The motion prevailed.

Mr. Todd moved that the report of the committee of the whole relative to H. B. No. 44 be not agreed to, and that said bill be recommitted to the committee of the whole.

Which motion prevailed.

Mr. Toll moved that the report of the committee of the whole be agreed to relative to S. B. No. 57.

Which motion prevailed.

The committee on irrigation presented the following report:

Mr. Speaker:

Your committee on irrigation, to whom was referred H. B. No. 22, a bill for an act entitled, an act concerning irrigation, have had the same under consideration and instruct me to report said bill back to the House with certain amendments thereto, to wit: strike out all after the enacting clause and insert the several sections, a draft of which is herewith submitted.

Respectfully,

L. C. MEAD,

Chairman.

The hour having arrived for the consideration of the special order.

Being H. B. No. 22, a bill for an act concerning irrigation.

Mr. Southworth moved that the House do now go into committee of the whole for the consideration of the special order.

Which motion prevailed.

The House resolved itself into committee of the whole with the gentleman from Arapahoe county, Mr. Luthe, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 22, a bill for an act concerning irrigation, have made certain amendments thereto, and instruct me to report progress, and ask leave to sit again thereon.

Respectfully,

H. E. LUTHE,

Chairman.

It was ordered that the committee have leave to sit again on H. B. No. 22.

Mr. Voorhies moved that the House do now go into committee of the whole for the consideration of S. B. No. 23.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Arapahoe, Mr. Luthe, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration:

S. B. No. 23, a bill for an act to amend an act entitled, an act to provide for the protection, preservation and propagation of fish, etc., have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Voorhies moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

By consent, Mr. Todd moved that H. B. No. 145 be amended before being engrossed, so as to permit the State board of land commissioners to sell school lands, when in their opinion deemed best.

Which motion to amend prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed S. B. No. 30, an act to amend an act to prevent fires on the prairies.

Also S. B. No. 50, an act concerning enrollment and organization of militia.

Which bill passed with an emergency clause.

Also S. B. No. 44, an act to submit to the qualified electors of the State of Colorado an amendment to section 3 of article 10 of the constitution of the State, concerning revenues.

Also S. B. No. 89, an act to amend an act entitled, act concerning unclaimed freight.

Also S. B. No. 94, an act in relation to municipal corporations, which bill passed with an emergency clause.

All of which are herewith submitted.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Voorhies moved that the House do now adjourn until 9 o'clock to-morrow morning.

Which motion prevailed.

At 10 o'clock P. M. the House adjourned.

TWENTY-SEVENTH DAY.

SATURDAY, FEBRUARY 1st, 1879.

House met at 9 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Brandt, Brush, Cantlon, Chilcott, Clark, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Lewis, Livesay, Lovato, Luthe,

Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Morehead, Phillips, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—38.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Bartlett, Bingham, Bromwell, Coddington, Hoffman, Hutchinson, Kimberly, Mead, Pease, Roe, and Spruance.—11.

The journal of the previous day's session was read and approved.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 196, 177, 187, 185, 198, 199 and 191, amended H. B. No. 36, H. J. M. No. 10, and H. J. M. No. 12, and find the same correctly printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

The committee on public lands presented the following report:

Mr. Speaker:

Your committee on public lands, to whom was referred H. B. No. 139, a bill for an act for granting licenses for the shipping of game.

H. B. No. 152, an act to amend an act entitled, an act to provide for the selection, location, appraisal, and leasing of State lands.

H. B. No. 170, a bill for an act for the relief of occupants of State lands settled upon prior to the location thereof by the State board of land commissioners, have had the same under consideration and instruct me to report said bills back to the House with the recommendation that they be not passed.

Respectfully,

W. D. TODD,

Chairman.

The committee on appropriations and expenditures presented the following report:

Mr. Speaker:

Your committee on appropriations, to whom was referred H. B. No. 113, a bill for an act making appropriations for expenses of selecting and locating land donated to the State by the United States, and the expenses of the State board of land commissioners for the years 1879 and 1880, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be indefinitely postponed, it being covered by H. B. No. 176.

Respectfully,

J. McD. LIVESAY,

Chairman.

The committee on stock presented the following report:

Mr. Speaker:

Your committee on stock, to whom was referred H. B. No. 160, an act to provide for the herding and driving of stock, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

J. L. BRUSH,

Chairman.

The committee on enrollment presented the following report:

Mr. Speaker:

Your committee on enrollment have examined H. J. R. No. 3, relative to the establishment of a military post in southwestern Colorado, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

The committee on penitentiary presented the following report:

Mr. Speaker:

Your committee on penitentiary, to whom was referred H. B. No. 84, a bill for an act to amend section 2 of an act entitled, an act to provide for the maintenance, government, etc., of the penitentiary, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with accompanying amendments.

Respectfully,

R. HARVEY,
Chairman.

The committee on fees and salaries presented the following report:

Mr. Speaker:

Your committee on fees and salaries, to whom was referred H. B. No. 95, a bill for an act fixing the salary of assistant librarian.

Also H. B. No. 96, a bill for an act to amend section 6 of an act entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, have had the same under consideration and instruct me to report said bills back to the House with the recommendation that they be not passed.

Respectfully,

R. DOUGLASS,
Chairman.

Mr. Todd moved that the report of the committee on appropriations and expenditures relative to H. B. No. 113, be adopted.

Which motion prevailed.

S. B. No. 30, a bill for an act to amend an act entitled, an act to prevent fires on prairies.

Also S. B. No. 43, a bill for an act to submit to the qualified electors of the State of Colorado an amendment to section 3 of article 10 of the constitution of the State, concerning revenue.

Also S. B. No. 89, a bill for an act to amend an act entitled, an act concerning unclaimed freight.

Also S. B. No. 82, a bill for an act concerning jurisdiction of the county judges, etc.

Also S. B. No. 73, a bill for an act in regard to acknowledgments.

Also S. B. No. 91, a bill for an act to provide for the payment of clerical services in the secretary of State's office.

Also amended S. B. No. 84, a bill for an act to amend an act entitled, an act in relation to municipal corporations.

Also S. B. No. 105, a bill for an act concerning the limitations of actions.

Also S. B. No. 135, a bill for an act to provide for the purchase of supplies for the supreme court and the executive and legislative departments of State and for the renting of rooms for the same, were read a first time.

S. B. No. 6, a bill for an act in relation to attachments issuing out of justice's courts, was read a second time and referred to the judiciary committee.

S. B. No. 22, a bill for an act to amend an act entitled, an act to provide for and regulate the holding of the district courts, etc., was read a second time and referred to the committee of the whole.

S. B. No. 40, a bill for an act giving justices of the peace jurisdiction in replevin, etc., was read a second time and referred to the judiciary committee.

S. B. No. 68, a bill for an act requiring the secretary of State to collect together laws, etc., was read a second time and referred to the judiciary committee.

S. B. No. 74, a bill for an act in relation to habeas corpus, was read a second time and referred to the judiciary committee.

S. B. No. 81, a bill for an act concerning jurisdiction, powers and practice of county courts, was read a second time and referred to the judiciary committee.

S. B. No. 106, a bill for an act to change the names of the counties of Lake and Carbonate, was read a second time and referred to the committee of the whole House.

S. B. No. 102, a bill for an act in relation to bastardy, was read a second time and referred to the judiciary committee.

Mr. Mead presented the following resolution:

Resolved, That the sergeant-at-arms be instructed to enorce rule No. 52.

Mr. Cantlon moved that the resolution be adopted.

Which motion was lost.

H. J. R. No. 10, in relation to old settlers, was read a second time and ordered engrossed.

H. J. R. No. 12, in relation to Charles Autobias, was read a second time and ordered engrossed.

H. B. No. 177, a bill for an act to amend an act entitled, an act to prescribe certain powers and duties of the officers of the executive department, etc., was read a second time and referred to the committee of the whole.

H. B. No. 185, a bill for an act relating to costs in criminal cases, was read a second time and referred to the judiciary committee.

H. B. No. 187, a bill for an act to amend section 182, division 12, entitled, fraudulent and malicious mischief, etc., was read a second time and referred to the judiciary committee.

H. B. No. 191, a bill for an act to enable the State board of agriculture to open the State agricultural college, etc., was read a second time and referred to the committee on appropriations and expenditures.

H. B. No. 196, a bill for an act to provide for the action of replevin, etc., was read a second time and referred to the judiciary committee.

H. B. No. 195, a bill for an act to provide for appeals from judgments rendered by justices of the peace, etc., was read a second time and referred to the judiciary committee.

H. B. No. 199, a bill for an act for a proposed amendment to section 3 of article 10 of the constitution of Colorado, was read a second time and referred to the special joint committee on constitutional amendments.

Mr. Todd moved that the speaker be excused until Monday next.

Which motion prevailed.

Mr. Todd was called to the chair as speaker *pro tempore* during the absence of the speaker.

S. B. No. 23, a bill for an act to amend an act entitled, an act to provide for the propagation, preservation and protection of fish, etc., was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bromwell, Brush, Cantlon, Chilcott, Crawford, Douglass, Gird, Gotthelf, Hoffman, Kimberly, Livesay, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Pease, Roe, Sheets, Southworth, Todd, Trujillo, and Voorhies.—22.

Gentlemen voting in the negative were:

Messrs. Brandt, Cordova, Evans, Flower, Gebhard, Harvey, Lewis, Lovato, Luthe, Maez, Martinez, Morehead, Phillips, Scott, Slockett, Thomas, Toll, and Valdez.—18.

Gentlemen absent and not voting were:

Messrs. Bartlett, Bingham, Clark, Coddington, Gunnell, Hutchinson, Mead, Spruance, and Mr. Speaker.—9.

A constitutional majority not having voted in favor of the passage of the bill.

The bill failed to pass.

S. B. No. 57, a bill for an act to establish the county of Carbonate and to provide for terms of court therein, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Brandt, Bromwell, Brush, Cantlon, Chilcott, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Voorhies.—38.

Gentlemen voting in the negative were:

Messrs. Cordova, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, and Maez.—2.

Gentlemen absent and not voting were :

Messrs. Bartlett, Bingham, Clark, Coddington, Gunnell, Hutchinson, Mead, Spruance, and Mr. Speaker.—9.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result :

Gentlemen voting in the affirmative were :

Messrs. Brandt, Bromwell, Brush, Cantlon, Chilcott, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, McLaughlan, Morehead, Pease, Phillips, Roe, Scott, Sheets, Slockett, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Voorhies.—39.

Gentlemen voting in the negative, none.

Gentlemen absent and not voting were :

Messrs. Bartlett, Bingham, Clark, Coddington, Gunnell, Hutchinson, Mann (Joseph), Mead, Spruance, and Mr. Speaker.—10.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

The committee on appropriations and expenditures presented the following reports :

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 114, a bill for an act making appropriation for the maintenance and support of the State penitentiary for the years 1879 and 1880, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

J. McD. LIVESAY,

Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 172, entitled, a bill for an act to repeal sections 1225, 1226 and 1227 of the general laws State of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the special fish committee.

Respectfully,

J. McD. LIVESAY,

Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 110, a bill for an act making appropriations to reimburse the several counties of the State moneys heretofore expended by them in the support of insane paupers, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

J. McD. LIVESAY,

Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 142, a bill for an act to furnish road overseers with laws pertaining to their office, etc., have had the same under consideration and instruct me to report the said bill back to the House with the recommendation that it be not passed.

Respectfully,

J. McD. LIVESAY,

Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 151, a bill for an act to amend section 19 of chapter 101 of the general laws, have had the same under consideration and instruct me to report

said bill back to the House with the recommendation that it be not passed.

Respectfully,

J. McD. LIVESAY,

Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred S. B. No. 38, a bill for an act to provide for the payment of witnesses in the contested election case of Boyd vs. DeFrance, etc., have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

J. McD. LIVESAY,

Chairman.

By consent, S. B. No. 50, a bill for an act concerning the enrollment and organization of the State militia, was read a first time.

Mr. Evans moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 11:50 o'clock A. M. the House took a recess.

AFTERNOON SESSION.

The speaker *pro tempore* called the House to order at 2 o'clock in the afternoon.

Mr. Flower gave notice that he would, at some future time, move a reconsideration of the vote whereby S. B. No. 23 was lost on its final passage.

Messrs. McLaughlan and Bingham were excused from attendance upon the remainder of this day's session of the House.

The committee on enrollment presented the following reports:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 9, a bill for an act to define and punish the obtaining of

money or property by confidence games, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 51, a bill for an act to amend chapter 3 of the general laws of the State of Colorado, entitled, an act to provide a fund for the building and maintenance of the agricultural college of Colorado, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 10, a bill for an act authorizing the binding out of indigent children by county commissioners and relative thereto, and to adopt children, and jurisdiction of district and county courts regarding the same, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

The following communication was received from the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, January 31, 1879.

HON. RIENZI STREETER,

Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 4, entitled, an act relating to stallions, bulls, etc.

Also H. B. No. 13, entitled, an act to repeal chapter 105 of the general laws entitled, wolves and coyotes, etc.

Also H. B. No. 56, entitled, an act to protect the grazing lands of Colorado from the stock of non-residents.

Also S. J. R. No. 14, relative to permitting the State to

enter lands sufficient to make good the deficiencies in the various funds granted by the enabling act, and have filed the same with the seeretary of State.

Very respectfully,

FREDERICK W. PITKIN,

Governor.

Mr. Mead moved that the House do now go into committee of the whole for the consideration of bills on general orders, and that H. B. No. 22 be made the order for 3 o'clock to-day.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Arapahoe county, Mr. Gird, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration:

H. B. No. 144, a bill for an act to establish the Colorado inebriate and insane asylum, and providing for its location, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 22, a bill for an act concerning irrigation, have made certain amendments thereto, and instruct me to report the same back to the House and recommend its passage as amended.

Respectfully,

C. C. GIRD,

Chairman.

Mr. Luthe moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the

Senate has passed S. B. No. 92, an act to amend chapter 19 of the general laws, which is herewith submitted.

Respectfully,

W. W. ORRICK,

Secretary.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 192, 181 and 195 and find the same correctly printed, except in H. B. No. 195 the word "first" in the 15th line section 90 in printed copy should read "third."

Respectfully,

M. O. CODDINGTON,

Chairman.

The committee on appropriations and expenditures presented the following report:

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 116, a bill for an act to provide for the ordinary expenses of the executive, legislative and judicial departments of the State, and interest on the public debt for the years 1879 and 1880, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with certain amendments.

Respectfully,

J. McD. LIVESAY,

Chairman.

The committee on agriculture presented the following report:

Mr. Speaker:

Your committee on agriculture, to whom was referred H. B. No. 155, a bill relative to repealing law in regard to payment of bounty on hawks, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it do not pass.

M. D. MOREHEAD,

Chairman.

The committee on mines and mining presented the following reports:

Mr. Speaker:

Your committee on mines and mining, to whom was referred H. B. No. 169, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

J. G. EVANS,
Chairman.

Mr. Speaker:

Your committee on mines and mining, to whom was referred H. B. No. 167, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

J. G. EVANS,
Chairman.

Mr. Speaker:

Your committee on mines and mining, to whom was referred H. B. No. 158, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

J. G. EVANS,
Chairman.

The committee on finance, ways and means presented the following reports:

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 106, a bill for an act to amend and repeal certain sections of an act entitled, an act concerning counties, county officers and county government and repealing laws on the subject, approved March 24th, 1877, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

ROBERT S. ROE,
Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 124, a bill for an act to amend sections 10 and 11 of article 4 of chapter 33, entitled, executive department of the general laws of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
ROBERT S. ROE,
Chairman.

Mr. Speaker:

Your commmittee on finance, ways and means, to whom was referred H. B. No. 42, a bill for an act authorizing a tax levy of 15 mills on valuation for county purposes in Ouray county have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,
ROBERT S. ROE,
Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 43, a bill for an act requiring the payment of taxes in cash, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,
ROBERT S. ROE,
Chairman.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 9, for an act to define and punish the obtaining of money

or property by confidence games, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. C. R. No. 13, relative to Pagosa Springs, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 51, for an act to amend chapter 3 of the general laws of the State of Colorado, entitled, an act to provide a fund for the building and maintenance of the agricultural college of Colorado, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 10, for an act to authorize the superintendents of the poor to bind out indigent children, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. J. R. No. 3, relative to the establishment of a military post

in southwestern Colorado, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

By consent S. B. No. — was returned to the committee on appropriations and expenditures for further consideration.

Mr. Evans moved that the House do now take a recess until 7:30 o'clock this evening.

Which motion prevailed.

At 4:40 o'clock P. M. the House took a recess.

EVENING SESSION.

The House was called to order at 7:30 o'clock P. M. by the speaker *pro tempore*.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed S. B. No. 54, an act to enable counties to fund their floating indebtedness, which is herewith submitted.

Respectfully,
W. W. ORRICK,
Secretary.

By consent, S. B. No. 54, a bill for an act to enable the several counties of the State to fund their floating indebtedness.

Also S. B. No. 92, a bill for an act to amend chapter 19 of the general laws of the State of Colorado.

Were read a first time.

Mr. Evans moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole with the gentleman from Hinsdale county, Mr. Gunnell, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration:

S. B. No. 106, a bill for an act to change the names of the counties of Lake and Carbonate, have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also S. B. No. 14, a bill for an act to provide for the expenses of judges and district attorneys when absent from the counties of their residence, and instruct me to report progress therein and ask leave to sit again.

Also H. B. No. 100, a bill for an act to prevent fires on the prairies along railroad lines, and instruct me to report the same back to the House with the recommendation that it retain its place on the calendar until the Senate bill on the same subject is reached.

Also S. B. No. 27, a bill for an act in relation to trust deeds, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 63, a bill for an act to protect the public health and to regulate the practice of medicine in the State of Colorado, and instruct me to report the same back to the House with the recommendation that it retain its place on the calendar.

Also H. B. No. 137, a bill for an act to amend chapter 100 of the general laws, etc., and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 174, a bill for an act to amend chapter 72 of the general laws, and instruct me to report the same back to the House and recommend its passage.

Also H. J. R. No. 9, in relation to settlers on the Maxwell grant, and instruct me to report the same back to the House and recommend its adoption.

Also S. B. No. 95, a bill for an act to amend section 17 of an act entitled, an act to reduce the law incorporating the city of Denver, etc., and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 98, a bill for an act to amend section 59 of an act entitled, an act to reduce the law incorporating the city of Denver, etc., have made certain amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also S. B. No. 96, a bill for an act to amend section 34 of an act entitled, an act to reduce the law incorporating the city of Denver, etc., and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 44, a bill for an act providing for the method of collecting and receipting for taxes for State institutions, and instruct me to report the same back to the House and recommend its passage.

Also H. J. R. No. 5, in relation to military road in southwestern Colorado.

Also H. J. R. No. 7, in relation to military post in northwestern Colorado.

* * * * * * *

Also H. J. R. No. 11, in relation to the removal of the United States land office from Lake City to Silverton, and instruct me to report progress thereon.

Respectfully,

A. T. GUNNELL,

Chairman.

Mr. Cantlon moved that the report of the committee of the whole be agreed to.

Mr. Mann of Jefferson county moved as an amendment that the report of the committee of the whole be agreed to except so far as it related to S. B. No. 27, and that said bill be recommitted to the committee of the whole.

Which motion to amend prevailed.

The question then recurring upon the motion as amended.

The motion prevailed.

Mr. Voorhies moved that H. J. R. Nos. 5 and 7 be taken from general orders and ordered engrossed for a third reading.

Which motion prevailed.

Mr. Luthe moved that H. B. No. 123 be taken from the table.

Pending which motion Mr. Evans moved that the House adjourn to 9 o'clock next Monday morning.

Which motion prevailed.

At 10 o'clock P. M. the House adjourned.

TWENTY-EIGHTH DAY.

MONDAY, FEBRUARY 3d, 1879.

House met at 9 o'clock A. M.

The House was called to order by the chief clerk.

Prayer by Rev. W. J. Phillips.

In the absence of the speaker, Mr. Todd was elected speaker *pro tempore* to preside during the absence of the speaker.

On motion of Mr. Bromwell the roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Crawford, Douglass, Evans, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Luthe, Mann (Joseph), Mann (W. J.), Martinez, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Valdez, and Voorhies.—35.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Coddington, Cordova, Flower, Gotthelf, Gunnell, Hutchinson, Lovato, Maez, McCandlass, McLaughlan, Slockett, Spruance, Trujillo, and Mr. Speaker.—14.

Pending the reading of the journal of Saturday's session, Mr. Chilcott moved that the further reading of the journal be dispensed with.

Which motion prevailed.

Mr. Bromwell moved that the vote by which the report

of the committee of the whole in relation to H. B. No. 22, was agreed to on Saturday last be reconsidered.

Which motion prevailed.

The question recurring upon the motion to agree to the report of the committee of the whole.

Mr. Bromwell moved to amend the bill by striking out certain sections and inserting others in lieu thereof.

Which motion prevailed.

The question again recurring upon the motion to agree to the report of the committee of the whole as amended.

The motion prevailed.

At 9:25 o'clock A. M. the speaker *pro tempore* in the presence of the House signed H. B. No. 51, a bill for an act to amend chapter 3 of the general laws, etc.

Also H. B. No. 9, a bill for an act to define and punish the obtaining of money or property by confidence games.

Also H. J. R. No. 3, relative to the establishment of a military post in southwestern Colorado.

Also H. B. No. 10, a bill for an act to authorize superintendents of the poor to bind out indigent children.

Also S. C. R. (J.) No. 13, in relation to Pagosa Springs.

Mr. Chilcott moved that the vote by which the report of the committee of the whole relative to H. B. No. 144 was agreed to on Saturday last be reconsidered.

Which motion prevailed.

The question recurring upon the motion to agree.

Mr. Chilcott moved to amend the bill by striking out certain sections and inserting others in lieu thereof.

Which motion prevailed.

The question recurring upon the motion to agree to the report as amended.

The motion prevailed.

And the bill was ordered engrossed as amended.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 4, for an act entitled, stallions, jacks, bulls, rams and boars,

to His Excellency the Governor for his signature, at 4 o'clock and 30 minutes P. M., January 31, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 56, for an act to protect the grazing lands of Colorado from the stock of non-residents, to His Excellency the Governor for his signature, at 4 o'clock and 30 minutes P. M., January 31, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 13, for an act to repeal chapter 105 of the general laws of the State of Colorado, and for other purposes, to His Excellency the Governor for his signature, at 4 o'clock and 30 minutes P. M., January 31, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 34, for an act to amend section 112 of chapter 103, revised statutes, entitled, wills, executors and administrators, to His Excellency the Governor for his signature, at 4 o'clock and 30 minutes P. M., January 31, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. C. R. No. 14, relative to permitting the State to enter lands sufficient

to make good deficiencies in the public building, university and penitentiary funds, to His Excellency, at 4 o'clock and 30 minutes P. M., January 31, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

The committee on education presented the following report:

Mr. Speaker:

Your committee on education, to whom was referred H. B. No. 134, a bill for an act to encourage the formation and establishment of a State historical and natural history society, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with amendments herewith transmitted.

Respectfully,

H. P. H. BROMWELL,

Chairman.

The committee on engrossment presented the following reports:

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 36, a bill for an act to amend an act entitled, an act to secure liens to mechanics and others, and to repeal all other acts in relation thereto, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 176, a bill for an act making appropriation for expenses of selecting, locating, appraising, leasing and selling land donated to the State by the United States, and the expenses of the State board of land commissioners for the years 1879 and 1880, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. J. R. No. 10, house joint resolution relative to pre-emption and homestead law, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 90, a bill for an act to provide for the purchase of law books for the library of the supreme court, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Chilcott moved that the amendments recommended by the committee on education, relative to H. B. No. 134, be incorporated into the bill, and that the bill be ordered engrossed as thus amended.

Which motion prevailed.

S. B. No. 44, a bill for an act to provide for the method of collecting and receipting for taxes for State institutions, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, Mead, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Trujillo, and Valdez.—34.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Cantlon, Clark, Coddington, Flower, Gotthelf, Hutchinson, Livesay, McCandlass, McLaughlan, Sheets, Slockett, Spruance, Toll, Voorhies, and Mr. Speaker.—15.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

S. B. No. 95, a bill for an act to amend section 17 of an act entitled, an act to reduce the law incorporating the city of Denver, etc., was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, and Valdez.—39.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Cantlon, Flower, Gotthelf, Hutchinson, McLaughlan, Slockett, Spruance, Toll, Voorhies, and Mr. Speaker.—10.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

S. B. No. 96, a bill for an act to amend section 34 of an act entitled, an act to reduce the law incorporating the city of Denver, etc., was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, and Valdez.—40.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Cantlon, Gotthelf, Hutchinson, McLaughlan, Slockett, Spruance, Toll, Voorhies, and Mr. Speaker.—9.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

S. B. No. 98, a bill for an act to amend section 59 of an act entitled, an act to reduce the law incorporating the city of Denver, etc., was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, and Valdez.—39.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Cantlon, Flower, Gotthelf, Hutchinson, McLaughlan, Slockett, Spruance, Toll, Voorhies, and Mr. Speaker.—10.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title agreed to.

H. J. R. No. 10, in relation to old settlers, was read a third time.

Mr. Voorhies moved that the resolution be adopted.

Which motion prevailed.

H. B. No. 36, a bill for an act to amend an act entitled, an act to secure liens to mechanics and others, was read a third time.

Mr. Livesay moved to amend section — of the bill by striking out the word "chancery" and inserting "suits at law" in lieu thereof.

Which motion prevailed.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Voorhies.—40.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Cantlon, Flower, Gotthelf, Gunnell, Hutchinson, McLaughlan, Slockett, Spruance, and Mr. Speaker.—9.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 90, a bill for an act to provide for the purchase of law books for the library of the supreme court, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Voorhies.—39.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bromwell, Cantlon, Flower, Gotthelf, Gunnell, Hutchinson, McLaughlan, Slockett, Spruance, and Mr. Speaker.—10.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 176, a bill for an act making appropriation for expense of selecting, locating, etc., State lands, 1879 and 1880, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Evans, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Valdez, and Voorhies.—37.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Cantlon, Douglass, Flower, Gotthelf, Gunnell, Hutchinson, McLaughlan, Mead, Slockett, Spruance, Toll, and Mr. Speaker.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

By consent, Mr. Livesay introduced:

H. C. R. No. 15, in relation to raising joint committee to report on bills before each house of the General Assembly generally.

By consent, the rules were suspended and Mr. Livesay moved that the resolution be adopted.

Which motion prevailed.

By consent, H. B. No. 120 was taken from general orders and returned to the committee on finance, ways and means.

By consent, Mr. Chilcott introduced the following resolution:

Resolved, That the clerk of the house be authorized to employ a reading clerk.

Resolved, further, That the committee on engrossment and the committee on enrollment be increased to five members each.

Mr. Chilcott moved that the resolution be adopted.

Which motion prevailed.

Messrs. Morehead and Harvey were announced as the additional members of the committee on enrollment, and Messrs. Bartlett and Gird as the committee on enrollment.

H. J. R. No. 15, in relation to Charles Autobias, was read a third time.

Mr. Thomas moved that the resolution be adopted.

Which motion prevailed.

The committee on engrossment presented the following reports:

Mr. Speaker:

Your committee on engrossment have examined H. J. M. No. 12, house joint memorial in relation to Charles Autobias, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 144, a bill for an act to establish the Colorado insane asylum and providing for its location, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 174, a bill for an act to amend chapter 72 of the general laws, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 137, a bill for an act to amend chapter 6 of the general laws of the State of Colorado, entitled, towns and cities, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 125, a bill for an act to amend an act relating to the exemption of volunteer firemen as jurors and from paying a poll tax in the State of Colorado, and to repeal certain acts relating thereto, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 133, a bill for an act to prescribe certain duties of the attorney general, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 145, a bill for an act relating to the powers and duties of the State board of land commissioners and management of the State lands, and define the duties of the secretary of the board, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 105, a bill for an act providing for a change of venue in preliminary examination before justices of the peace, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 102, a bill for an act to amend chapter 61 of the gen-

eral laws concerning lunatics, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 115, a bill for an act making appropriation to pay expenses and claims under the law concerning fugitives from justice for the years 1879 and 1880, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

The special committee, consisting of the Arapahoe county delegation, presented the following reports:

Mr. Speaker:

Your committee, the Arapahoe delegation, to whom was referred H. B. No. 119, a bill for an act to amend an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act and to revise and amend the same so as to enable the city council to establish a system of sewerage, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
H. P. H. BROMWELL,
For said delegation.

Mr. Speaker:

Your committee, the Arapahoe delegation, to whom was referred H. B. No. 194, being bill for an act to amend an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof and revise and amend the same so as to grant the city council by ordinance to close all places of business on the Sabbath, have had the same under consideration and instruct me to

report said bill back to the House with the recommendation that it be not passed.

Respectfully,

H. P. H. BROMWELL,

For said delegation.

The judiciary committee presented the following reports:

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 187, a bill for an act to amend section 182 division 12 entitled, fradulent and malicious mischief, of chapter 24 entitled, criminal code general laws of the State of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

CHAS. H. TOLL,

Acting Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 46, a bill for an act entitled, an act relating to the representative district of Fremont and Custer counties, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed because unconstitutional.

Respectfully,

CHAS. H. TOLL,

Acting Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 173, a bill for an act to amend an act concerning jurors, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

CHAS. H. TOLL,

Acting Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred

S. B. No. 63, an act to enable the State to purchase a certain number of reports of cases at law and chancery determined in supreme court of Colorado by L. B. France, reporter, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
CHAS. H. TOLL,
Acting Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 86, a bill for an act to amend section 128 of an act entitled, elections, chapter 30 of the general laws, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
CHAS. H. TOLL,
Acting Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 81, an act concerning jurisdiction, power and practice of county courts, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,
CHAS. H. TOLL,
Acting Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 74, a bill for an act in relation to habeas corpus, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
CHAS. H. TOLL,
Acting Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 35, a bill for an act to establish a court of common pleas in the city of Denver, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

CHAS. H. TOLL,

Acting Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 65, a bill for an act to abolish the June term of the district court of Park county, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole.

Respectfully,

CHAS. H. TOLL,

Acting Chairman.

The committee on finance, ways and means presented the following reports:

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 72, a bill for an act to amend an act entitled, an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, approved March 20th, 1877, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be laid on the table.

Respectfully,

ROBERT S. ROE,

Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 11, a bill for an act to amend section 98 of chapter 87 of the general laws of Colorado, revising so much of the section as makes taxes levied or assessed upon personal property a perpetual lien thereupon,

have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,
ROBERT S. ROE,
Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 73, a bill for an act to amend an act entitled, an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, approved March 20, 1877, have had the same under consideration and instruct me to report the same back to the House with the recommendation that it be laid on the table.

Respectfully,
ROBERT S. ROE,
Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 97, a bill for an act to repeal section 60 of chapter 87 of the general laws of Colorado, entitled, revenue, and to provide for the interest on taxes and the payment of the several funds, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,
ROBERT S. ROE,
Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 120, entitled, an act to amend sections 33, 42, 44 and 45 of chapter 87 of the general laws of the State of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be laid on the table.

Respectfully,
ROBERT S. ROE,
Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 92, a bill for an act to amend an act entitled, an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, approved March 20, 1877, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be laid on the table.

Respectfully,
ROBERT S. ROE,
Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred S. B. No. 25, a bill for an act to amend chapter 87 of the general laws of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be laid on the table.

Respectfully,
ROBERT S. ROE,
Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 32, a bill for an act to amend section 3 of chapter 87 of the general laws of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it do not pass.

Respectfully,
ROBERT S. ROE,
Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No 117, a bill for an act to authorize the State treasurer to pay interest on State warrants when there is money in the treasury not otherwise appropriated, have had the same under consideration and instruct me to re-

port said bill back to the House with the recommendation that it be referred to judiciary committee with the recommendation that it do pass if constitutional.

Respectfully,

ROBERT S. ROE,

Chairman.

The committee on corporations presented the following reports:

Mr. Speaker:

Your committee on corporations, to whom was referred H. B. No. 54, an act to amend chapter 19 of general laws, entitled, corporations, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

CHAS. H. TOLL,

Chairman.

Mr. Speaker:

Your committee on corporations, to whom was referred H. B. No. 153, an act to amend an act in relation to municipal corporations, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

CHAS. H. TOLL,

Chairman.

Mr. Speaker:

Your committee on corporations, to whom was referred H. B. No. 165, a bill for an act to prevent extortion and discrimination by common carriers, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

CHAS. H. TOLL,

Chairman.

Mr. Speaker:

Your committee on corporations, to whom was referred

H. B. No. 161, a bill for an act to establish the office of inspector of kerosene or illuminating oils, and for the purpose of establishing a safe commercial standard for all illuminating oils which are composed wholly or in part of the products of petroleum, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole.

Respectfully,

CHAS. H. TOLL,

Chairman.

By consent, H. B. No. 117 was referred to the judiciary committee, as recommended by the committee on finance, ways and means.

By consent, H. B. No. 122 was taken from the table and recommitted to the committee of the whole.

H. B. No. 102, a bill for an act to amend chapter 61 of the general laws concerning lunatics, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, and Valdez.—35.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bingham, Bromwell, Cantlon, Evans, Flower, Gotthelf, Gunnell, Hutchinson, Luthe, McLaughlan, Slockett, Spruance, Voorhies, and Mr. Speaker.—14.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Scott, Southworth, Thomas, Todd, Toll, Trujillo, and Valdez.—35.

Gentleman voting in the negative was:

Mr. Mann (Joseph).—1.

Gentlemen absent and not voting were:

Messrs. Bingham, Cantlon, Flower, Gotthelf, Gunnell, Hutchinson, Luthe, McLaughlan, Roe, Slockett, Spruance, Voorhies, and Mr. Speaker.—13.

A constitutional majority having voted in the affirmative.

It was ordered that the bill take effect in accordance with the provisions of the emergency clause.

H. B. No. 105, a bill for an act providing for a change of venue in preliminary examinations before justices of the peace, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, and Valdez.—37.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bingham, Cantlon, Flower, Gotthelf, Gunnell, Hutchinson, Luthe, McLaughlan, Slockett, Spruance, Voorhies, and Mr. Speaker.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 115, a bill for an act making appropriations to pay expenses and claims under the law concerning fugitives

from justice for the years 1879 and 1880, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Southworth, Todd, Toll, Trujillo, Valdez, and Voorhies.—36.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bingham, Cantlon, Flower, Gotthelf, Gunnell, Hutchinson, Luthe, McLaughlan, Sheets, Slockett, Spruance, Thomas, and Mr. Speaker.—13.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 125, a bill for an act to amend an act entitled, an act relating to the exemption of volunteer firemen as jurors, etc., was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Voorhies.—37.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bingham, Cantlon, Flower, Gotthelf, Gunnell, Hutchinson, Luthe, McLaughlan, Sheets, Slockett, Spruance, and Mr. Speaker.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment presented S. C. R. No. 13, relative to Pagosa Springs, to His Excellency the Governor for his signature, at 11 o'clock A. M., February 3d, 1878.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 9, for an act to define and punish the obtaining of money or property by confidence games, to His Excellency the Governor for his signature, at 11 o'clock A. M., February 3d, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. J. R. No. 3, relative to the establishment of a military post in southwestern Colorado, to His Excellency the Governor for his signature, at 11 o'clock A. M., February 3, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the Honse of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 10, for an act to authorize the superintendent of the poor to bind out indigent children, to His Excellency the Governor for his signature, at 11 o'clock A. M., February 3, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 51, for an act to amend chapter 3 of the general laws of the State of Colorado, entitled, an act to provide a fund for the building and maintenance of the agricultural college of Colorado, to His Excellency the Governor for his signature, at 11 o'clock A. M., February 3, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

The committee on finance, ways and means presented the following reports:

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 88, a bill for an act to amend section 122 of an act entitled, an act concerning counties, county officers and county government, and repealing laws of these subjects, approved March 24, 1877, and H. B. No. 121, a bill for an act to amend section 123 of chapter 22 of the general laws of Colorado, and to repeal section 122 of said chapter, have had the same under consideration and instruct me to report said bills back to the House with the recommendation that they be referred to the committee of the whole House.

Respectfully,

ROBERT S. ROE,

Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 77, a bill for an act to amend an act to provide for the assessment and collection of revenue, and to repeal certain acts relative thereto, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

ROBERT S. ROE,

Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 135, a bill for an act to amend section 42 of an act entitled, an act to provide for the maintenance, government and police of the penitentiary, also the mode of appointing officers and fixing salary of the same, and to repeal several acts relating thereto, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
ROBERT S. ROE,
Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 186, a bill for an act to amend section 21 of an act entitled, an act concerning counties, county officers and county government, and repealing laws on these subjects, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
ROBERT S. ROE,
Chairman.

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 168, a bill for an act to amend an act entitled, an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, approved March 20, 1877, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with amendments hereto attached.

Respectfully,
ROBERT S. ROE,
Chairman.

H. B. No. 133, a bill for an act to prescribe certain duties of the attorney general, was read a third.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Voorhies.—37.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bingham, Cantlon, Flower, Gotthelf, Gunnell, Hutchinson, Luthe, McLaughlan, Sheets, Slockett, Spruance, and Mr. Speaker.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 145, a bill for an act relating to the powers and duties of the State board of land commissioners and the management of the State lands, and defining the duties of the secretary of the board, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Gebhard, Harvey, Hoffman, Lewis, Livesay, Lovato, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Trujillo, Valdez, and Voorhies.—34.

Gentleman voting in the negative was:

Mr. Evans.—1.

Gentlemen absent and not voting were:

Messrs. Cantlon, Flower, Gird, Gotthelf, Gunnell, Hutchinson, Kimberly, Mann (Joseph), McLaughlan, Sheets, Slockett, Spruance, Toll, and Mr. Speaker.—14.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Southworth, Todd, Trujillo, Valdez, and Voorhies.—34.

Gentleman voting in the negative was:

Mr. Evans.—1.

Gentlemen absent and not voting were:

Messrs. Cantlon, Flower, Gird, Gotthelf, Gunnell, Hutchinson, Kimberly, Mann (W. J.), McLaughlan, Sheets, Slockett, Spruance, Toll, and Mr. Speaker.—14.

A constitutional majority having voted in favor of adopting the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

H. B. No. 137, a bill for an act to amend chapter 100 of the general laws of the State of Colorado, entitled, towns and cities, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Harvey, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Voorhies.—37.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Cantlon, Flower, Gotthelf, Gunnell, Hoffman, Hutchinson, Lovato, McLaughlan, Sheets, Slockett, Spruance, and Mr. Speaker.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 144, a bill for an act to establish the Colorado insane asylum, and providing for its location, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Bromwell, Brush, Chilcott, Clark, Cordova, Douglass, Evans, Gebhard, Gird, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Martinez, McCandlass, Mead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, and Trujillo.—29.

Gentlemen voting in the negative were:

Messrs. Coddington, Crawford, Harvey, Mann (W. J.), Morehead, Toll, and Voorhies.—7.

Gentlemen absent and not voting were:

Messrs. Brandt, Cantlon, Flower, Gotthelf, Gunnell, Hoffman, Hutchinson, McLaughlan, Sheets, Slockett, Spruance, Valdez, and Mr. Speaker.—13.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then recurring upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Cordova, Douglass, Evans, Gebhard, Gird, Gunnell, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Martinez, McCandlass, Mead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, and Valdez.—34.

Gentlemen voting in the negative were:

Messrs. Coddington, Crawford, Harvey, Mann (W. J.), Morehead, and Voorhies.—6.

Gentlemen absent and not voting were:

Messrs. Cantlon, Flower, Gotthelf, Hutchinson, McLaughlan, Sheets, Slockett, Spruance, and Mr. Speaker.—9.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

H. B. No. 174, a bill for an act to amend chapter 72 of the general laws, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Gunnell, Harvey, Hoffman, Kimberly, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Voorhies.—38.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Cantlon, Flower, Gotthelf, Hutchinson, Lewis, Lovato, McLaughlan, Sheets, Slockett, Spruance, and Mr. Speaker.—11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title agreed to.

Mr. Livesay moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from San Juan county, Mr. Voorhies, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 67, a bill for an act to amend an act

entitled, an act to provide for the formation of corporations, have amended the same and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 98, a bill for an act to amend section 1 of article 4 of an act to prescribe certain powers and duties of the officers of the executive department, etc., and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 44, a bill for an act concerning the foreclosure of trust deeds, etc., and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 61, a bill for an act to amend section 3 of chapter 33 of the general laws, and instruct me to report the same back to the House with the recommendation that it retain its place on the calendar.

Also H. B. No. 156, a bill for an act to amend an act to provide for the payment of salaries to officers of the executive and judicial departments of the State of Colorado, and instruct me to report the same back to the House and recommend its passage.

Respectfully,

J. H. P. VOORHIES,

Chairman.

Mr. Gird moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

By consent, S. C. (J.) R. No. 12, in relation to military post at Pagosa Springs, was taken from general orders and read a third time.

Mr. Lovato moved that the resolution be adopted.

Which motion prevailed.

Mr. McLaughlan was granted leave of absence until to-morrow morning on account of sickness.

S. B. No. 105, a bill for an act concerning the limitation of actions, was read a second time and referred to the judiciary committee.

S. B. No. 135, a bill for an act to provide for the purchase of supplies for the supreme court, etc., was read a second time, and referred to the committee on finance, ways and means.

S. B. No. 43, a bill for an act to submit to the qualified electors of the State an amendment to section 3 article 10 of the coustitution, was read a second time and referred to the committee of the whole.

S. B. No. 30, a bill for an act to amend an act entitled, an act to prevent fires on prairies, was read a second time and referred to the committee on agriculture.

S. B. No. 94, a bill for an act to amend an act entitled, an act in relation to municipal corporations, was read a second time and referred to the committee on corporations.

S. B. No. 54, a bill for an act to enable counties to fund their indebtedness, was read a second time and referred to the judiciary committee.

S. B. No. 73, a bill for an act in regard to acknowledgments, was read a second time and referred to the judiciary committee.

S. B. No. 92, a bill for an act to amend chapter 19 of the general laws of the State of Colorado, was read a second time and referred to the committee on corporations.

S. B. No. 91, a bill for an act to provide for the payment of clerical services in secretary of State's office, was read a second time and referred to the committee on appropriations and expenditures.

S. B. No. 82, a bill for an act concerning the jurisdiction of the county judges and county courts in cases of injunction, was read a second time and referred to the judiciary committee.

S. B. No. 89, a bill for an act to amend an act entitled, an act concerning unclaimed freight, was read a second time and referred to the judiciary committee.

S. B. No. 50, a bill for an act concerning the enrollment and organization of the State militia, was read a second time and referred to the committee on military affairs.

H. B. No. 195, a bill for an act to amend section 90 of an act, entitled, an act to reduce the law incorporating the

city of Denver, etc., was read a second time and referred to the special committee consisting of the Arapahoe county delegation.

H. B. No. 192, a bill for an act to amend an act entitled, an act to reduce the law incorporating the city of Denver, etc., was read a second time and referred to the special committee consisting of the delegation from Arapahoe county.

H. B. No. 181, a bill for an act to extend the provisions of an act of the Legislative Assembly of the Territory of Colorado, approved February 8, 1872, etc., etc., was read a second time and referred to the special committee consisting of the delegation from Arapahoe county.

Mr. Toll moved that the House do now take a recsss until 2 o'clock this afternoon.

Which motion prevailed.

At 12:55 o'clock P. M. the House took a recess.

AFTERNOON SESSION.

The Speaker *pro tempore* called the House to order at 2 o'clock P. M.

Mr. Brush moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole with the gentleman from San Juan county, Mr. Voorhies, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration:

H. B. No. 11, a bill for an act to amend section 98 of chapter 87 of the general laws, etc., and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 77, a bill for an act to amend an act to provide for the assessment and collection of revenue, and

to repeal certain acts in relation thereto, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 168, a bill for an act to amend an act entitled, an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, have made certain amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Respectfully,
J. H. P. VOORHIES,
Chairman.

Mr. Roe moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

The committee on appropriations and expenditures presented the following reports:

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 111, a bill for an act making appropriations for the support of insane paupers for the years 1879 and 1880, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
J. McD. LIVESAY,
Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 191, a bill for an act to enable the State board of agriculture to open the State agricultural college for public instruction, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole.

Respectfully,
J. McD. LIVESAY,
Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred S. B. No. 67, a bill for an act to provide an additional fund for the current expenses of the State university and for the improvements of the buildings and ground thereof, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole.

Respectfully,

J. McD. LIVESAY,

Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred message from the Governor in reference to claims, have had the same under consideration and instruct me to report said message back to the House with the explanation that no bill was drawn and introduced asking an appropriation.

Respectfully,

J. McD. LIVESAY,

Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 175, a bill for an act making appropriations for the support of the insane asylum for the years 1879 and 1880, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with amendments herewith transmitted.

Respectfully,

J. McD. LIVESAY,

Chairman.

The committee on corporations presented the following reports:

Mr. Speaker:

Your committee on corporations, to whom was referred S. B. No. 29, a bill for an act concerning joint stock companies for religious, educational and benevolent purposes,

have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
CHAS. H. TOLL,
Chairman.

Mr. Speaker:

Your committee on corporations, to whom was referred H. B. No. 185, a bill to amend section 40 chapter 19 of the general laws of the State of Colorado, etc., have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be laid on the table for the reason that it is to the same effect as S. B. No. 107.

Respectfully,
CHAS. H. TOLL,
Chairman.

Mr. Speaker:

Your committee on corporations, to whom was referred H. B. No. 93, an act to repeal section 8 chapter 5 general laws of Colorado, and the insertion of a section in lieu thereof, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
CHAS. H. TOLL,
Chairman.

Mr. Speaker:

Your committee on corporations, to whom was referred S. B. No. 107, for an act to amend section 40 of chapter 19 of the general laws of the State of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
CHAS. H. TOLL,
Chairman.

Mr. Speaker:

Your committee on corporations, to whom was referred H. B. No. 159, an act to repeal section 8 of an act entitled, an act to incorporate the Colorado and Clear Creek railroad company, approved February 9, 1865, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole.

Respectfully,

CHAS. H. TOLL,

Chairman.

The special committee, consisting of the Arapahoe delegation, presented the following report:

Mr. Speaker:

Your committee, Arapahoe delegation, to whom was referred H. B. No. 195, a bill for an act to amend section 90 of 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 revise and amend the same, approved April 6, 1877, have had the same under consideration and instruct me to report said bill back to the House with certain amendments herewith transmitted.

Respectfully,

H. P. H. BROMWELL,

For said delegation.

The committee on engrossment presented the following report:

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 67, a bill for an act to amend an act to provide for the formation of corporations, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 72, for an act to amend an act entitled, an act to establish and maintain a system of free schools, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 44, for an act to provide for the method of collecting and receipting for taxes for State institutions, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 57, to establish the county of Carbonate and to provide for terms of court therein, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed H. J. M. No. 8, relative to changing the surveys on the public domain.

Also S. B. No. 83, providing for the publication and purchase of the decisions of the supreme court of Colorado.

Also H. B. No. 64, an act to provide for herding of rams, which bill has been amended by the Senate and which amendments are herewith transmitted.

Also S. B. No. 84, an act providing a salary for the reporter of the decisions of the supreme court, which bill did not receive votes sufficient to pass the emergency clause contained therein.

Also S. B. No. 80, an act to protect cattle from disease called Texas fever.

All of which are herewith transmitted.

Respectfully,

W. W. ORRICK,

Secretary.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed S. B. No. 66, an act in regard to the issuing of licenses to vend and sell liquor.

Also S. B. No. 100, an act to amend an act entitled, an act in relation to municipal corporations.

Also S. B. No. 138, repealing section 7 of chapter 41 of the general laws.

Also S. B. No. 77, an act to relieve counties of certain classes of delinquent taxes.

Also that the Senate has concurred in the amendment by the House to S. B. No. 98.

All of which are herewith transmitted.

Respectfully,

W. W. ORRICK,

Secretary.

At 4:30 o'clock P. M. the speaker in the presence of the House signed S. B. No. 72, a bill for an act to amend an act entitled, an act to establish and maintain a system of free schools.

Also S. B. No. 44, a bill for an act to provide for the method of collecting and receipting for taxes for State institutions.

Also S. B. No. 59, a bill for an act to establish the county of Carbonate and to provide for terms of court therein.

By consent, H. B. No. 67, a bill for an act to provide for the formation of corporations, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Toll, Trujillo, Valdez, and Voorhies.—33.

Gentlemen voting in the negative were:

Messrs. Mann (Joseph) and Todd.—2.

Gentlemen absent and not voting were:

Messrs. Bromwell, Cantlon, Flower, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, McLaughlan, Pease, Slockett, Spruance, and Mr. Speaker.—14.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Toll moved that H. B. No. 140 be taken from the general orders, considered engrossed, read a third time now and put upon its final passage.

Which motion prevailed.

H. B. No. 140, a bill for an act to strike off a portion of the county of Saguache and to add the same to the county of Rio Grande, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brush, Chilcott, Crawford, Evans, Gebhard, Gird, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (W. J.), Martinez, McCandlass, Mead, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Voorhies.—26.

Gentlemen voting in the negative were:

Messrs. Brandt, Bromwell, Coddington, Douglass, Mann (Joseph), Morehead, and Phillips.—7.

Gentlemen absent and not voting:

Messrs. Bartlett, Cantlon, Clark, Flower, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Luthe, McLaughlan, Pease, Sheets, Slockett, Spruance, and Mr. Speaker.—16.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Evans moved that H. B. No. 132 be taken from general orders, considered engrossed, read a third time now and put upon its final passage.

Which motion prevailed.

H. B. No. 132, a bill for an act providing that the State treasurer shall countersign all warrants issued by the auditor of State and keep a record of the same, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Chilcott, Coddington, Douglass, Evans, Gebhard, Gird, Harvey, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, and Valdez.—33.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Cantlon, Clark, Cordova, Crawford, Flower, Gotthelf, Gunnell, Hoffman, Hutchinson, Luthe, McLaughlan, Slockett, Spruance, Voorhies, and Mr. Speaker.—16.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Livesay moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion was lost.

Mr. Gird moved that S. B. No. 21 be made a special order for 7 o'clock this evening in committee of the whole.

Mr. Toll moved as an amendment that it be made a special order for next Wednesday.

Which motion to amend prevailed.

The question recurring upon the motion as amended.

The motion was lost.

Mr. Evans moved that the House do now take a recess until 7:30 o'clock this evening.

Mr. Voorhies moved as an amendment that the House take a recess until 9 o'clock to-morrow morning.

Which motion to amend was lost.

The question recurring upon the motion to take a recess until 7:30 o'clock this evening.

The motion prevailed.

At 5:20 o'clock P. M. the House took a recess.

EVENING SESSION.

The House was called to order at 7:30 o'clock by the Speaker *pro tempore.*

Mr. Brush moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole with the gentleman from Boulder county, Mr. Evans, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration:

H. B. No. 88, a bill for an act to amend section 122 of an act entitled, an act concerning counties, county officers and county government, and repealing laws on these subjects, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 121, a bill for an act to amend section 123 of chapter 22 of the general laws, etc., and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 175, a bill for an act making appropriations for the support of the insane asylum for the years

1879 and 1880, have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also S. B. No. 67, a bill for an act to provide an additional fund for the current expenses of the State university, etc., and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 111, a bill for an act making appropriations for the support of insane paupers for the years 1879 and 1880, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 191, a bill for an act to enable the State board of agriculture to open the State agricultural college for public instruction, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 21, a bill for an act to amend an act to provide for the branding, herding and care of stock, etc., have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 123, a bill for an act in relation to commutation of sentence and pardons, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 63, a bill for an act to protect the public health and to regulate the practice of medicine in the State of Colorado, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B No. 116, a bill for an act to provide for the ordinary expenses of the executive, legislative and judicial departments of the State, and interest on the public debt for the years 1879 and 1880, have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Respectfully,

J. G. EVANS,

Chairman.

Mr. Mead moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

The committee on engrossment presented the following reports:

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 22, a bill for an act concerning irrigation, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 168, a bill for an act to amend an act to provide for the assessment and collection of revenue and to repeal certain acts in relation thereto, approved March 20, 1877, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

The committee on appropriations and expenditures presented the following reports:

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred substitute for S. B. No. 91, an act to provide for the payment of clerical services in secretary of State's office, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

J. McD. LIVESAY,

Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 131, a bill for an act to provide a revenue for the support of the school of mines at Golden and to repeal section 12 of chapter 91 of the general laws, have had the same under consideration and in-

struct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
J. McD. LIVESAY,
Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 21, a bill for an act for the protection and propagation of fish, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,
J. McD. LIVESAY,
Chairman.

By consent, H. B. No. 168, a bill for an act to amend an act to provide for the assessment and collection of revenue and to repeal certain acts in relation thereto, approved March 20, 1877, was read a third.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Brandt, Bromwell, Brush, Chilcott, Clark, Cordova, Douglass, Evans, Gebhard, Gird, Kimberly, Livesay, Lovato, Mann (Joseph), Mann (W. J.), Mead, Morehead, Pease, Phillips, Southworth, Thomas, Todd, Toll, Trujillo, and Valdez.—25.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Bingham, Cantlon, Coddington, Crawford, Flower, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Lewis, Luthe, Maez, Martinez, McCandlass, McLaughlan, Roe, Scott, Sheets, Slockett, Spruance, Voorhies, and Mr. Speaker.—24.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Toll moved that the House do now go into commit-

tee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Rio Grande county, Mr. Toll, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration:

H. B. No. 2, a bill for an act to provide for the enrollment, organization and government of the militia, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 71, a bill for an act providing for a change of venue in criminal cases in the district court and proceedings therein, have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 87, a bill for an act concerning the appropriation of water for mining purposes, have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 89, a bill for an act to amend chapter 77 of the general laws, etc., and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 104, a bill for an act concerning the protection of the owners and proprietors of hotels and inns, and for the punishment of offenders, have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 130, a bill for an act to amend sections 2573 and 2583 of the general laws, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 91, a bill for an act to provide for the payment of clerical expenses in the office of the secretary

of State, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 131, a bill for an act to provide a revenue for the support of the school of mines, etc., and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 154, a bill for an act in relation to county courts, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 190, a bill for an act to enable county commissioners to appropriate certain military funds for county purposes, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 183, a bill for an act to make the stealing of a dog larceny, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 49, a bill for an act to amend an act entitled, conveyances, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 160, a bill for an act to provide for the herding and driving of stock, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 110, a bill for an act making appropriations to reimburse the several counties of the State moneys heretofore expended by them in support of insane paupers, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 114, a bill for an act making appropriations for the maintenance and support of the State penitentiary for the years 1879 and 1880, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 101, a bill for an act to amend and repeal certain sections of an act concerning counties, county officers, etc., and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 124, a bill for an act to amend sections 10 and 11 of article 4 of chapter 33 general laws, and in-

struct me to report the same back to the House and recommend its passage.

Also H. B. No. 158, a bill for an act to amend an act concerning mines, chapter 66 of the general laws, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 84, a bill for an act to amend section 2 of an act entitled, an act to provide for the maintenance, etc., of the penitentiary, have made certain amendments thereto and instruct me to report the same back to the House and recommend its passage.

Respectfully,

C. H. TOLL,

Chairman.

Mr. Southworth moved that the House do now adjourn.

Which motion prevailed.

At 12 o'clock midnight the House adjourned to 9 o'clock in the forenoon of Tuesday, the 4th day of February, 1879.

TWENTY-NINTH DAY.

TUESDAY, FEBRUARY 4th, 1879.

House met at 9 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Mr. Speaker.—41.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Bartlett, Gotthelf, Gunnell, Hutchinson, McCandlass, Slockett, Spruance, and Voorhies.—8.

Pending the reading of the journal, Mr. Chilcott moved that the further reading of the journal be dispensed with.

Which motion prevailed.

Mr. Gunnell was granted leave of absence for to-day.

Mr. Todd moved that the report of the committee of the whole of last night's session be agreed to.

Which motion prevailed.

Mr. Phillips moved that the House concur in Senate amendments to H. B. No. 64, a bill for an act to provide for the herding of rams.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Lewis, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Mr. Speaker.—38.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Gotthelf, Gunnell, Hutchinson, Kimberly, Livesay, Luthe, Slockett, Spruance, and Voorhies.—11.

A constitutional majority having voted in favor of concurring in the Senate amendments.

The amendments were concurred in.

Mr. Cantlon introduced:

H. C. R. No. 16, to raise joint committee to consider bills conferring jurisdiction upon justices of the peace.

By consent, the rules were suspended and Mr. Todd moved that the resolution be adopted.

Which motion prevailed.

Mr. Toll presented the following resolution:

Resolved, That the interpreters of this House be allowed and receive the same mileage as is allowed to the members of this House.

Mr. Toll moved that the resolution be adopted.

Which motion prevailed.

S. B. No. 66, a bill for an act in regard to the issue of licenses to sell or vend spirituous liquors, etc.

Also S. B. No. 138, a bill for an act to repeal section 7 of chapter 41 of the general laws.

Also S. B. No. 77, a bill for an act authorizing counties to cancel certain uncollectable taxes.

Also S. B. No. 84, a bill for an act to provide a salary for the reporter of the decisions of the supreme court.

Also S. B. No. 83, a bill for an act to provide for the publication, purchase and distribution of the decisions of the supreme court.

Also S. B. No. 100, a bill for an act to amend an act entitled, an act in relation to municipal corporations, etc.

Also S. B. No. 80, a bill for an act to protect cattle from Texas fever, were read a first time.

S. B. No. 49, a bill for an act to amend an act entitled, conveyances, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Lewis, Lovato, Maez, Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Mr. Speaker.—38.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Gunnell, Hutchinson, Kimberly, Livesay, Luthe, Scott, Slockett, Spruance, and Voorhies. —11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then recurring upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Lewis, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Mr. Speaker.—37.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Chilcott, Clark, Gunnell, Hutchinson, Kimberly, Luthe, Livesay, Mead, Slockett, Spruance, and Voorhies.—12.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

S. B. No. 21, a bill for an act to amend an act to provide for the branding, herding and care of stock, and to repeal certain acts in relation thereto, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Brush, Cantlon, Chilcott, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Kimberly, Mann (W. J.), McCandlass, McLaughlan, Mead, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Voorhies, and Mr. Speaker.—26.

Gentlemen voting in the negative were:

Messrs. Cordova, Crawford, Douglass, Lovato, Maez, Mann (Joseph), Martinez, Morehead, Pease, Trujillo, and Valdez.—11.

Gentlemen absent and not voting were:

Messrs. Bartlett, Bromwell, Clark, Coddington, Gunnell, Hoffman, Hutchinson, Lewis, Livesay, Luthe, Slockett, and Spruance.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then recurring upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Kimberly, Livesay, Lovato, Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Voorhies, and Mr. Speaker.—33.

Gentlemen voting in the negative were:

Messrs. Cordova, Martinez, Trujillo, and Valdez.—4.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Gunnell, Hoffman, Hutchinson, Lewis, Luthe, Maez, Mann (Joseph), Pease, Slockett, and Spruance.—12.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

The committee on enrollment presented the following report:

Mr. Speaker:

Your committee on enrollment have examined H. J. M. No. 8, relative to change of surveys on the public domain, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

The special committee, consisting of the Arapahoe county delegation, presented the following report:

Mr. Speaker:

Your committee, the Arapahoe delegation, to whom was referred H. B. No. 192, being an act to amend an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act, and to revise and amend the same, approved April 6,

1877, have had the same under consideration and instruct me to report the same back to the House with the recommendation that it be not passed.

Respectfully,

H. P. H. BROMWELL,

For said delegation.

The committee on finance, ways and means presented the following report:

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred S. B. No. 135, a bill for an act to provide for the purchase of supplies for the supreme court and the executive and legislative departments of State, and for the renting of rooms for the same, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

ROBERT S. ROE,

Chairman.

The committee on military affairs presented the following report:

Mr. Speaker:

Your committee on military affairs, to whom was referred S. B. No. 50, a bill for an act organizing the State militia, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be put upon its third reading.

Respectfully,

D. L. SHEETS,

Chairman.

Mr. Roe moved that the report of the committee on military affairs relative to S. B. No. 50 be adopted.

Which motion was lost.

S. B. No. 67, a bill for an act to provide an additional fund for the current expenses of the State university and for the improvements of the buildings and grounds thereof, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Brandt, Brush, Chilcott, Gird, Livesay, Luthe, Mann (W. J.), McCandlass, Mead, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, and Mr. Speaker.—17.

Gentlemen voting in the negative were:

Messrs. Bingham, Bromwell, Cantlon, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gotthelf, Harvey, Hoffman, Kimberly, Lewis, Maez, Martinez, McLaughlan, Morehead, Pease, Toll, Trujillo, and Voorhies.—22.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Gebhard, Gunnell, Hutchinson, Lovato, Mann (Joseph), Slockett, Spruance, and Valdez.—10.

A constitutional majority having failed to vote in favor of the passage of the bill.

The bill failed to pass.

Mr. Evans moved that the vote whereby S. B. No. 67 was lost on its final passage be reconsidered.

Which motion prevailed.

The question recurring upon the passage of the bill.

Mr. Evans moved to amend section 1 by striking out "fourteen thousand dollars" and inserting "ten thousand dollars" in lieu thereof.

Mr. Cantlon moved as an amendment to the amendment that "seven thousand dollars" be inserted in place of "fourteen thousand dollars."

Which motion prevailed.

The question recurring upon the motion as amended.

The motion prevailed.

Mr. Todd moved that section 3 be stricken out.

Which motion prevailed.

Mr. Todd moved to amend section 4 so as to agree with amendments just made to section 1.

Which motion prevailed.

Mr. Livesay moved to amend section 2 so as to agree with other amendments to the bill.

Which motion prevailed.

The question again recurring upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gird, Gotthelf, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—39.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Gebhard, Gunnell, Hutchinson, Mann (Joseph), Phillips, Slockett, Spruance, and Toll.—10.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

S. B. No. 91, a bill for an act to provide for the payment of clerical services in the secretary of State's office, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentleman voting in the affirmative were:

Messrs. Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Douglass, Flower, Gotthelf, Harvey, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Roe, Sheets, Southworth, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—32.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Bingham, Clark, Crawford, Evans, Gebhard, Gird, Gunnell, Hoffman, Hutchinson, Luthe, Phillips, Scott, Slockett, Spruance, Thomas, and Toll.—17.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 22, a bill for an act concerning irrigation, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Kimberly, Lewis, Livesay, Luthe, Mann (Joseph), Martinez, McCandlass, McLaughlan, Mead, Morehead, Phillips, Roe, Scott, Southworth, Thomas, Toll, Trujillo, and Mr. Speaker.—34.

Gentlemen voting in the negative were:

Messrs. Lovato, Maez, Mann (W. J.), and Valdez.—4.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Evans, Gunnell, Hutchinson, Pease, Sheets, Slockett, Spruance, Todd, and Voorhies.—11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed.

Mr. Bromwell moved that the title be amended so as to read, an act to regulate the use of water for irrigation and providing for settling the priority of right thereto, and for payment of the expenses thereof, and for payment of all costs and expenses incident to said regulation of use.

Which motion to amend prevailed.

As thus amended the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Kimberly, Lewis, Livesay, Luthe, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—40.

Gentlemen voting in the negative were:

Messrs. Lovato, Maez, and Valdez.—3.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Gunnell, Hutchinson, Slockett, and Spruance.—6.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment examined H. J. M. No. 8, relative to change of surveys on the public domain, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. C. J. R. No. 12, asking from Congress to complete the military post near Pagosa Springs, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 95, for an act to amend section 17 of an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act and to revise and amend the same, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No.

96, for an act to amend section 34 of an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act and to revise and amend the same, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

At 12:15 o'clock P. M. the speaker in the presence of the House signed:

H. J. R. No. 8, in relation to surveys on public domain.

Also S. C. (J.) R. No. 12, in relation to military post near Pagosa Springs.

Also S. B. No. 95, a bill for an act to amend section 17 of an act entitled, an act to reduce the law incorporating the city of Denver, etc.

Also S. B. No. 96, a bill for an act to amend section 34 of an act entitled, an act to reduce the law incorporating the city of Denver, etc.

The committee on enrollment presented the following report:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 64, a bill for an act to provide for the herding of rams, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

The committee on engrossment presented the following reports:

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 134, a bill for an act to encourage the formation and establishment of a State historical and natural history society, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 87, a bill for an act concerning the appropriation of water for mining and milling purposes, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 141, a bill for an act to suppress intemperance, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 77, a bill for an act to amend an act to provide for the assessment and collection of revenue and to repeal certain acts in relation thereto, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. J. R. No. 7, relating to the establishment of a military post in southwestern Colorado, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. J. M. No. 9, relative to the confirming of the equitable rights of settlers upon the Maxwell land grant in Colorado, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. J. R. No. 5, relating to the construction of a military road in southwestern Colorado, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 156, a bill for an act to amend an act entitled, an act to provide for the payment of salaries to officers of the executive and judicial departments of the State of Colorado, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 88, a bill for an act to amend section 122 of an act entitled, an act concerning counties, county officers and county government and repealing laws on these subjects, approved March 24, 1877, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 111, a bill for an act making appropriations for the support of insane paupers for the years 1879 and 1880, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B, No. 191, a bill for an act to enable the State board of agri-

culture to open the State agricultural college for public instruction, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 175, a bill for an act making appropriations for the support of the insane asylum for the years 1879 and 1880, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 123, a bill for an act relating to commutation of sentence and pardon after conviction, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 158, a bill for an act to amend an act concerning mines, chapter 66 of the general laws, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 130, a bill for an act to amend sections 2573 and 2583 of the general law, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B.

No. 71, a bill for an act providing for a change of venue in criminal cases in the district court and proceedings therein, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 154, a bill for an act in relation to county courts, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 89, a bill for an act to amend section 1 of chapter 77 of the general laws entitled, penitentiary, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 116, a bill for an act to provide for the ordinary expenses of the executive, legislative and judicial departments of the State, and interest on the public debt for the years 1879 and 1880, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 131, a bill for an act to provide a revenue for the support of the school of mines at Golden, and to repeal section 12 of chapter 91 of the general laws, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 104, a bill for an act concerning the protection of the owners and proprietors of hotels and inns and for the punishment of offenders, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Cantlon moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 12:20 o'clock P. M. the House took a recess.

AFTERNOON SESSION.

The Speaker called the House to order at 2 o'clock P. M.

The committee on counties and county lines presented the following report:

Mr. Speaker:

Your committee on county and county lines, to whom was referred S. B. No. 15, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole.

Respectfully,

I. GOTTHELF,

Chairman.

The committee on agriculture presented the following report:

Mr. Speaker:

Your committee on agriculture, to whom was referred S. B. No. 30, an act to amend an act entitled, an act to prevent fires on the prairies, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

M. D. MOREHEAD,

Chairman.

The committee on elections and apportionments presented the following reports:

Mr. Speaker:

Your committee on elections and apportionments, to whom was referred H. B. No. 74, an act to amend section 128 of chapter 30 of the general laws of Colorado entitled, elections, and to provide an additional section thereto, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with the following amendments.

Respectfully,
JULIUS H. CLARK,
Chairman.

Mr. Speaker:

Your committee on elections and apportionments, to whom was referred H. B. No. 122, a bill for an act to amend chapter 30 of the general laws entitled, elections, have had the same under consideration and instruct me to sreport said bill back to the House with the recommendation that it do not pass.

Respectfully,
JULIUS H. CLARK,
Chairman.

The committee on engrossment presented the following reports:

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 124, a bill for an act to amend sections 10 and 11 of article 4 of chapter 38 entitled, executive department of the general laws of Colorado, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 101, a bill for an act to amend and repeal certain sections of an act concerning counties, county officers and county government and repealing laws on these subjects,

approved March 24, 1877, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 183, a bill for an act making the stealing of a dog larceny, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 190, a bill for an act to enable county commissioners to appropriate certain military funds for county purposes, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 114, a bill for an act making appropriations for the maintenance and support of the State penitentiary for the years 1879 and 1880, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

The following communication was received from the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 3, 1879.

HON. RIENZI STREETER:

Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed S. C. R. No. 13, relating to the Pagosa Hot

Springs, also H. J. R. No. 3, in relation to military post in southwestern Colorado, also H. B. No. 51, an act to amend chapter 3 of the general laws entitled, an act to provide a fund for the building and maintenance of the agricultural college of Colorado, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

The following message was received from the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 4, 1879.

HON. RIENZI STREETER,
Speaker of the House of Representatives:

SIR: Grave doubts exist as to whether some of the carbonate deposits near Leadville are not of such a character as to come within the meaning of placer claims under the act of Congress. The law in relation to placer claims now in force allows 8 persons to locate 160 acres for each locator. If the carbonate deposits in the vicinity of Leadville and Ten Mile are generally subject to location as placer claims, that whole country will soon be occupied by a very limited number of persons to the exclusion of the great mass of prospectors now working or preparing to work in that part of the country. Such a result would be a great calamity to the State, and would almost necessarily lead to violent disturbances. I understand that it is in the power of the legislature to limit the extent of placer as well as of lode claims, and I therefore recommend that a law be enacted limiting placer claims hereafter located to 1500 feet in length by 300 feet in width, and that no valid location can be made until mineral is actually discovered in the shaft or cut.

Very respectfully,
FREDERICK W. PITKIN,
Governor of Colorado.

H. B. No. 141, a bill for an act to suppress intemperance, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Kimberly, Lewis, Lovato, Luthe, Maez, Mann (Joseph), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Voorhies, and Mr. Speaker.—37.

Gentleman voting in the negative was:

Mr. Mann (W. J.)—1.

Gentlemen absent and not voting were:

Messrs. Bartlett, Cantlon, Gotthelf, Gunnell, Hoffman, Hutchinson, Livesay, Slockett, Spruance, Toll, and Valdez.—11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 71, a bill for an act providing for a change of venue in criminal cases in the district court and proceedings therein, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Flower, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—38.

None in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Evans, Gotthelf, Gunnell, Hutchinson, Maez, McLaughlan, Mead, Slockett, Spruance, and Toll.—11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 77, a bill for an act to amend an act to provide for the assessment and collection of revenue and to repeal certain acts in relation thereto, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Flower, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—40.

None in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Evans, Gebhard, Gotthelf, Gunnell, Hutchinson, Slockett, Spruance, and Toll.—9.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 87, a bill for an act concerning the appropriation of water for mining and milling purposes, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, and Mr. Speaker.—39.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Gotthelf, Gunnell, Hoffman, Hutchinson, Slockett, Spruance, Toll, Valdez, and Voorhies.—10.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Brush moved that the vote by which H. B. No. 77 was passed, be reconsidered.

Which motion prevailed.

The question recurring upon the passage of the bill.

Mr. Brush moved to amend the bill by inserting an emergency clause.

The motion prevailed.

The question again recurring upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Flower, Gebhard, Gird, Harvey, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Valdez, and Mr. Speaker.—39.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Evans, Gotthelf, Gunnell, Hoffman, Hutchinson, Slockett, Spruance, Toll, and Voorhies.—10.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then recurring upon the adoption of the emergency clause.

Which motion prevailed.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Gebhard, Gird, Harvey, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Valdez, and Mr. Speaker.—38.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Evans, Flower, Gotthelf, Gunnell, Hoffman, Hutchinson, Slockett, Spruance, Toll, and Voorhies. —11.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has concurred in House amendments to S. B. No. 21.

Also that the Senate has passed S. C. R. No. 16, relative to printing reports of State board of agriculture.

Respectfully,

W. W. ORRICK,

Secretary.

H. B. No. 88, a bill for an act to amend section 122 of an act entitled, an act concerning counties, county officers and county government, and repealing laws on these subjects, approved March 24, 1877, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—41.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Cantlon, Cordova, Gotthelf, Gunnell, Hutchinson, Slockett, and Spruance.—8.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Flower moved that the vote by which S. B. No. 23 was lost on its final passage on a previous day, be reconsidered.

Which motion prevailed.

The question recurring upon the passage of the bill.

Mr. Flower moved to amend the bill so that it should not apply to streams containing no food fish.

Which motion prevailed.

The question recurring upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Crawford, Douglass, Flower, Gebhard, Gird, Hoffman, Kimberly, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Pease, Phillips, Roe, Sheets, Southworth, Thomas, Todd, Toll, Voorhies, and Mr. Speaker.—29.

Gentlemen voting in the negative were:

Messrs. Bingham, Cordova, Evans, Harvey, Lewis, Livesay, Lovato, Luthe, Martinez, Morehead, Scott, Trujillo, and Valdez.—13.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brandt, Gotthelf, Gunnell, Hutchinson, Slockett, and Spruance.—7.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 89, a bill for an act to amend section 1 of chapter 77 of the general laws of Colorado entitled, penitentiary, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Bromwell, Cantlon, Chilcott, Coddington, Crawford, Douglass, Evans, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Peas, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—38.

Gentlemen voting in the negative were:

Messrs. Brandt, Brush, and Cordova.—3.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Flower, Gotthelf, Gunnell, Hutchinson, Slockett, and Spruance.—8.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

By consent, Mr. Todd introduced:

H. C. R. No. 17, to raise joint committee to consider the question of an extra session of the legislature.

Mr. Southworth moved that the rules be suspended in order that the resolution may be considered at this time.

Which motion prevailed.

Mr. Southworth moved that the resolution be adopted.

Upon this motion Mr. Todd demanded the yeas and nays.

Which were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Bromwell, Brush, Cantlon, Clark, Coddington, Cordova, Crawford, Evans, Flower, Harvey, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), McLaughlan, Mead, Morehead, Pease, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—31.

Gentlemen voting in the negative were:

Messrs. Chilcott, Douglass, Gebhard, Gird, Mann (W. J.), Martinez, McCandlass, Phillips, and Sheets.—9.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brandt, Gotthelf, Gunnell, Hoffman, Hutchinson, Slockett, Spruance, and Valdez.—9.

A majority having voted in favor of the adoption of the resolution.

The resolution was adopted.

S. B. No. 106, a bill for an act to change the names of the counties of Lake and Carbonate, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—40.

Gentleman voting in the negative was:

Mr. Bromwell.—1.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brandt, Gotthelf, Gunnell, Hutchinson, Slockett, Spruance, and Valdez.—8.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Voorhies, and Mr. Speaker.—41.

Gentlemen voting in the the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Gotthelf, Gunnell, Hutchinson, Slockett, Spruance, Trujillo, and Valdez.—8.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

H. B. No. 111, a bill for an act making appropriations for the support of insane paupers for the years 1879 and 1880, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Valdez, Voorhies, and Mr. Speaker.—41.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Gotthelf, Gunnell, Hutchinson, Kimberly, Slockett, Spruance, and Trujillo.—8.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 116, a bill for an act to provide for the ordinary expenses of the executive, legislative, and judicial departments of the State, and interest on the public debt for the years 1879 and 1880, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—40.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Cantlon, Gotthelf, Gunnell, Hutchinson, Mann (Joseph), Slockett, Spruance, and Toll.—9.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 114, a bill for an act making appropriations

for the maintenance and support of the State penitentiary for the years 1879 and 1880, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Valdez, and Mr. Speaker.—38.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brush, Cantlon, Gotthelf, Gunnell, Hutchinson, Maez, Slockett, Spruance, Toll, and Voorhies.—11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 175, a bill for an act making appropriations for the support of the insane asylum for the years 1879 and 1880, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Mr. Speaker.—41.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Gotthelf, Gunnell, Hutchinson, Pease, Slockett, Spruance, and Voorhies.—8.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 134, a bill for an act to encourage the formation and establishment of a State historical and natural history society, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentleman voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Flower, Gebhard, Gird, Harvey, Hoffman, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Mr. Speaker.—39.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Evans, Gotthelf, Gunnell, Hutchinson, Lewis, Sheets, Slockett, Spruance, and Voorhies.—10.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 156, a bill for an act to amend an act entitled, an act to provide for the payment of salaries to officers of the executive and judicial departments of the State of Colorado, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Phillips, Roe, Scott, Southworth, Todd, Toll, Trujillo, Valdez, and Mr. Speaker.—34.

Gentlemen voting in the negative were:

Messrs. Mann (Joseph), Morehead, and Pease.—3.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Crawford, Gotthelf, Gunnell,

Hutchinson, Lewis, Sheets, Slockett, Spruance, Thomas, and Voorhies.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Phillips, Roe, Scott, Southworth, Todd, Toll, Trujillo, Valdez, and Mr. Speaker.—34.

Gentlemen voting in the negative were:

Messrs. Bromwell, Mann (Joseph), Morehead, and Pease.—4.

Gentlemen absent and not voting were:

Messrs. Bartlett, Crawford, Gotthelf, Gunnell, Hutchinson, Lewis, Sheets, Slockett, Spruance, Thomas, and Voorhies.—11.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

H. B. No. 191, a bill for an act to enable the State board of agriculture to open the State agricultural college for public instruction, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Douglass, Evans, Flower, Gebhard, Gird, Hoffman, Kimberly, Mann (Joseph), Mann (W. J.), McLaughlan, Mead, Pease, Phillips, Roe, Scott, Southworth, Thomas, and Mr. Speaker.—25.

Gentlemen voting in the negative were:

Messrs. Coddington, Cordova, Harvey, Livesay, Lovato, Luthe, Maez, Martinez, McCandlass, Morehead, Todd, Toll, Trujillo, and Valdez.—14.

Gentlemen absent and not voting were:

Messrs. Bartlett, Crawford, Gotthelf, Gunnell, Hutchinson, Lewis, Sheets, Slockett, Spruance, and Voorhies.—10.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Douglass, Evans, Flower, Gebhard, Gird, Hoffman, Kimberly, Lewis, Mann (Joseph), Mann (W. J.), McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, and Mr. Speaker.—29.

Gentlemen voting in the negative were:

Messrs. Coddington, Cordova, Harvey, Livesay, Lovato, Luthe, Maez, Toll, Trujillo, Valdez, and Voorhies.—11.

Gentlemen absent and not voting were:

Messrs. Bartlett, Crawford, Gotthelf, Gunnell, Hutchinson, Martinez, McLaughlan, Slockett, and Spruance.—9.

A constitutional majority not having voted in favor of the adoption of the emergency clause.

The House did not order that it should take effect in accordance with the provisions thereof.

Mr. Todd moved that the vote whereby the emergency clause on H. B. No. 191 was lost, be reconsidered.

Which motion prevailed.

The question recurring upon the adoption of the emergency clause of H. B. No. 191.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Douglass, Evans, Flower, Gebhard, Gird, Hoffman, Kimberly, Lewis, Livesay, Luthe,

Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Voorhies and Mr. Speaker.—36.

Gentlemen voting in the negative were:

Messrs. Cordova, Harvey, Lovato, Maez, and Valdez.—5.

Gentlemen absent and not voting were:

Messrs. Bartlett, Crawford, Gotthelf, Gunnell, Hutchinson, Martinez, Slockett, and Spruance.—8.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

The following communication was received from the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 4, 1879.

HON. RIENZI STREETER,

Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. J. R. No. 8, relative to land surveys in Colorado; also S. C. R. No. 12, relative to military post at Pagosa Springs, etc.; also H. B. No. 9, to define and punish for the obtaining of money or property by confidence games, and have filed the same with the secretary of State.

Very respectfully,

FREDERICK W. PITKIN,
Governor.

The judiciary committee presented the following reports:

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 40, a bill for an act giving justices of the peace jurisdiction in replevin and in relation to practice in such cases, have had the same under consideration and instruct

me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 198, a bill for an act to provide for appeals from judgments rendered by justices of the peace against complaining witness on preliminary examinations, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 177, a bill for an act to authorize the State treasurer to pay interest on State warrants when there is money in the treasury not otherwise appropriated, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 82, a bill for an act concerning the jurisdiction of the county judges and county courts in cases of injunction, have had the same under consideration and instruct me to report said bill back to the house with the recommendation that it be passed.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 102, a bill for an act in relation to bastardy, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 92, a bill for an act to amend chapter 19 of the general laws of the State of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to which was referred S. B. No. 94, a bill for an act to amend an act entitled, an act in relation to municipal corporations, have had the same under consideration and instruct me to report said bill back to the house with the recommendation that it be passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 91, a bill for an act to provide for the printing of the laws of this State in the most convenient and compact form together with an index to the same, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 89, entitled, a bill for an act to amend an act entitled, an act concerning unclaimed freight, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 73, a bill for an act in regard to acknowledgments, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with the amendments herewith transmitted.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 68, a bill for an act requiring the secretary of State to collect together certain laws of the Territory of Colorado which may be in force at the close of the present session of the legislature, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with the amendments herewith transmitted.

Respectfully,
THOS. J. CANTLON,
Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 180, a bill for an act to regulate the service of summons and other processes issued by justices of the peace, have had the same under consideration and instruct

me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 6, a bill for an act in relation to attachments issuing out of justice's courts, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 54, a bill for an act to enable counties to fund their floating indebtedness, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with the amendments herewith transmitted.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. Nos. 18, 39, 148, 188 and 193, and H. C. R. No. 8, relating to the code of civil procedure, have had the same under consideration and instruct me to report said bills back to the House with the recommendation that they be referred to the joint committee on the code.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 24, a bill for an act to provide for assignments for creditors, have had the same under consideration and

instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred H. B. No. 203, a bill for an act providing for certain entries to be made by county clerks and recorders in the receiving book and general index kept by them, have had the same under consideration and instruct me to report the same back to the House with the recommendation that it be passed with the amendments herewith transmitted.

Respectfully,

THOS. J. CANTLON,

Chairman.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. Nos. 179, 200, 204 and 205, and find the same correctly printed, excepting H. B. No. 205 in section 1 line 7 and 5th word should read "so" instead of "be."

Respectfully,

M. O. CODDINGTON,

Chairman.

The committee on corporations presented the following report:

Mr. Speaker:

Your committee on corporations, to whom was referred H. B. No. 45, an act for the relief of the town of Ouray, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole.

Respectfully,

CHAS. H. TOLL,

Chairman.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 44, for an act to provide for the method of collecting and receipting for taxes for State institutions, to His Excellency the Governor for his signature, at 2 o'clock P. M., February 4, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 57, to establish the county of Carbonate and to provide for terms of court therein, to His Excellency the Governor for his signature, at 2 o'clock P. M., February 4, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 72, for an act to amend an act entitled, an act to establish and maintain a system of free schools, to His Excellency the Governor for his signature, at 2 o'clock P. M., February 4, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. J. M. No. 8, relative to change of surveys on the public domain, to His Excellency the Governor for his signature, at 2 o'clock P. M., February 4, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. C. R. No. 12, asking from Congress to complete the military post near Pagosa Springs, to His Excellency the Governor for his signature, at 2 o'clock P. M., February 4, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 96, for an act to amend section 34 of an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act and to revise and amend the same, to His Excellency the Governor for his signature, at 2 o'clock P. M., February 4, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 95, for an act to amend section 17 of an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act and to revise and amend the same, to His Excellency the Governor for his signature, at 2 o'clock P. M., February 4, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 64, for an act to provide for the herding of rams, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment have examined S. B. No. 49, for an act to amend an act entitled, conveyances, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 98, for an act to amend section 59 of an act entitled, an act to reduce the law incorporating the city of Denver, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

At 4:40 o'clock P. M. the speaker in the presence of the House signed H. B. No. 64, a bill for an act to provide for the herding of rams.

Also S. B. No. 49, a bill for an act to amend an act entitled, conveyances.

Also S. B. No. 98, a bill for an act to amend section 59 of an act entitled, an act to reduce the law incorporating the city of Denver, etc.

H. B. No. 190, a bill for an act to enable county commissioners to appropriate certain military funds for county purposes, was read a third time.

Mr. Voorhies moved that the vote on the final passage of the bill just read be deferred until after the House has taken action on S. B. No. 50.

Which motion prevailed.

H. B. No. 101, a bill for an act to amend and repeal certain sections of an act entitled, an act concerning counties, county officers, etc., was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Douglass, Gird, Mann (Joseph), McCandlass, McLaughlan, Phillips, Roe, Scott, Southworth, Trujillo, and Voorhies.—13.

Gentlemen voting in the negative were:

Messrs. Bromwell, Brush, Coddington, Cordova, Flower, Harvey, Lewis, Livesay, Lovato, Luthe, Maez, Mann (W. J.), Martinez, Morehead, Pease, and Mr. Speaker.—16.

Gentlemen absent and not voting were:

Messrs. Bartlett, Cantlon, Chilcott, Clark, Crawford, Evans, Gebhard, Gotthelf, Gunnell, Hoffman, Hutchinson, Kimberly, Mead, Sheets, Slockett, Spruance, Thomas, Todd, Toll, and Valdez.—20.

A constitutional majority not having voted in favor of the passage of the bill.

The bill failed to pass.

Amended S. B. No. 53 was ordered printed.

Mr. Cantlon moved that the rules be suspended and the vote whereby H. B. No. 78 was laid on the table be reconsidered.

Which motion was lost.

Mr. Roe moved that S. B. No. 50 be ordered printed.

Which motion prevailed.

H. B. No. 131, a bill for an act to provide a revenue for the support of the school of mines at Golden, and to repeal section 12 of chapter 91 of the general laws, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Douglass, Flower, Gebhard, Gird, Harvey, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Pease, Roe, Scott, Southworth, Thomas, Todd, Trujillo, Voorhies, and Mr. Speaker.—30.

Gentlemen voting in the negative were:

Messrs. Bingham, Cordova, and Lovato.—3.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Crawford, Evans, Gotthelf, Gunnell, Hoffman, Hutchinson, Kimberly, Morehead, Phillips, Sheets, Slockett, Spruance, Toll, and Valdez.—16.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 104, a bill for an act concerning the protection of the owners and proprietors of hotels, etc., was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Cantlon, Coddington, Flower, Gebhard, Gird, Harvey, Lewis, Livesay, Lovato, Maez, Martinez, McLaughlan, Mead, Morehead, Roe, Southworth, Trujillo, Voorhies, and Mr. Speaker.—22.

Gentlemen voting in the negative were:

Messrs. Brush, Douglass, Evans, Mann (Joseph), Mann (W. J.), McCandlass, Pease, Phillips, Scott, and Todd.—10.

Gentlemen absent and not voting were:

Messrs. Bartlett, Chilcott, Clark, Cordova, Crawford, Gotthelf, Gunnell, Hoffman, Hutchinson, Kimberly, Luthe, Sheets, Slockett, Spruance, Thomas, Toll, and Valdez.—14.

A constitutional majority not having voted in favor of the passage of the bill.

The bill failed to pass.

Mr. Livesay gave notice that he would at some future time move a reconsideration of the vote by which H. B. No. 104 was lost.

Mr. Cantlon moved that the House do now adjourn until 9 o'clock to-morrow morning.

Which motion prevailed.

At 5:25 o'clock P. M. the House adjourned.

THIRTIETH DAY.

WEDNESDAY, February 5th, 1879.

House met at 9 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—46.

Being a quorum.

Gentlemen absent were:

Messrs. Hutchinson, Slockett, and Spruance.—3.

Pending the reading of the journal of the previous day's session, Mr. Chilcott moved that the further reading of the journal be dispensed with.

Which motion prevailed.

Mr. Harvey moved that the message from the Governor relative to placer claims, be referred to the committee on mines and mining, with instructions to report thereon within twenty-four hours.

Which motion prevailed.

S. C. R. No. 16, in relation to printing reports of State board of agriculture, was read a first time.

By consent, Mr. Gird moved that the resolution be adopted.

Which motion prevailed.

Mr. Slockett was excused from attendance upon sessions of the House on account of sickness.

S. B. No. 66, a bill for an act in regard to the issue of license to sell spirituous liquors, etc., was read a second time and referred to the special committee, Mr. Southworth, chairman.

S. B. No. 77, a bill for an act authorizing counties to cancel certain uncollectable taxes, was read a second time and referred to the judiciary committee.

S. B. No. 80, a bill for an act to protect cattle from

Texas fever, was read a second time and referred to the committee on stock.

S. B. No. 83, a bill for an act to provide for the publication, purchase and distribution of the decisions of the supreme court, was read a second time and referred to the judiciary committee.

S. B. No. 84, a bill for an act to provide a salary for the reporter of the decisions of the supreme court, was read a second time and referred to the committee on the judiciary.

S. B. No. 100, a bill for an act to amend an act entitled, an act in relation to municipal corporations, etc., was read a second time and referred to the committee on corporations.

S. B. No. 138, a bill for an act to repeal section 7 chapter 41 general laws, was read a second time and referred to the judiciary committee.

H. B. No. 205, a bill for an act prescribing for appeals from the district and county courts, etc., was read a second time and referred to joint committee on code.

H. B. No. 200, a bill for an act to provide for writs of error, etc., was read a second time and referred to the joint committee on code.

H. B. No. 204, a bill for an act to prohibit discrimination by telegraph companies, etc., was read a second time and referred to the committee on corporations.

H. B. No. 123, a bill for an act in relation to commutation of sentences and pardons, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bromwell, Brush, Cantlon, Chilcott, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Trujillo, Valdez, and Mr. Speaker.—34.

Gentlemen voting in the negative were:

Messrs. Bingham, and Brandt.—2.

Gentlemen absent and not voting were:

Messrs. Clark, Coddington, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Lewis, Sheets, Slockett, Spruance, Toll, and Voorhies.—13.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 124, a bill for an act to amend sections 10 and 11 of article 4 of chapter 33 entitled, executive department, of the general laws of Colorado, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Hoffman, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, McLaughlan, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Trujillo, and Mr. Speaker.—27.

Gentleman voting in the negative was:

Mr. Mann (Joseph.)—1.

Gentlemen absent and not voting were:

Messrs. Clark, Gunnell, Harvey, Hutchinson, Lewis, Sheets, Slockett, Spruance, Toll, and Valdez.—11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The committee on mines and mining presented the following report:

Mr. Speaker:

Your committee on mines and mining, to whom was referred H. B. No. 129, a bill for an act relating to mining districts, district laws, location and representation of placer mining claims, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed as amended.

Respectfully,

J. G. EVANS,
Chairman.

H. B. No. 130, a bill for an act to amend sections 2573 and 2583 of the general laws, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Flower, Gebhard, Gird, Gotthelf, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Roe, Scott, Southworth, Thomas, Trujillo, Valdez, and Mr. Speaker.—33.

Gentlemen voting in the negative were:

Messrs. Douglass, Evans, Mann (Joseph), Pease, and Phillips.—5.

Gentlemen absent and not voting were:

Messrs. Clark, Gunnell, Harvey, Hoffman, Hutchinson, Sheets, Slockett, Spruance, Todd, Toll, and Voorhies.—11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 154, a bill for an act in relation to county courts, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Crawford, Douglass, Flower, Gebhard, Gird, Gotthelf, Hoffman, Kimberly, Lewis, Livesay, Luthe, Mann (Joseph), McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, and Mr. Speaker.—30.

Gentlemen voting in the negative were:

Messrs. Cordova, Lovato, Maez, Mann (W. J.), Martinez, Trujillo, and Valdez.—7.

Gentlemen absent and not voting were:

Messrs. Clark, Evans, Gunnell, Harvey, Hutchinson, McLaughlan, Sheets, Slockett, Spruance, Todd, Toll, and Voorhies.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 158, a bill for an act to amend an act concerning mines, chapter 66 of the general laws, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Cantlon, Chilcott, Coddington, Gebhard, Gotthelf, Gunnell, Harvey, Lewis, Mann (Joseph), McLaughlan, Pease, Roe, Sheets, and Voorhies.—15.

Gentlemen voting in the negative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cordova, Crawford, Douglass, Evans, Gird, Hoffman, Kimberly, Livesay, Lovato, Luthe, Maez, Martinez, McCandlass, Mead, Morehead, Phillips, Scott, Southworth, Toll, Trujillo, Valdez, and Mr. Speaker.—26.

Gentlemen absent and not voting were:

Messrs. Clark, Flower, Hutchinson, Mann (W. J.), Slockett, Spruance, Thomas, and Todd.—8.

A constitutional majority not having voted in the affirmative.

The bill failed to pass.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined amended S. B. No. 54, and find the same correctly printed, excepting the word "board" in section 5 and 4th line should be "vote," and "vote" in 7th line same section should be "board."

Respectfully,

M. O. CODDINGTON,

Chairman.

The committee on stock presented the following report:

Mr. Speaker:

Your committee on stock, to whom was referred S. B. No. 80, an act to protect cattle from the disease called Texas

fever, have had the same under consideration and instruct me to report said bill back the House with the recommendation that it be passed.

Respectfully,
J. L. BRUSH,
Chairman.

The committee on engrossment presented the following reports:

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 160, a bill for an act to provide for the herding and driving of stock, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 110, a bill for an act making appropriations to reimburse the several counties of the State moneys expended by them in the support of insane paupers, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

H. B. No. 183, a bill for an act making the stealing of a dog larceny, was read a third time.

Mr. Mann of Jefferson county moved to amend the bill by inserting the word "petit" before "larceny."

Which motion was lost.

Mr. Bromwell moved to strike out "a dog" and insert "dogs."

Which motion was lost.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Crawford, Douglass, Flower, Gebhard, Gird, Gotthelf, Gunnell, Hoffman, Kimberly,

Lewis, Livesay, Luthe, Mann (W. J.), Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Voorhies, and Mr. Speaker.—34.

Gentlemen voting in the negative were:

Messrs. Cordova, Harvey, Lovato, Maez, Mann (Joseph), Martinez, McCandlass, McLaughlan, Toll, and Valdez.—10.

Gentlemen absent and not voting were:

Messrs. Clark, Evans, Hutchinson, Slockett, and Spruance.—5.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Todd moved that a committee of ten be appointed to determine the order in which bills on general orders shall be considered.

Which motion prevailed.

The speaker announced Messrs. Todd, Cantlon, Roe, Toll, Morehead, Brush, Scott, Chilcott, Gunnell, and Voorhies as said committee.

Mr. Bromwell moved that the vote by which H. B. No. 158 was lost be reconsidered.

Which motion prevailed.

The question recurring upon the passage of the bill.

Mr. Bromwell moved that the bill be recommitted to the committee on mines and mining, with instructions to report as soon as possible.

Which motion prevailed.

H. B. No. 110, a bill for an act making appropriations to reimburse the several counties of the State moneys heretofore expended by them in the support of insane paupers, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph),

Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker. —42.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Clark, Gunnell, Hutchinson, Lovato, Pease, Slockett, and Spruance—7.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 160, a bill for an act to provide for the herding and driving of stock, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Bromwell, Brush, Cantlon, Chilcott, Coddington, Crawford, Gebhard, Gird, Gotthelf, Gunnell, Hoffman, Kimberly, Lewis, Livesay, Luthe, McCandlass, Morehead, Roe, Sheets, Southworth, Thomas, Todd, Voorhies, and Mr. Speaker.—26.

Gentlemen voting in the negative were:

Messrs. Cordova, Douglass, Flower, Harvey, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, Mead, Pease, Phillips, Scott, Trujillo, and Valdez.—15.

Gentlemen absent and not voting were:

Messrs. Brandt, Clark, Evans, Hutchinson, McLaughlan, Slockett, Spruance, and Toll.—8.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Luthe moved that the vote by which H. B. No. 160 passed be reconsidered.

Which motion prevailed.

The question recurring upon the passage of the bill.

Mr. Luthe moved an amendment to section 2.

Which was adopted.

Mr. Mann of Jefferson county moved an amendment to section 5.

Which was adopted.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Bromwell, Brush, Chilcott, Crawford, Gebhard, Gird, Gunnell, Hoffman, Kimberly, Lewis, Luthe, Maez, McCandlass, McLaughlan, Mead, Roe, Scott, Sheets, Southworth, Thomas, Todd, Voorhies, and Mr. Speaker.—25.

Gentlemen voting in the negative were:

Messrs. Brandt, Cantlon, Coddington, Cordova, Douglass, Evans, Gotthelf, Harvey, Lovato, Mann (Joseph), Mann (W. J.), Morehead, Pease, Phillips, Trujillo, and Valdez.—16.

Gentlemen absent and not voting were:

Messrs. Clark, Flower, Hutchinson, Livesay, Martinez, Slockett, Spruance, and Toll.—8.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. J. R. No. 7, in relation to a military post in northwestern Colorado, was read a third time.

Mr. Crawford moved that the resolution be adopted.

Which motion prevailed.

H. J. R. No. 5, in relation to a military road in southwestern Colorado, was read a third time.

Mr. Sheets moved that the resolution be adopted.

Which motion prevailed.

H. J. R. No. 9, in relation to settlers on the Maxwell grant, was read a third time.

Mr. Lovato moved that the resolution be adopted.

Which motion prevailed.

Mr. Voorhies moved that S. B. No. 54 be made a special order for 2 o'clock this afternoon.

Which motion was lost.

Mr. Voorhies moved that S. B. No. 54 be read a third time now and put upon its final passage.

Which motion was lost.

Mr. Chilcott introduced the following resolution, which was laid over until to-morrow:

Resolved, That section 6 of article 5 of the constitution of the State of Colorado be construed to mean a session of forty days, Sundays excepted.

Mr. Luthe moved that the House do now take a recess until half after 1 o'clock this afternoon.

Which motion prevailed.

At 11:30 o'clock A. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 1:30 o'clock P. M.

Mr. Flower was excused for the remainder of this day's session.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed with the emergency clause amended S. B. No. 56, a bill for an act to amend an act providing a system of procedure in civil courts of justice of the State of Colorado.

Also that the Senate has concurred in House amendments to S. B. No. 106, changing the name of Alpine county to Chaffee county.

I am further instructed to inform your Honorable Body that the Senate, having refused to concur in House amendments to S. B. No. 23 in relation to the propagation of fish, request a committee of conference on the same.

Also that the Senate has passed with the emergency clause S. B. No. 39, a bill for an act to amend an act entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, approved March 24th, 1877.

Also that the Senate has passed H. B. No. 127, a bill for an act to provide a fund for erecting additional buildings at mute and blind institute and for other improvements, which is herewith returned.

Also that the Senate has indefinitely postponed H. C. R. No. 17, relative to a special session of the General Assembly.

Also that the Senate has concurred in all House amendments to S. B. No. 67, in relation to expenses of State university, except the first amendment, changing $14,000 to $7000, and has amended the House amendment by changing $7000 to $10,000.

All of which are herewith submitted.

Respectfully,

W. W. ORRICK,

Secretary.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined H. B. No. 184, and find the same correctly printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

Mr. Voorhies moved that the request of the Senate for a committee of conference on S. B. No. 23 be granted.

Which motion prevailed.

The speaker announced Messrs. Voorhies and Cantlon as members of said committee on the part of the House.

By consent, S. B. No. 56, a bill for an act to amend an act providing a system of procedure in civil courts of justice of the State of Colorado.

Also S. B. No. 39, a bill for an act to amend an act entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, etc., were read a first time.

The special committee having S. B. No. 66 in charge presented the following report:

Mr. Speaker:

Your special committee, to whom was referred S. B. No. 66, as to the issuing of licenses for the vending of spirituous or vinous liquors, have had the same under consideration

and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

R. A. SOUTHWORTH,

Chairman.

The special committee of ten appointed to arrange the order in which bills should be considered in committee of the whole presented the following report:

Mr. Speaker:

Your special committee on order of business in committee of the whole recommend that the following order be observed:

H. B. Nos. 180, 45, 84, 177, 65, 119, 153, 135, 93, 195, 74, 117, 179, 198, 203, 129, 164, 163, 206, 66, 155, 167, 169, 24, 173, 194.

S. B. Nos. 6. 40, 54, 62, 50, 22, 35, 49, 31, 38, 63, 81, 56, 43, 107, 29, 91, 15, 30, 80, 68, 73, 82, 94, 102, 100, 66, 14.

Respectfully submitted,

W. D. TODD,

Chairman.

Mr. Todd moved that the report be adopted.

Which motion prevailed.

Mr. Todd moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from El Paso county, Mr. Douglass, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration:

H. B. No. 180, a bill for an act to regulate the service of summons and other process issued by justices of the peace, have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 45, a bill for an act for the relief of the town of Ouray, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 84, a bill for an act to amend section 2 of an act entitled, an act to provide for the maintenance, etc., of the penitentiary, have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 177, a bill for an act to amend an act entitled, an act to prescribe certain powers and duties of the officers of the executive department, and certain rules in relation to the fiscal affairs of the State in connection therewith, have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 65, a bill for an act to establish the June term of the district court in Park county, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 119, a bill for an act to amend an act entitled, an act to reduce the law incorporating the city of Denver, etc., have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 153, a bill for an act to amend an act entitled, an act in relation to municipal corporations, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 135, a bill for an act to amend section 42 of an act entitled, an act to provide for the maintenance, etc., of the penitentiary, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 93, a bill for an act to repeal section 3 chapter 5 general laws, etc., and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 195, a bill for an act to amend section 90 of an act entitled, an act to reduce the law incorporating the city of Denver, etc., have made amendments thereto

and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 74, a bill for an act to amend section 128 of chapter 30 of the general laws, etc., have made amendments thereto and instruct me to report the same back to House with the recommendation that it do not pass.

Also H. B. No. 117, a bill for an act to authorize the State treasurer to pay interest on State warrants when there is money in the treasury not otherwise appropriated, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 198, a bill for an act to provide for appeals from judgments rendered by justices, etc., and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 203, a bill for an act providing for certain entries to be made by county clerks, etc., have made certain amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 129, a bill for an act relating to mining districts, district laws, etc., have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also H. B. No. 164, a bill for an act requiring purchasers of hides taken from horn cattle to keep a record of the hides purchased, and instruct me to report the same back to the House and recommend its passage.

Also H. B. No. 163, a bill for an act concerning divorces, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 206, a bill for an act requiring county clerks to certify a list of county and precinct officers to the secretary of State, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 66, a bill for an act amendatory to an act entitled, an act relating to surveys, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 155, a bill for an act to repeal section 7 of chapter 41 of the general laws of Colorado, etc., and instruct me to report the same back to the House with the recommendation it do not pass.

Also H. B. No. 167, a bill for an act to repeal chapter 15 of the general laws of Colorado, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 169, a bill for an act to amend an act entitled, an act concerning mines, etc., and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 24, a bill for an act to provide for assignments for creditors, and instruct me to report the same back to the House with the the recommendation that it do pass.

Also H. B. No. 173, a bill for an act to amend an act concerning jurors and juries, and instruct me to report the same back to the House with the recommendation that it be indefinitely postponed.

Also H. B. No. 194, a bill for an act to amend an act entitled, an act to reduce the law incorporating the city of Denver, etc., and instruct me to report the same back to the House with the recommendation that it do not pass.

Respectfully,

ROBERT DOUGLASS,

Chairman.

Mr. Cantlon moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

Mr. Luthe moved that H. B. No. 39 be made a special order for half after 7 o'clock this evening.

Which motion prevailed.

The committee on corporations presented the following report:

Mr. Speaker:

Your committee on corporations, to whom was referred S. B. No. 100, have had the same under consideration, and

instruct me to report said bill back to the House with the recommendation that it be passed as amended by the amended draft herewith submitted.

Respectfully,

CHAS. H. TOLL,

Chairman.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment examined S. C. R. No. 16, printing report of the board of agriculture, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 21, for an act to amend an act to provide for the branding, herding and care of stock, and to repeal certain acts in relation thereto, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined substitute for S. B. No. 91, an act to provide for the payment of clerical services in secretary of State's office, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No.

106, for an act to change the name of the counties of Lake and Carbonate, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

At 5:40 o'clock P. M. the speaker, in the presence of the House, signed S. C. R. No. 16, in relation to report of State board of agriculture.

Also S. B. No. 21, a bill for an act to amend an act entitled, an act to provide for the branding, etc., of stock.

Also S. B. No. 92, a bill for an act to provide for the payment of clerical services in secretary of State's office.

Also S. B. No. 106, a bill for an act to change the names of the counties of Lake and Carbonate.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed:

H. B. No. 53, an act to enable fence districts to fund their indebtedness.

H. B. No. 75, an act to enable towns to purchase ditches for irrigating purposes, passed with emergency clause.

S. B. No. 75, an act concerning grand juries.

S. B. No. 140, an act in relation to suits against corporations.

S. B. No. 144, an act authorizing county treasurers to transfer certain funds to general fund of their respective counties.

S. B. No. 103, an act to repeal a part of act to incorporate Colorado land and mineral association.

Substitute for S. B. No. 108, an act to protect settlers on State lands.

H. B. No. 29, an act concerning case in any district or county court the venue of which has been changed thereto.

Also the Senate has amended and passed as amended H. B. No. 69, an act to provide for the appointment of sheep inspectors.

Respectfully,

W. W. ORRICK,

Secretary.

S. B. No. 75, a bill for an act concerning grand juries.

Also S. B. No. 103, a bill for an act to repeal a part of section 3 of an act entitled, an act to incorporate the Colorado land and mineral association.

Also S. B. No. 108, a bill for an act to protect settlers upon State lands.

Also S. B. No. 140, a bill for an act in relation to suits against corporations, etc.

Also S. B. No. 144, a bill for an act authorizing county treasurers to transfer certain funds to the general fund of their respective counties.

Were read a first time.

Mr. Todd moved that the House do now take a recess until 7:30 o'clock this evening.

Which motion prevailed.

At 5:45 o'clock P. M. the House took a recess.

EVENING SESSION.

The speaker called the House to order at 7:30 o'clock P. M.

The committee on engrossment presented the following reports:

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 164, a bill for an act requiring purchasers of hides taken from horned cattle to keep a record of the hides purchased, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 153, a bill for an act to amend an act entitled, an act in relation to municipal corporations, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 119, a bill for an act to amend an act entitled, an act to reduce the law of incorporating the city of Denver, and the several acts amendatory thereof into one act and to revise and amend the same, so as to enable the city council to establish a system of sewerage, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 195, a bill for an act to amend section 90 of an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act and to revise and amend the the same, approved April 6th, 1877, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committe on engrossment have examined H. B. No. 180, a bill for an act to regulate the services of summons and other processes issued by justices of the peace, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 198, a bill for an act to provide for appeals from judgments rendered by justices of the peace against complaining witnesses on preliminary examinations, and find the same correctly engrossed.

Respectfully,
H. E. LUTHE,
Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 84, a bill for an act to amend section 2 of an act entitled, an act to provide for the maintenance and government of the penitentiary, also the mode of appointing officers and fixing the salary of the same and to repeal several acts relating thereto, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 129, a bill for an act relative to district laws, locations and representations of placer mining claims, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 203, a bill for an act providing for certain entries to be made by county clerks and recorders in the receiving book and general index kept by them, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 24, a bill for an act to provide for assignments for creditors, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 135, a bill for an act to amend section 42 of an act entitled, an act to provide for the maintenance, government

and police of the penitentiary, also the mode of appointing officers and fixing the salary of the same and to repeal several acts relating thereto, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 177, a bill for an act to amend an act entitled, an act to prescribe certain powers and duties of the officers of the executive department, and certain rules in relation to the fiscal affairs of the State in connection therewith, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 45, a bill for an act for the relief of the county of Ouray, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 93, a bill for an act to repeal section 3 of chapter 5 general laws of Colorado, and the insertion of a section in lieu thereof, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 117, a bill for an act to authorize the State treasurer to pay interest on State warrants when there is money in the treasury not otherwise appropriated, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

The hour having arrived for the consideration of the special order.

Mr. Luthe moved that the House do now go into committee of the whole for the consideration of the special order.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Hinsdale county, Mr. Gunnell, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration H. B. No. 39, a bill for an act concerning garnishment in courts of record and before justices of the peace on judgments rendered, and in relation to the proceedings and practice in garnishment and attachment, have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Respectfully,

W. T. GUNNELL,

Chairman.

Mr. Luthe moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has concurred in all of the House amendments to S. B. No. 23, except those to sections 5 and 6. The Senate has adopted the amendments offered by the committee of conference to said sections, and herewith submit the same for your concurrence.

Respectfully,

W. W. ORRICK,

Secretary.

The committee on conference on S. B. No. 23, presented the following report:

Mr. Speaker:

Your committee of conference, to whom was referred substitute for S. B. No. 23, have had the same under consideration and instruct me to report the same back to the House with the recommendation that the amendments as agreed to by the committee be adopted, and the bill as amended be passed.

Respectfully,

J. H. VOORHIES,
T. J. CANTLON,
On behalf of the House.
A. HALL,
On behalf of the Senate.

Mr. Voorhies moved that the report of the committee of conference relative to S. B. No. 23 be adopted, and that the House concur in Senate amendments as proposed and reported by said committee of conference.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Crawford, Douglass, Flower, Gebhard, Gird, Gunnell, Hoffman, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker. —35.

Gentlemen voting in the negative were:

Messrs. Evans, and Harvey.—2.

Gentlemen absent and not voting were:

Messrs. Clark, Coddington, Cordova, Gotthelf, Hutchinson, Kimberly, Lovato, McLaughlan, Mead, Sheets, Slockett, and Spruance.—12.

A constitutional majority having voted in the affirmative.

The amendments and reports were concurred in.

Mr. Brush moved that the vote by which H. B. No. 104 was lost on its final passage be reconsidered.

Which motion prevailed.

The question recurring upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Crawford, Douglass, Flower, Gebhard, Gird, Gunnell, Harvey, Hoffman, Lewis, Livesay, Maez, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—31.

Gentlemen voting in the negative were:

Messrs. Evans, Luthe, Mann (W. J.), Martinez, and McCandlass.—5.

Gentlemen absent and not voting were:

Messrs. Clark, Coddington, Cordova, Gotthelf, Hutchinson, Kimberly, Lovato, Mann (Joseph), McLaughlan, Mead, Sheets, Slockett, and Spruance.—13.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Mann of Jefferson county moved that H. B. No. 179 be taken from general orders and considered by the House at this time.

Which motion prevailed.

Mr. Mann moved that the amendments reported by committee on counties and county lines be disagreed to.

Which motion prevailed.

Mr. Mann moved amendments to sections 1 and 2.

Which were adopted by the House.

The bill was then ordered engrossed for a third reading.

H. B. No. 24, a bill for an act to provide for assignments for creditors, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Cantlon, Chilcott, Clark, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Morehead, Pease, Phillips, Roe, Southworth,

Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—36.

Gentleman voting in the negative was:

Mr. Bartlett.—1.

Gentlemen absent and not voting were:

Messrs. Brush, Coddington, Cordova, Gotthelf, Hutchinson, Lovato, McLaughlan, Mead, Scott, Sheets, Slockett, and Spruance.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 45, a bill for an act for the relief of the town of Ouray, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Chilcott, Clark, Crawford, Douglass, Flower, Gebhard, Gird, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Trujillo, Valdez, Voorhies, and Mr. Speaker.—34.

Gentlemen voting in the negative were:

Messrs. Cantlon and Toll.—2.

Gentlemen absent and not voting were:

Messrs. Brush, Coddington, Cordova, Evans, Gotthelf, Hutchinson, Lovato, McLaughlan, Mead, Sheets, Slockett, Spruance, and Todd.—13.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 84, a bill for an act to amend section 2 of an act entitled, an act to provide for the maintenance and government of the penitentiary, also the mode of appointing officers and fixing the salary of the same, and to repeal several acts relating thereto, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Cantlon, Chilcott, Clark, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, Morehead, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—34.

Gentleman voting in the negative was:

Mr. Pease.—1.

Gentlemen absent and not voting were:

Messrs. Bromwell, Brush, Coddington, Cordova, Hutchinson, Livesay, Lovato, Mann (Joseph), McLaughlan, Mead, Sheets, Slockett, and Spruance.—14.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Cantlon, Chilcott, Clark, Douglass, Flower, Gebhard, Gird, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—34.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Brush, Coddington, Cordova, Crawford, Evans, Gotthelf, Hutchinson, Livesay, Lovato, McLaughlan, Mead, Morehead, Sheets, Slockett, and Spruance.—15.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

H. B. No. 93, a bill for an act to repeal section 3 of chapter 5 general laws of Colorado, and the insertion of a section in lieu thereof, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Cantlon, Chilcott, Clark, Douglass, Gebhard, Gird, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—33.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Brush, Coddington, Cordova, Crawford, Evans, Flower, Gotthelf, Hutchinson, Livesay, Lovato, McLaughlan, Mead, Morehead, Sheets, Slockett, and Spruance.—16.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 117, a bill for an act to authorize the State treasurer to pay interest on State warrants when there is money in the treasury not otherwise appropriated, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Cantlon, Chilcott, Clark, Douglass, Evans, Flower, Gebhard, Gird, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—37.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Brush, Coddington, Cordova, Crawford, Gotthelf, Hutchinson, Lovato, McLaughlan, Mead, Sheets, Slockett, and Spruance.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 119, a bill for an act to amend an act entitled,

an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act, and to revise and amend the same so as to enable the city council to establish a system of sewerage, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Chilcott, Clark, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gunnell, Harvey, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—34.

Gentleman voting in the negative was:

Mr. Cantlon.—1.

Gentlemen absent and not voting were:

Messrs. Brush, Coddington, Cordova, Gotthelf, Hoffman, Hutchinson, Lovato, Mann (Joseph), McLaughlan, Mead, Sheets, Slockett, Spruance, and Todd.—14.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 129, a bill for an act relating to district laws, locations and representations of placer mining claims, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Bromwell, Cantlon, Chilcott, Clark, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gunnell, Harvey, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, Morehead, Pease, Phillips, Roe, Scott, Southworth, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—33.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Brandt, Brush, Coddington, Cordova, Gotthelf,

Hoffman, Hutchinson, Lovato, Mann (Joseph), McLaughlan, Mead, Sheets, Slockett, Spruance, Thomas, and Valdez.—16.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 135, a bill for an act to amend section 42 of an act entitled, an act to provide for the maintenance, government and police of the penitentiary, also the mode of appointing officers and fixing salary of the same, and to repeal several acts relating thereto, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Cantlon, Clark, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gunnell, Harvey, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Morehead, Pease, Phillips, Roe, Scott, Southworth, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—35.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Brush, Chilcott, Coddington, Cordova, Gotthelf, Hoffman, Hutchinson, Lovato, McLaughlan, Mead, Sheets, Slockett, Spruance, and Thomas.—14.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 153, a bill for an act to amend an act entitled, an act in relation to municipal corporations, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Crawford, Douglass, Flower, Gebhard, Gird, Gunnell, Harvey, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCand-

lass, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Voorhies.—34.

Gentlemen voting in the negative were:

Messrs. Evans, Hoffman, and Mr. Speaker.—3.

Gentlemen absent and not voting were:

Messrs. Cantlon, Coddington, Cordova, Gotthelf, Hutchinson, Lovato, McLaughlan, Mead, Morehead, Sheets, Slockett, and Spruance.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 164, a bill for an act requiring purchasers of hides taken from horned cattle to keep a record of the hides purchased, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Clark, Douglass, Gird, Harvey, Kimberly, Lewis, Livesay, Luthe, Mann (Joseph), Martinez, McCandlass, Morehead, Pease, Phillips, Thomas, Toll, and Trujillo.—22.

Gentlemen voting in the negative were:

Messrs. Evans, Flower, Gebhard, Hoffman, Maez, Mann (W. J.), Roe, Scott, Southworth, Valdez, Voorhies, and Mr. Speaker.—12.

Gentlemen absent and not voting were:

Messrs. Cantlon, Chilcott, Coddington, Cordova, Crawford, Gotthelf, Gunnell, Hutchinson, Lovato, McLaughlan, Mead, Sheets, Slockett, Spruance, and Todd.—15.

A constitutional majority not having voted in favor of the passage of the bill.

The bill failed to pass.

Mr. Toll gave notice that he would at some future time move a reconsideration of the vote by which H. B. No. 164 was lost.

H. B. No. 177, a bill for an act to amend an act entitled, an act to prescribe certain powers and duties of the officers of the executive department, and certain rules in relation to

the fiscal affairs of the State in connection therewith, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Brush, Cantlon, Chilcott, Clark, Douglass, Evans, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Morehead, Pease, Phillips, Roe, Scott, Southworth, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—34.

Gentleman voting in the negative was:

Mr. Bromwell.—1.

Gentlemen absent and not voting were:

Messrs. Coddington, Cordova, Crawford, Flower, Gotthelf, Gunnell, Hutchinson, Lovato, McLaughlan, Mead, Sheets, Slockett, Spruance, and Thomas.—14.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The committee on corporations presented the following report:

Mr. Speaker:

Your committee on corporations, to whom was referred H. B. No. 204, an act to prohibit discrimination by telegraph companies against the people or any citizen of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

CHAS. H. TOLL,

Chairman.

The committee on judiciary presented the following report:

Mr. Speaker:

Your committee on judiciary, to whom was referred H. B, No. 162, a bill for an act to amend sections 1, 2, 3, 4, 5, 9 and 11 of an act to secure liens to mechanics and

others and to repeal all other acts in relation thereto, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to a committee of the whole House.

Respectfully,

THOS. J. CANTLON,

Chairman.

The committee on engrossment presented the following reports:

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 39, a bill for an act concerning garnishment in courts of record and before justices of the peace on judgments rendered and in relation to the proceedings and practice in garnishments, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 58, a bill for an act relating to drainage, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

H. B. No. 180, a bill for an act to regulate the service of summons and other processes issued by justices of the peace, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Cantlon, Clark, Douglass, Evans, Gird, Harvey, Hoffman, Kimberly, Lewis, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Phillips, Roe, Scott, Southworth, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—30.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Brush, Chilcott, Coddington, Cordova, Crawford, Flower, Gebhard, Gotthelf, Gunnell, Hutchinson, Livesay, Lovato, McLaughlan, Pease, Sheets, Slockett, Spruance, Thomas, and Todd.—19.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 195, a bill for an act to amend section 90 of an act entitled, an act to reduce the law incorporating the city of Denver, etc,, was read a third time,

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Bromwell, Brush, Chilcott, Clark, Douglass, Evans, Flower, Gebhard, Harvey, Hoffman, Lewis, Livesay, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—33.

Gentlemen voting in the negative were:

Messrs. Cantlon, Kimberly, and Roe.—3.

Gentlemen absent and not voting were:

Messrs. Brandt, Coddington, Cordova, Crawford, Gird, Gotthelf, Gunnell, Hutchinson, Lovato, Mann (Joseph), McLaughlan, Pease, Phillips, Sheets, Slockett, and Spruance.—16.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

H. B. No. 198, a bill for an act to provide for appeals from judgments rendered by justices of the peace against complaining witnesses on preliminary examinations, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Cantlon, Chilcott, Clark, Gird, Harvey, Kimberly, Lewis, Livesay, Luthe, Maez, Mann

(W. J.), McCandlass, Roe, Scott, Southworth, Todd, Toll, Valdez, Voorhies, and Mr. Speaker.—22.

Gentlemen voting in the negative were:

Messrs. Bromwell, Douglass, Evans, Flower, Gebhard, Hoffman, Mann (Joseph), Mead, Pease, and Trujillo.—10.

Gentlemen absent and not voting were:

Messrs. Brandt, Brush, Coddington, Cordova, Crawford, Gotthelf, Gunnell, Hutchinson, Lovato, Martinez, McLaughlan, Morehead, Phillips, Sheets, Slockett, Spruance, and Thomas.—17.

A constitutional majority not having voted in favor of the passage of the bill.

The bill failed to pass.

H. B. No. 203, a bill for an act providing for certain entries to be made by county clerks and recorders in the receiving book and general index kept by them, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Cantlon, Chilcott, Clark, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Pease, Roe, Southworth, Todd, Trujillo, Voorhies, and Mr. Speaker.—30.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Brush, Coddington, Cordova, Crawford, Gotthelf, Gunnell, Hutchinson, Lovato, McLaughlan, Mead, Morehead, Phillips, Scott, Sheets, Slockett, Spruance, Thomas, Toll, and Valdez.—19.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Toll moved that the Senate be requested to return H. B. No. 154 to the House for further action.

Which motion prevailed.

By consent, Mr. Todd moved that the vote by which H. B. No. 78 was lost on its final passage be reconsidered.

Which motion prevailed.

The question recurring upon the passage of the bill.

Mr. Todd moved an amendment to section 1.

Which was adopted.

Mr. Todd moved that section 2 be stricken out.

Which motion prevailed.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Douglass, Evans, Gebhard, Hoffman, Kimberly, Livesay, Luthe, Mann (Joseph), Mann (W. J.), McCandlass, Mead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Trujillo, Voorhies, and Mr. Speaker. —29.

Gentlemen voting in the negative were:

Messrs. Maez, Toll, and Valdez.—3.

Gentlemen absent and not voting were:

Messrs. Coddington, Cordova, Crawford, Flower, Gird, Gotthelf, Gunnell, Harvey, Hutchinson, Lewis, Lovato, Martinez, McLaughlan, Morehead, Sheets, Slockett, and Spruance.—17.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed.

The title was amended by striking out "and 21," and as thus amended the title was agreed to.

Mr. Mann of Jefferson gave notice that he would at some future time move a reconsideration of the vote whereby * * * was lost.

H. B. No. 39, a bill for an act concerning garnishment in courts of record and before justices of the peace on judgments rendered and in relation to the proceedings and practice in garnishment and attachment, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Douglass, Evans, Flower, Gebhard, Livesay, Luthe, Mann (Joseph), Mann (W. J.), McCandlass, Pease, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—28.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Coddington, Cordova, Crawford, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Lovato, Maez, Martinez, McLaughlan, Mead, Morehead, Phillips, Sheets, Slockett, and Spruance.—21.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

By consent, the vote upon the emergency clause was postponed until to-morrow morning.

H. B. No. 58, a bill for an act in relation to drainage, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the followi n result

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Douglass, Evans, Flower, Gebhard, Livesay, Luthe, Mann (Joseph), Mann (W. J.), McCandlass, Mead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—30.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Coddington, Cordova, Crawford, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Lovato, Maez, Martinez, McLaughlan, Morehead, Sheets, Slockett, and Spruance.—19.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Pease moved that the House do now adjourn.

Which motion prevailed.

At 10:50 o'clock P. M. the House adjourned to 9 o'clock to-morrow forenoon.

THIRTY-FIRST DAY.

THURSDAY, FEBRUARY 6th, 1879.

House met at 9 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gunnell, Harvey, Lewis, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Valdez, and Mr. Speaker.—35.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Cantlon, Clark, Gotthelf, Hoffman, Hutchinson, Kimberly, Livesay, Lovato, Luthe, Morehead, Slockett, Spruance, Toll, and Voorhies.—14.

Pending the reading of the journal of the previous day's session, Mr. Todd moved that the further reading of the journal be dispensed with.

Which motion prevailed.

Mr. Brush moved that the House concur in the Senate amendments to H. B. No. 53.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Bromwell, Brush, Chilcott, Cordova, Crawford, Douglass, Evans, Flower, Gebhard,

Gunnell, Harvey, Lewis, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Morehead, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Trujillo, Valdez, and Mr. Speaker.—30.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Brandt, Cantlon, Clark, Coddington, Gird, Gotthelf, Hoffman, Hutchinson, Kimberly, Livesay, Lovato, Luthe, Mead, Pease, Slockett, Spruance, Todd, Toll, and Voorhies.—19.

A constitutional majority having voted in favor of concurring in the Senate amendments.

The amendments were concurred in.

The committee on mines and mining presented the following report:

Mr. Speaker:

Your committee on mines and mining, to whom was referred H. B. No. 158, a bill for an act to amend an act concerning mines, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole House.

Respectfully,

J. G. EVANS,

Chairman.

S. B. No. 39, a bill for an act to amend an act entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, etc., was read a second time and referred to the committee on fees and salaries.

S. B. No. 56, a bill for an act to amend an act providing a system of procedure in civil courts of justice of the State of Colorado, was read a second time and referred to the joint committee on amendments to the code.

S. B. No. 75, a bill for an act concerning grand juries, was read a second time and referred to the judiciary committee.

S. B. No. 103, a bill for an act to repeal a part of section 3 of an act entitled, an act to incorporate the Colorado

land and mineral association, was read a second time and referred to the committee on corporations.

S. B. No. 144, a bill for an act authorizing county treasurers to transfer certain funds, etc., was read a second time and referred to the committee on finance, ways and means.

S. B. No. 140, a bill for an act in relation to suits against corporations, etc., was read a second time and referred to the committee on corporations.

S. B. No. 108, a bill for an act to protect settlers upon State lands, was read a second time and referred to the committee on public lands.

By consent, the vote upon the emergency clause in H. B. No. 39 was taken, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Coddington, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Mr. Speaker.—38.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Cantlon, Clark, Cordova, Crawford, Hoffman, Hutchinson, Lovato, Mead, Slockett, Spruance, and Voorhies.—11.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

The committee on engrossment presented the following report:

Mr. Speaker:

Your committee on engrossment have examined H. B. No. 179, a bill for an act to change the county lines between Douglass and Jefferson counties, so as to provide for the

same to run on government lines instead of the center of the Platte river, and find the same correctly engrossed.

Respectfully,

H. E. LUTHE,

Chairman.

By consent, H. B. No. 179, a bill for an act to change the county lines between Douglass and Jefferson counties so as to provide for the same to run on government lines instead of the center of the Platte river, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Flower, Gebhard, Gird, Gotthelf, Gunnell, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Mr. Speaker.—39.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Evans, Harvey, Hoffman, Luthe, Mead, Slockett, Spruance, and Voorhies.—10.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Livesay moved that H. B. No. 162 be taken from general orders, read a third time now and put upon its final passage.

Which motion prevailed.

H. B. No. 162, a bill for an act to amend sections 1, 2, 3, 4, 5, 9 and 11 of an act enitled, an act to secure liens to mechanics and others, and to repeal all other acts in relation thereto, chapter 59 general laws State of Colorado, was read a third time.

Mr. Livesay made numerous amendments to the bill.

Which were adopted.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Cantlon, Chilcott, Coddington, Crawford, Douglass, Evans, Flower, Gunnell, Harvey, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Martinez, Mead, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Toll, Trujillo, Valdez, and Mr. Speaker.—29.

Gentlemen voting in the negative were:

Messrs. Bartlett, Brush, Cordova, and Mann (W. J.)—4.

Gentlemen absent and not voting were:

Messrs. Bromwell, Clark, Gebhard, Gird, Gotthelf, Hoffman, Hutchinson, Kimberly, Lovato, McCandlass, McLaughlan, Sheets, Slockett, Spruance, Todd, and Voorhies.—16.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed.

Mr. Livesay moved to amend the title by striking out the words "four" and "nine."

Which motion prevailed.

And as thus amended the title was agreed to.

Mr. Evans moved that the House concur in the Senate amendments to the House amendments to S. B. No. 67.

The yeas and nays were had, with the following result:

Gentlemen voting the affirmative were:

Messrs. Brandt, Brush, Chilcott, Douglass, Evans, Gunnell, Harvey, Lewis, Lovato, Mann (W. J.), Mead, Phillips, Roe, Scott, Southworth, Thomas, Todd, and Mr. Speaker.—18.

Gentlemen voting in the negative were:

Messrs. Bartlett, Bingham, Bromwell, Cantlon, Clark, Coddington, Cordova, Crawford, Flower, Gebhard, Gird, Gotthelf, Kimberly, Luthe, Mann (Joseph), McCandlass, McLaughlan, Morehead, Pease, Sheets, Toll, Trujillo, Valdez, and Voorhies.—24.

Gentlemen absent and not voting were:

Messrs. Hoffman, Hutchinson, Livesay, Maez, Martinez, Slockett, and Spruance.—7.

A constitutional majority not having voted in the affirmative.

The amendments were not concurred in.

Mr. Evans moved that the Senate be asked for a committee of conference on S. B. No. 67.

Which motion prevailed.

The speaker announced Messrs. Evans and Coddington as members on the part of the House of said committee of conference.

Mr. Mann of Jefferson county moved that the vote by which H. B. No. 198 was lost on its final passage be reconsidered.

Which motion prevailed.

The question recurring upon the passage of the bill.

Mr. Luthe moved to strike out section 2 of the bill.

Which motion prevailed.

The question recurring upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Kimberly, Lewis, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Pease, Roe, Scott, Sheets, Southworth, Thomas, Trujillo, Valdez, and Mr. Speaker.—35.

Gentlemen voting in the negative were:

Messrs. Brush, and Livesay.—2.

Gentlemen absent and not voting were:

Messrs. Bingham, Evans, Hoffman, Hutchinson, Lovato, Morehead, Phillips, Slockett, Spruance, Todd, Toll, and Voorhies.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed.

Mr. Cantlon moved that the title be amended by adding thereto the words "in all criminal cases."

Which motion prevailed.

As thus amended the title was agreed to.

Mr. Gunnell moved that S. B. No. 92 be taken from general orders and recommitted to the committee on corporations.

Which motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate herewith returns H. B. No. 154, as per request of your Honorable Body.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Flower moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Park county, Mr. Flower, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration S. B. No. 6, a bill for an act in relation to attachments issuing out of justice's courts, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 40, a bill for an act giving justices of the peace jurisdiction in replevin and in relation to the practice in such cases, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 54, a bill for an act to enable counties to fund their floating indebtedness, and instruct me to report progress thereon and ask leave to sit again.

Respectfully,

J. T. FLOWER,

Chairman.

Mr. Voorhies moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

The committee on printing presented the following report:

Mr. Speaker:

Your committee on printing have examined S. B. No. 50, and instruct me to report the same back as being printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

Mr. Todd moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 12:35 o'clock P. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock P.M.

Mr. Lewis was excused until to-morrow noon.

Mr. Todd moved that the Senate be requested to return H. B. No. 195 to the House for further action.

Which motion was lost.

The committee on engrossment (enrollment) presented the following reports:

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 64, for an act to provide for the herding of rams, to His Excellency the Governor for his signature, at 10:40 o'clock A. M., February 6, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. C. R. No. 16, printing report of board of agriculture, to His Excellency the Governor for his signature, at 10:40 o'clock A. M., February 6, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 106, for an act to change the name of the counties of Lake and Carbonate, to His Excellency the Governor for his signature, at 10:40 o'clock A. M., February 6, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented substitute for S. B. No. 91, an act to provide for the payment of clerical services in secretary of State's office, to His Excellency the Governor for his signature, at 10:40 o'clock A. M., February 6, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 21, for an act to amend an act to provide for the branding, herding and care of stock, and to repeal certain acts in relation thereto, to His Excellency the Governor for his signature, at 10:40 o'clock A. M., February 6, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 98, for an act to amend section 59 of an act entitled, an act to reduce the law incorporating the city of Denver, to His Excellency the Governor for his signature, at 10:40 o'clock A. M., February 6, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 49, for an act to amend an act entitled, conveyances, to His Excellency the Governor for his signature, at 10:40 o'clock A. M., February 6, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Phillips moved that the House concur in the Senate amendments to H. B. No. 69.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brush, Cantlon, Chilcott, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Kimberly, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—34.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brandt, Bromwell, Clark, Coddington, Hoffman, Hutchinson, Lewis, Livesay, Lovato, McLaughlan, Mead, Slockett, Spruance, and Toll.—15.

A constitutional majority having voted in the affirmative.

The amendments were concurred in.

Mr. Morehead moved that S. B. No. 31 be taken from general orders and ordered to a third reading.

Which motion prevailed.

S. B. No. 6, a bill for an act in relation to attachments issuing out of justice's courts, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Flower, Gebhard, Gird, Gotthelf, Gunnell, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, Mc-

Candlass, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Voorhies, and Mr. Speaker.—35.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brandt, Clark, Evans, Harvey, Hoffman, Hutchinson, Lewis, McLaughlan, Mead, Slockett, Spruance, Toll, and Valdez.—14.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Kimberly, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Voorhies, and Mr. Speaker.—39.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Hoffman, Hutchinson, Lewis, Livesay, Slockett, Spruance, Toll, and Valdez.—10.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

S. B. No. 40, a bill for an act giving justices of the peace jurisdiction in replevin and in relation to the practice in such cases, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Crawford, Douglass, Evans, Flower,

Gebhard, Gird, Gotthelf, Gunnell, Harvey, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Pease, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Voorhies, and Mr. Speaker.—36.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Hoffman, Hutchinson, Kimberly, Lewis, Lovato, Morehead, Phillips, Slockett, Spruance, Toll, and Valdez.—13.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Clark, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Pease, Roe, Scott, Sheets, Southworth, Thomas, Toll, Trujillo, Voorhies, and Mr. Speaker.—37.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Hoffman, Hutchinson, Kimberly, Lewis, Morehead, Phillips, Slockett, Spruance, Toll, and Valdez.—12.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

The judiciary committee presented the following reports:

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 84, a bill for an act to provide a salary for the reporter of the decisions of the supreme court, have had

the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole House.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 83, a bill for an act to provide for the publication, purchase and distribution of the decisions of the supreme court of the State of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be referred to the committee of the whole House with the amendments herewith transmitted.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 138, a bill for an act to repeal section 7 of chapter 41 of the general laws, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on the judiciary, to whom was referred S. B. No. 77, a bill for an act authorizing counties to cancel certain uncollectable taxes, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed. A bill from the finance, ways and means committee has been introduced covering same point.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your joint committee on the code, to whom was referred S. B. No. 56, a bill for an act to amend an act providing a system of procedure in civil courts of justice in the State of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed with the amendments herewith transmitted.

Respectfully,

THOS. J. CANTLON,

Chairman.

The committee on appropriations and expenditures made the following reports:

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 138, a bill for an act to reimburse Bent county for maintenance of prisoners, have had the same under consideration and instruct me to report said bill back to the house with the recommendation that it be not passed.

Respectfully,

J. McD. LIVESAY,

Chairman.

Mr. Speaker:

Your committee on appropriations and expenditures, to whom was referred H. B. No. 136, a bill for an act for the relief of Arapahoe county, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

J. McD. LIVESAY,

Chairman.

Mr. Todd moved that H. B. No. 136 and H. B. No. 148 be considered engrossed and ordered to a third reading at this time.

Which motion was lost.

Mr. Morehead moved that the amendments recommended by the special committee to S. B. No. 31 be adopted.

Which motion prevailed.

The bill having been read on a previous day (January 31).

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Trujillo, Voorhies, and Mr. Speaker.—37.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Hoffman, Hutchinson, Kimberly, Lewis, McCandlass, Slockett, Spruance, Todd, Toll, and Valdez.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed S. B. No. 141, an act in relation to mineral lands within the State of Colorado.

Also S. B. No. 104, an act to amend section 74 of the general laws.

Also the Senate has refused to pass H. B. No. 25, an act apportioning bulls and cows, which is herewith returned.

Also that the Senate has appointed as conference committee on the part of the Senate on S. B. No. 67, in relation to expenses of State university, Senators Neikirk and H. R. Wolcott.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Roe moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole with the gentleman from Park county, Mr. Flower, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration S. B. No. 54, a bill for an act to enable counties to fund their floating indebtedness, have made amendments thereto, and instruct me to report the same back to the House and recommend its passage as amended.

Respectfully,

J. T. FLOWER,

Chairman.

Mr. Toll moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

By consent, S. B. No. 54, a bill for an act to enable counties to fund their floating indebtedness, was considered engrossed, and read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Kimberly, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Toll, Trujillo, Voorhies, and Mr. Speaker.—35.

Gentlemen voting in the negative were:

Messrs. Gunnell, and Luthe.—2.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Crawford, Hoffman, Hutchinson, Lewis, McLaughlan, Slockett, Spruance, Thomas, Todd, and Valdez.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The committee on enrollment presented the following reports:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 69, a bill for an act to provide for the appointment of sheep inspectors, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 53, a bill for an act to enable fence districts to fund their indebtedness, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 75, a bill for an act to enable cities and towns to purchase and manage ditches and canals to supply water for irrigation and other purposes, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 29, a bill for an act concerning cases in any district or county court, the venue of which has been changed thereto, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Roe moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Arapahoe county, Mr. Luthe, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration S. B. No. 62, a bill for an act to amend chapter 19 of the general laws of the State of Colorado entitled, corporations, have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Also S. B. No. 22, a bill for an act to amend an act entitled, an act to provide for and regulate the holding of the district courts in the several judicial districts in the State and the manner of commencing and adjourning the same, and return of process, and providing for transfer of causes therein and for continuing causes, actions and proceedings therein in case of adjournment, and to repeal all other act(s) in relation thereto, have amended the same and instruct me to report the same back to the House and recommend its passage as amended.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Gunnell moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

By consent, Mr. Todd moved that the Senate be requested to return H. B. No. 195 to the House for further action.

Which motion prevailed.

Mr. Gunnell moved that S. B. No. 22 be read a third time now and put upon its final passage.

Which motion prevailed.

S. B. No. 22, a bill for an act to amend an act entitled, an act to provide for and regulate the holding of the district courts in the several judicial districts in the State, and the manner of commencing and adjourning the same, and

return of process, and providing for transfer of causes therein, and for continuing causes, actions and proceedings therein in case of adjournment, and to repeal all other acts in relation thereto, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gunnell, Harvey, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Phillips, Roe, Scott, Southworth, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—34.

Gentlemen voting in the negative were:

Messrs. Mann (Joseph), and Pease.—2.

Gentlemen absent and not voting were:

Messrs. Bartlett, Bromwell, Clark, Gird, Gotthelf, Hoffman, Hutchinson, Lewis, McLaughlan, Sheets, Slockett, Spruance, and Thomas.—13.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question recurring upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Brush, Cantlon, Chilcott, Coddington, Cordova, Douglass, Evans, Flower, Gebhard, Harvey, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Southworth, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—33.

Gentleman voting in the negative was:

Mr. Mann (Joseph).—1.

Gentlemen absent and not voting were:

Messrs. Bartlett, Bromwell, Clark, Crawford, Gird, Gotthelf, Gunnell, Hoffman, Hutchinson, Lewis, McLaughlan, Sheets, Slockett, Spruance, and Thomas.—15.

A constitutional majority having voted in the affirmative.

It was ordered that the bill take effect in accordance with the provisions of the emergency clause.

Mr. Phillps was excused from attendance upon this evening's session of the House.

Mr. Brush moved that S. B. No. 50 be made a special order for this evening's session of the House.

Which motion prevailed.

Mr. Morehead moved that the House do now take a recess until 7:30 o'clock this evening.

Which motion prevailed.

At 5:10 o'clock P. M. the House took a recess.

* * * * * * * *

The speaker called the House to order at 7:30 o'clock in the evening.

S. B. No. 104, a bill for an act to amend chapter 74 of the general laws.

Also S. B. No. 141, a bill for an act in relation to mineral lands in Colorado.

Were read a first time.

Mr. Mann of Boulder county moved that H. B. No. 204 be recalled from the committee having it in charge and referred to the committee of the whole House.

Which motion prevailed.

The hour having arrived for which S. B. No. 50 was made a special order.

Mr. Roe moved that the House do now go into committee of the whole for the consideration of the special order.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Arapahoe county, Mr. Luthe, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration S. B. No. 50, a bill for an act concerning the enrollment and organization of the militia of the State, pre-

scribing the district and number and rank of the officers thereof, and defining the duties of such officers, have amended the same and instruct me to report the same back to the House and recommend its passage.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Southworth moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate herewith returns H. B. No. 195, as per request from your Honorable Body.

Also that the Senate has concurred in House amendments to S. B. No. 22.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Todd moved that the vote by which H. B. No. 195 passed be reconsidered.

Which motion prevailed.

The question recurring upon the passage of the bill.

Mr. Todd moved to amend by adding a proviso to the end of the bill.

Which motion prevailed.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gunnell, Harvey, Livesay, Lovato, Luthe, Maez, Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Roe, Southworth, Thomas, Todd, Trujillo, Valdez, and Mr. Speaker.—31.

Gentlemen voting in the negative were:

Messrs. Cantlon, and Cordova.—2.

Gentlemen absent and not voting were:

Messrs. Chilcott, Clark, Gotthelf, Hoffman, Hutchinson, Kimberly, Lewis, Mann (Joseph), Mann (W. J.), Phillips, Scott, Sheets, Slockett, Spruance, Toll, and Voorhies.—16.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has amended and passed as amended H. B. No. 168, an act to amend an act entitled, an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto.

Also the Senate has passed H. B. No. 89, an act to amend section 1 of chapter 77 of the general laws.

Also H. B. No. 176, an act making appropriation for State board of land commissioners for 1879 and 1880.

Also H. B. No. 112, an act making appropriation for State board of health for 1879 and 1880.

Also H. J. M. No. 12, relative to Charles Autobias.

Also S. M. No. 1, to establish a military post in south-eastern Colorado.

Also H. B. No. 90, an act to provide for the purchase of law books for the supreme court, which bill passed with an emergency clause.

Also the Senate has amended and passed as amended, H. B. No. 132, an act providing that the State treasurer shall countersign warrants issued by the auditor.

Also H. J. R. No. 10, relative to pre-emption and homestead lands.

All of which are herewith transmitted.

Respectfully,

W. W. ORRICK,

Secretary.

The committee on fees and salaries presented the following report:

Mr. Speaker:

Your committee on fees and salaries, to whom was

referred S. B. No. 39, an act to amend an act entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, approved March 24th, 1877, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

R. DOUGLASS,

Chairman.

Mr. Brush moved that the House do now adjourn to 9 o'clock to-morrow morning.

Which motion prevailed.

At 10:10 o'clock P. M. the House adjourned.

THIRTY-SECOND DAY.

FRIDAY, FEBRUARY 7th, 1879.

House met at 9 o'clock A. M.

Speaker *pro tem* in the chair.

Prayer by the chaplain.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Crawford, Douglass, Evans, Flower, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Kimberly, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, and Valdez.—38.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Clark, Cordova, Gebhard, Hutchinson, Lewis, Lovato, Slockett, Spruance, Toll, Voorhies, and Mr. Speaker.—11.

Pending the reading of the journal, Mr. Thomas moved that the further reading of the journal be dispensed with.

Which motion prevailed.

The committee on mines and mining presented the following report:

Mr. Speaker:

Your committee on mines and mining, to whom was referred the message of His Excellency Governor Pitkin on the subject of mineral deposits, beg leave to report as follows:

Your committee have endeavored to give the subject that careful consideration which its importance merited, feeling that any such change in our laws as is contemplated thereby would involve either much good to our mining interests or be very detrimental thereto. The limited time remaining of the session and the importance of the subject has induced your committee to report the said message back to the House with the statement that for the reasons aforesaid they are unable to report a bill on the subject.

Respectfully,
J. G. EVANS,
Chairman.

The committee on finance, ways and means presented the following report:

Mr. Speaker:

Your committee on finance, ways and means, to whom was referred H. B. No. 75, a bill for an act authorizing county treasurers to transfer certain funds of the general fund of their respective counties, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,
ROBERT S. ROE,
Chairman.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 75, a bill for an act to enable cities and towns to purchase and manage ditches and canals to supply water for irrigation and other purposes, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 29, a bill for an act concerning case in any district or county court the venue of which has been changed thereto, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 69, for an act to amend an act entitled, an act to provide for the appointment of sheep inspectors, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 53, for an act to enable fence districts to fund their indebtedness, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

At 9:13 o'clock A. M. the speaker *pro tempore* in the presence of the House signed H. B. No. 75, a bill for an

act to enable cities and towns to purchase and manage ditches, etc.

Also H. B. No. 29, a bill for an act concerning cases in and (any) district or county court the venue of which has been changed thereto.

Also H. B. No. 69, a bill for an act to amend an act entitled, an act to provide for (the) appointment (of) sheep inspectors.

Also H. B. No. 53, a bill for an act to enable fence districts to fund their indebtedness.

The following communication was received from the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 5, 1879.

HON. RIENZI STREETER:

Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 10, entitled, an act authorizing the binding out of indigent children, etc., and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

The following communication was received from the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 6, 1879.

HON. RIENZI STREETER,

Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 64, entitled, an act to provide for the herding of rams, and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

Mr. Mann of Jefferson county moved that the House concur in the Senate amendments to H. B. No. 132.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Crawford, Flower, Gird, Harvey, Kimberly, Livesay, Maez, Mann (Joseph), Martinez, McCandlass, McLaughlan, Mead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Trujillo, Valdez, and Voorhies.—29.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bingham, Clark, Cordova, Douglass, Evans, Gebhard, Gotthelf, Gunnell, Hoffman, Hutchinson, Lewis, Lovato, Luthe, Mann (W. J.), Morehead, Sheets, Slockett, Spruance, Toll, and Mr. Speaker.—20.

A constitutional majority having voted in favor of concurring in the Senate amendments.

The amendments were concurred in.

Mr. Roe moved that the House concur in Senate amendments to H. B. No. 168.

Mr. Brush moved that the House do not concur.

Which motion prevailed.

S. J. M. No. 1, in relation to military post in southwestern Colorado, was read a first time.

S. B. No. 104, a bill for an act to amend section 74 of the general laws, was read a second time and referred to the judiciary committee.

S. B. No. 141, a bill for an act in relation to mineral lands in Colorado, was read a second time and referred to the committee on mines and mining.

S. B. No. 62, a bill for an act to amend chapter 19 of the general laws of the State of Colorado entitled, corporations, was read a third time.

Mr. Gotthelf moved to amend the bill by striking out the words "body of Christians" wherever they appear in the bill, and insert in lieu thereof the words "church, sect, or religious body."

Which motion prevailed.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Kimberly, Livesay, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Voorhies.—40.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Hutchinson, Lewis, Luthe, Scott, Slockett, Spruance, and Mr. Speaker.—9.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The committee on public lands presented the following report:

Mr. Speaker:

Your committee on public lands, to whom was referred S. B. No. 108, a bill for an act to protect settlers upon State lands, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed, as the subject thereof is covered by the law now in force, or H. B. No. 145.

Respectfully,

W. D. TODD,

Chairman.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has amended, and passed as amended with emergency clause H. B. No. 33, an act to amend section 34 of chapter 31 of general laws.

Also that the Senate has passed H. B. No. 134, an act establishing State historical society.

Also the Senate has refused to pass H. B. No. 47, an act to amend section 30 of chapter 34 of general laws.

Also the Senate has amended and passed H. B. No. 115, making appropriations for expenses concerning fugitives from justice for the years 1879 and 1880.

Also the Senate has amended and passed H. B. No. 38, an act to amend (an) act to repeal all existing laws in relation to county courts.

Also H. B. No. 114, an act making appropriations for maintenance of State penitentiary for 1879 and 1880, has been amended and passed as amended.

All of which are herewith transmitted.

Respectfully,

W. W. ORRICK,

Secretary.

S. B. No. 50, a bill for an act concerning the enrollment and organization of the militia of the State, prescribing the district and number and rank of the officers thereof and defining the duties of such officers, was read a third time.

Mr. Livesay moved to strike out all after the enacting clause except section 25 of article 8, and that said section be amended as proposed by himself.

Which motion prevailed.

Mr. Cantlon moved that the vote just taken be reconsidered.

Which motion was lost.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Coddington, Evans, Harvey, Hoffman, and Livesay.—5.

Gentlemen voting in the negative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Crawford, Douglass, Flower, Gebhard, Gird, Gotthelf, Kimberly, Lovato, Luthe, Maez, Mann (Joseph), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Voorhies.—35.

Gentlemen absent and not voting were:

Messrs. Clark, Gunnell, Hutchinson, Lewis, Mann (W. J.), Slockett, Spruance, Cordova, and Mr. Speaker.—9.

A constitutional majority not having voted in favor of the passage of the bill.

The bill failed to pass.

Mr. Cantlon moved that the vote by which S. B. No. 50 failed to pass be reconsidered.

Which motion prevailed.

The question recurring upon the passage of the bill.

Mr. Cantlon moved that the vote by which Mr. Livesay's amendment was adopted be reconsidered.

Which motion prevailed.

The question recurring upon the adoption of the amendment.

The motion was lost.

The question again recurring upon the passage of the bill.

Mr. Voorhies moved an amendment to section 28 of article 8.

Which was adopted.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Bromwell, Brush, Cantlon, Chilcott, Crawford, Gebhard, Gird, Kimberly, Mann (W. J.), Mead, Pease, Roe, Scott, Sheets, Southworth, Todd, Toll, and Voorhies.—20.

Gentlemen voting in the negative were:

Messrs. Brandt, Coddington, Cordova, Douglass, Evans, Flower, Gotthelf, Harvey, Hoffman, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Martinez, McCandlass, McLaughlan, Morehead, Phillips, Thomas, Trujillo, and Valdez.—22.

Gentlemen absent and not voting were:

Messrs. Clark, Gunnell, Hutchinson, Lewis, Slockett, Spruance, and Mr. Speaker.—7.

A constitutional majority not having voted in favor of the passage of the bill.

The bill failed to pass.

Mr. Toll moved that the vote by which H. B. No. 164 was lost be reconsidered.

Which motion prevailed.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Douglass, Gird, Gotthelf, Harvey, Kimberly, Mann (Joseph), McCandlass, McLaughlan, Mead, Morehead, Phillips, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, and Valdez.—26.

Gentlemen voting in the negative were:

Messrs. Crawford, Evans, Flower, Gebhard, Mann (W. J.), Martinez, Pease, Roe, Scott, and Voorhies.—11.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Gunnell, Hoffman, Hutchinson, Lewis, Livesay, Lovato, Maez, Slockett, Spruance, and Mr. Speaker.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Mann of Jefferson county moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Arapahoe county, Mr. Roe, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration S. B. No. 35, a bill for an act to amend chapter 7 of the general laws, etc., and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 38, a bill for an act to provide for the payment of witnesses in the case of Boyd vs. De France, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 63, a bill for an act to enable the State to purchase reports, etc., and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 81, a bill for an act concerning jurisdiction, etc., of county courts, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also S. B. No. 86, a bill for an act to amend section 128 of an act concerning elections, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 43, a bill for an act to submit to the qualified electors of the State an amendment to section 3 article 10 constitution, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 29, a bill for an act concerning joint stock companies formed for religious, educational and benevolent purposes, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 39, a bill for an act to amend an act entitled, an act to fix and regulate fees chargeable by county, precinct and other officers, etc., and instruct me to report the same back to the House and recommend its passage.

Respectfully,

ROBERT S. ROE,

Chairman.

Mr. Southworth moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has concurred in House amendments to S. B. No. 54, an act to enable counties to fund their floating indebtedness.

Also that the Senate has amended and passed as amended H. B. No. 191, an act to enable the State board of agriculture to open the agricultural college.

Which bill passed with an emergency clause.

Also the Senate has passed S. B. No. 111, an act to establish impartial suffrage.

Also H. B. No. 183, an act making the stealing of a dog larceny.

Also the Senate insists in Senate amendments to H. B. No. 168, an act for the assessment and collection of revenue.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Brush moved that the House refuse to concur in the Senate amendments to H. B. No. 168, and ask that a committee of conference be appointed thereon.

Which motion prevailed.

The speaker announced Messrs. Roe and Brush as members of said committee on the part of the House.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has concurred in House amendments to S. B. No. 62, an act to amend chapter 19 of the general laws entitled, corporations.

Also the Senate has refused to pass H. B. No. 88, an act to amend section 122 of (an) act entitled, counties and county officers.

Also the Senate has amended and passed as amended H. B. No. 140, an act to strike off a portion of Saguache county.

Also the Senate has passed H. J. M. No. 5, relating to (the) construction of (a) military road in southwestern Colorado.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Cantlon moved that the House do now go into committee of the whole for the consideration of H. B. No. 158.

Which motion was lost.

Mr. Southworth moved that the House do now take a recess until 1:30 o'clock P. M.

Which motion prevailed.

At 12:25 o'clock P. M. the House took a recess.

AFTERNOON SESSION.

The House was called to order at 1:30 o'clock P. M. by the speaker.

H. B. No. 84 was ordered printed as amended.

The committee of conference on S. B. No. 67 presented the following reports:

Majority report:

Mr. Speaker:

Your committee of conference, to whom was referred S. B. No. 67, report the same back with (the) recommendation that the House agree to the Senate amendment to the House amendment.

Respectfully,

J. G. EVANS,

For the House.

HENRY NEIKIRK,

H. R. WOLCOTT,

For the Senate.

Minority report:

Mr. Speaker:

The undersigned, one of your committee of conference appointed on the part of the House on the matter of the appropriation to the university of the State of Colorado, begs leave to make this report to-wit:

That the so-called university of Colorado has not and does not subserve the objects for which it was instituted; that the regents have violated the law and that I deem it inexpedient and unnecessary to appropriate any money of the State of Colorado for an institution of a local nature.

Respectfully,

M. O. CODDINGTON.

The committee on mines and mining presented the following report:

Mr. Speaker:

Your committee on mines and mining, to whom was referred S. B. No. 141, a bill for an act in relation to mineral lands within the State of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

J. G. EVANS,

Chairman.

S. B. No. 111, a bill for an act to establish impartial suffrage, was read a first time.

Mr. Brush moved that S. B. No. 111 be ordered printed.

Which motion prevailed.

Mr. Brush moved that the report of the majority having in charge the differences between the two houses on S. B. No. 67 be adopted.

Messrs. Gird and Southworth demanded a call of the House.

The roll was called.

Mr. Mann of Jefferson moved that further proceedings under the call be dispensed with.

Which motion prevailed.

The question being upon the motion to adopt the majority report of the committee of conference on S. B. No. 68.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Brandt, Brush, Cantlon, Chilcott, Crawford, Douglass, Evans, Gunnell, Harvey, Lewis, Livesay, Mann (Joseph), Mann (W. J.), Mead, Phillips, Roe, Scott, Thomas, Todd, Toll, and Mr. Speaker.—21.

Gentlemen voting in the negative were:

Messrs. Bartlett, Bingham, Bromwell, Clark, Coddington, Cordova, Flower, Gebhard, Gird, Gotthelf, Hoffman, Hutchinson, Kimberly, Lovato, Luthe, Maez, Martinez, Morehead, Pease, Sheets, Southworth, Trujillo, Valdez, and Voorhies.—24.

Gentlemen absent and not voting were:

Messrs. McCandlass, McLaughlan, Slockett, and Spruance.—4.

A constitutional majority not having voted in the affirmative.

The report of the committee of conference was not adopted.

Mr. Brush moved that the House insist upon its amendments to S. B. No. 67, and that the Senate be requested to grant another committee of conference thereon.

Which motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has appointed on the part of the Senate, Senators Butters and Webster as members of conference committee on H. B. No. 168, amending (an) act to provide for the assessment and collection of revenue.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Livesay moved that the House concur in the Senate amendments to H. B. No. 115.

The yeas and nays were had, with the following result

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gunnell, Harvey, Hutchinson, Kimberly, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, Mead, Roe, Scott, Sheets, Southworth, Trujillo, Valdez, Voorhies, and Mr. Speaker.—30.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Bromwell, Clark, Flower, Gird, Gotthelf, Hoffman, Lewis, Lovato, McCandlass, McLaughlan, Morehead, Pease, Phillips, Slockett, Spruance, Thomas, Todd, and Toll.—19.

A constitutional majority having voted in the affirmative.

The Senate amendments were concurred in.

Mr. Todd moved that the House concur in the Senate amendments to H. B. No. 114.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gunnell, Harvey, Hutchinson, Kimberly, Lewis, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McLaughlan, Pease, Roe, Scott, Sheets, Southworth, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—35.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brush, Clark, Gotthelf, Hoffman, Livesay, McCandlass, Mead, Morehead, Phillips, Slockett, Spruance, Thomas, and Todd.—14.

A constitutional majority having voted in the affirmative.

The Senate amendments were concurred in.

Mr. Toll moved that the House concur in the Senate amendments to H. B. No. 140.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McLaughlan, Roe, Scott, Southworth, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—35.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brush, Clark, Gebhard, Lewis, McCandlass, Mead, Morehead, Pease, Phillips, Sheets, Slockett, Spruance, and Thomas.—14.

A constitutional majority having voted in the affirmative.

The Senate amendments were concurred in.

Mr. Todd moved that the House concur in the Senate amendments to H. B. No. 38.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McLaughlan, Mead, Pease, Roe, Scott, Sheets, Southworth, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—38.

Gentleman voting in the negative was:

Mr. Martinez.—1.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Cordova, McCandlass, Morehead, Phillips, Slockett, Spruance, Thomas, and Todd.—10.

A constitutional majority having voted in the affirmative.

The Senate amendments were concurred in.

Mr. Bromwell moved that the House concur in the Senate amendments to H. B. No. 33.

The yeas and nays were had, with the following result:

Gentlemen voting the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McLaughlan, Mead, Morehead, Pease, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—42.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Lovato, McCandlass, Phillips, Slockett, and Spruance.—7.

A constitutional majority having voted in the affirmative.

The Senate amendments were concurred in.

Mr. Brush moved that the House concur in the Senate amendments to H. B. No. 191.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Brush, Cantlon, Chilcott, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Mr. Speaker.—41.

Gentlemen voting in the negative were:

Messrs. Bromwell and Voorhies.—2.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Coddington, McCandlass, Slockett, and Spruance.—6.

A constitutional majority having voted in the affirmative.

The Senate amendments were concurred in.

By consent, Mr. Chilcott introduced:

H. C. R. No. 18, in relation to allowing officers of the General Assembly mileage.

Mr. Toll moved that the rules be suspended in order that H. C. R. No. 18 may be considered at this time.

Which motion prevailed.

Mr. Luthe moved that the resolution be adopted.

Which motion prevailed.

Mr. Luthe moved that the vote by which S. B. No. 50 was lost on its final passage this forenoon be reconsidered.

Which motion prevailed.

The question recurring upon the passage of the bill.

Messrs. Evans and Flower demanded a call of the House.

The roll was called.

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

Which motion prevailed.

The question again recurring upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Bromwell, Brush, Cantlon, Chilcott, Clark, Cordova, Crawford, Gebhard, Gird, Gotthelf, Gunnell, Hoffman, Hutchinson, Kimberly, Lovato, Luthe, Mann (W. J.), McLaughlan, Mead, Pease, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Voorhies, and Mr. Speaker.—31.

Gentlemen voting in the negative were:

Messrs. Brandt, Coddington, Douglass, Evans, Flower, Harvey, Lewis, Livesay, Maez, Mann (Joseph), Martinez, Morehead, Phillips, Trujillo, and Valdez.—15.

Gentlemen absent and not voting were:

Messrs. McCandlass, Slockett, and Spruance.—3.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Luthe moved that the vote by which S. B. No. 50 passed be reconsidered, and that the motion to reconsider be laid on the table.

Which motion prevailed.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Bromwell, Brush, Cantlon, Chilcott, Clark, Crawford, Douglass, Flower, Gebhard, Gird, Gotthelf, Gunnell, Hoffman, Hutchinson, Kimberly, Livesay, Luthe, Mann (W. J.), McLaughlan, Mead, Pease, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Voorhies, and Mr. Speaker.—32.

Gentlemen voting in the negative were:

Messrs. Brandt, Coddington, Cordova, Evans, Harvey, Lewis, Lovato, Maez, Mann (Joseph), Martinez, Morehead, Phillips, Trujillo, and Valdez.—14.

Gentlemen absent and not voting were:

Messrs. McCandlass, Slockett, and Spruance.—3.

A constitutional majority not having voted in the affirmative.

The House did not order that the bill take effect in accordance with the provisions of the emergency clause.

Mr. Voorhies moved that the vote by which the emergency clause in S. B. No. 50 was lost be reconsidered.

Which motion prevailed.

The question recurring upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Bromwell, Brush, Cantlon, Chilcott, Clark, Crawford, Douglass, Flower, Gebhard, Gird, Gotthelf, Gunnell, Hoffman, Hutchinson, Kimberly, Livesay, Luthe, Maez, Mann (W. J.), McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Voorhies, and Mr. Speaker.—35.

Gentlemen voting in the negative were:

Messrs. Brandt, Coddington, Cordova, Evans, Harvey, Lewis, Mann (Joseph), Martinez, Trujillo, and Valdez.—10.

Gentlemen absent and not voting were:

Messrs. Lovato, McCandlass, Slockett, and Spruance.—4.

A constitutional majority having voted in the affirmative.

It was ordered that the bill take effect in accordance with the provisions of the emergency clause.

Mr. Todd moved that the vote by which the emergency clause was adopted be reconsidered, and that the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Flower moved that S. B. No. 81 be placed on the calendar for a third reading.

Which motion prevailed.

The committee on enrollment presented the following reports:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 134, a bill for an act to encourage the formation and establishment of a State historical and natural history society, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 183, a bill for an act making the stealing of a dog larceny, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 176, a bill for an act making appropriations for expense of selecting, locating, appraising, leasing and selling land donated to the State by the United States and the expenses

of the State board of land commissioners for the years 1879 and 1880, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 112, a bill for an act making appropriation for the State board of health for the years 1879 and 1880, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 89, a bill for an act to amend section 1 of chapter 77 of the general laws of Colorado, entitled penitentiary, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. J. M. No. 12, a bill for an act relative to Charles Autobias, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 90, a bill for an act to provide for the purchase of law books for the library of the supreme court, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 132, a bill for an act providing that the State treasurer shall countersign all warrants issued by the auditor of State, and keep a record of the same, and find the same correctly enrolled.

Respectfully,
IVORY PHILLIPS,
Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. J. R. No. 10, relative to pre-emption and homestead laws, and find the same correctly enrolled.

Respectfully,
IVORY PHILLIPS,
Chairman.

Mr. Luthe moved that the House do now go into committee of the whole for the consideration of S. B. No. 56.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Boulder county, Mr. Evans, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration S. B. No. 56, a bill for an act to amend an act providing a system of procedure in civil courts of justice of the State of Colorado, have made amendments thereto and instruct me to report the same back to the House and recommend its passage as amended.

Respectfully,
J. G. EVANS,
Chairman.

Mr. Flower moved that the report of the committee of the whole be agreed to.

Mr. Mann of Jefferson county moved to except the amendment reported by the joint code committee.

Which motion was lost.

The question recurring upon the motion to agree to the report of the committee of the whole.

The motion prevailed.

Mr. Luthe moved that the bill be ordered to a third reading at this time.

Which motion prevailed.

Mr. Mann of Jefferson county moved an amendment in the matter of the exemptions, and demanded the yeas and nays thereon.

Which were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Brandt, Bromwell, Brush, Crawford, Evans, Mann (Joseph), McLaughlan, and Thomas.—8.

Gentlemen voting in the negative were:

Messrs. Cantlon, Coddington, Douglass, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (W. J.), Morehead, Phillips, Roe, Scott, Southworth, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—27.

Gentlemen absent and not voting were:

Messrs. Bartlett, Bingham, Chilcott, Clark, Cordova, Lovato, Martinez, McCandlass, Mead, Pease, Sheets, Slockett, Spruance, and Valdez.—14.

A constitutional majority not having voted in the affirmative.

The amendment was not adopted.

S. B. No. 56, a bill for an act to amend an act providing a system of procedure in civil courts of justice of the State of Colorado, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Brush, Cantlon, Clark, Coddington, Crawford, Douglass, Evans, Flower, Gotthelf, Harvey, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (W. J.), McLaughlan, Mead, Morehead, Phillips, Roe, Scott, Toll, Trujillo, Voorhies, and Mr. Speaker.—30.

Gentlemen voting in the negative were:

Messrs. Bromwell, and Mann (Joseph).—2.

Gentlemen absent and not voting were:

Mesers. Chilcott, Cordova, Gebhard, Gird, Gunnell, Hoffmann, Lovato, Martinez, McCandlass, Pease, Sheets, Slockett, Southworth, Spruance, Thomas, Todd, and Valdez.—17.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Brush, Cantlon, Clark, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gotthelf, Harvey, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (W. J.), McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—33.

Gentlemen voting in the negative were:

Messrs. Bromwell, and Mann (Joseph).—2.

Gentlemen absent and not voting:

Messrs. Chilcott, Cordova, Gird, Gunnell, Hoffman, Lovato, Martinez, McCandlass, Sheets, Slockett, Southworth, Spruance, Thomas, and Valdez.—14.

A constitutional majority having voted in the affirmative.

It was ordered that the bill take effect in accordance with the provisions of the emergency clause.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed H. B. No. 123, an act relating to commutation of sentence.

Also H. B. No. 135, an act to provide for maintenance of the penitentiary.

Also H. J. M. No. 9, confirming the rights of settlers on Maxwell's land grant.

Also H. J. R. No. 7, for (a) military post in northwestern Colorado.

Also H. B. No. 78, an act to amend section 12 of chapter 34 of general laws.

Also H. B. No. 105, providing for change of venue in preliminary examinations before justices of the peace.

Also that the Senate has concurred in the House amendments to S. B. No. 50, an act concerning the enrollment of State militia.

Also that the Senate has adopted a resolution asking for the appointment of a joint committee of three members from each House to consider H. B. No. 22, relative to irrigation, and presuming that the House will concur in the resolution the Senate has appointed Senators Neikirk, Haynes, and Helm, on the part of the Senate on such committee.

Respectfully,

W. W. ORRICK,

Secretary.

The printing committee presented the following report:

Mr. Speaker:

Your committee on printing have examined S. B. No. 111 and H. B. No. 84, and instruct me to report the same back to the House as having been printed.

Respectfully,

M. O. CODDINGTON,

Chairman.

The committee on conferrence on H. B. No. 168 presented the following report:

Mr. Speaker:

Your committee on conferrence to whom were referred the points of difference between the two Houses in relation to H. B. No. 168, have had the same under consideration and beg leave to report that they recommend that the House concur in the Senate amendments.

Respectfully,

ALFRED BUTTERS,
W. W. WEBSTER,

For Senate.

ROBERT S. ROE,
J. L. BRUSH,

For House.

Mr. Brush moved that the report of the committee of conference on H. B. No. 168 be adopted.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Clark, Cordova, Flower, Gebhard, Gird, Gotthelf, Harvey, Hutchinson, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McLaughlan, Mead, Pease, Phillips, Roe, Scott, Todd, Trujillo, Voorhies, and Mr. Speaker.—30.

Gentleman voting in the negative was:

Mr. Southworth.—1.

Gentlemen absent and not voting were:

Messrs. Cantlon, Chilcott, Coddington, Crawford, Douglass, Evans, Gunnell, Hoffman, Lewis, Martinez, McCandlass, Morehead, Sheets, Slockett, Spruance, Thomas, Toll, and Valdez.—18.

A constitutional majority having voted in the affirmative.

The report of the committee of conference was adopted.

Mr. Todd moved that the request of the Senate for a committee of conference on H. B. No. 22 be granted.

Which motion prevailed.

The committee was announced to consist of the speaker, Gird, and Mann of Jefferson county.

Mr. Todd moved that when the House go into committee of the whole that S. B. Nos. 68 and 135 be first considered, and that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Ouray county, Mr. Voorhies, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration S. B. No. 68, a bill for an act requiring the sec-

retary of State to collect together certain laws, etc., have amended the same and instruct me to report the same back to the House and recommend its passage as amended.

Also S. B. No. 135, a bill for an act providing for purchase of supplies for supreme court, etc., and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 107, a bill for an act to amend chapter 19 section 40 of the general laws, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 15, a bill for an act relating to official bonds given to county commissioners, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 30, a bill for an act to amend an act entitled, an act to prevent fires on prairies, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 80, a bill for an act to protect cattle from Texas fever, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 73, a bill for an act in relation to acknowledgments, have amended the same and instruct me to report the same back to the House and recommend its passage as amended.

Also S. B. No. 82, a bill for an act concerning jurisdiction of county courts in cases of injunction, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 94, a bill for an act to amend an act entitled, an act concerning municipal corporations, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 102, a bill for an act in relation to bastardy, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 100, a bill for an act to amend an act relating to municipal corporations, have amended the same

and instruct me to report the same back to the House and recommend its passage as amended.

Also S. B. No. 66, a bill for an act in relation to the issuance of license to venders of spirituous or malt liquors, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 83, a bill for an act providing for publication of supreme court reports, etc., have amended the same and instruct me to report the same back to the House with the recommendation that it do not pass.

Also S. B. No. 84, a bill for an act to provide a salary for reporter of decisions of supreme court, have amended the same and while the bill was under consideration it was discovered that there was no quorum present, therefore the committee arose.

Respectfully,

J. H. P. VOORHIES,

Chairman.

Mr. Toll moved that the House do now adjourn.

Which motion prevailed.

At 7:05 o'clock P. M., the House adjourned until to-morrow morning, February 8th, at 9 o'clock in the forenoon.

THIRTY-THIRD DAY.

SATURDAY, FEBRUARY 8th, 1879.

House met at 9 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell,

Harvey, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, and Mr. Speaker.—42.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Hoffman, Maez, Slockett, Spruance, Toll, Valdez, and Voorhies.—7.

Pending the reading of the journal, Mr. Thomas moved that the further reading of the journal be dispensed with.

Which motion prevailed.

The special joint committee to examine printing contracts presented the following report:

Mr. Speaker:

A majority of the special committee, to whom was referred the matter of investigating the printing contracts recently awarded by Hon. Wm. M. Clark, secretary of State, and determine whether the same was let to the lowest bidder, beg leave to submit the following report:

Said committee has examined all the original papers in the case, taken the testimony of a number of witnesses and given the subject the most careful and complete consideration possible under the press of business before the General Assembly.

Upon a careful consideration of the papers and evidence as aforesaid, we are decidedly of the opinion that said contract was let to the lowest bidder, and we deem it but simple justice to say that Mr. Clark not only acted honestly, conscientiously and impartially in the matter, but also with an unusual degree of thoughtfulness and care, and while injustice was done to no bidder for the contract, the interests of the State were carefully and completely protected.

Respectfully,

J. C. HELM,
On part of Senate.

R. DOUGLASS,
WM. D. TODD,
On part of House.

Mr. Douglass moved that the report just submitted be made a special order for 2 o'clock P. M. to-day.

Which motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has amended and passed as amended H. B. No. 131, an act to provide a revenue for the support of the school of mines.

Also the Senate has amended and passed as amended H. B. No. 130, an act to amend sections 2573 and 2583 of the general laws.

Also the Senate has concurred in House amendments to S. B. No. 56, an act to amend an act providing a system of procedure in civil courts of justice of the State.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Bingham moved that the House concur in the Senate amendments to H. B. No. 130.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Valdez, and Mr. Speaker.—41.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Clark, Evans, Livesay, Luthe, Slocket, Spruance, Toll, and Voorhies.—8.

A constitutional majority having voted in favor of concurring in the amendments.

The amendments were concurred in.

Mr. Mann of Jefferson county moved that the House concur in the Senate amendments to H. B. No. 131.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hutchinson, Kimberly, Lewis, Lovato, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Valdez, and Mr. Speaker.—39.

Gentleman voting in the negative was:

Mr. Hoffman.—1.

Gentlemen absent and not voting were:

Messrs. Clark, Livesay, Luthe, Martinez, Phillips, Slockett, Spruance, Toll, and Voorhies.—9.

A constitutional majority having voted in favor of concurring in the Senate amendments.

The amendments were concurred in.

S. J. M. No. 1, in relation to military post in southeastern Colorado, was read a second time and referred to the committee of the whole.

S. B. No. 111, a bill for an act to establish impartial suffrage, was read a second time.

Mr. Brush moved that the bill just read be referred to a special committee of three.

Which motion prevailed.

The speaker announced Messrs. Brush, Roe, and Southworth as said committee.

S. B. No. 35, a bill for an act to amend chapter 7 of the general laws entitled, an act to establish a State board of agriculture and defining its duties, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Maez, Mann (Joseph), Mann

(W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Roe, Scott, Sheets, Southworth, Thomas, Trujillo, Valdez, and Mr. Speaker.—36.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Clark, Gotthelf, Gunnell, Livesay, Lovato, Luthe, Pease, Phillips, Slockett, Spruance, Todd, Toll, and Voorhies.—13.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

S. B. No. 135, a bill for an act to provide for the purchase of supplies for the supreme court and the executive and legislative departments of State, and for the renting of rooms for the same, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Coddington, Cordova, Crawford, Douglass, Flower, Gebhard, Gird, Harvey, Hoffman, Kimberly, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Phillips, Roe, Sheets, Valdez, and Mr. Speaker.—28.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Cantlon, Clark, Evans, Gotthelf, Gunnell, Hutchinson, Lewis, Livesay, Lovato, Luthe, McLaughlan, Pease, Scott, Slockett, Southworth, Spruance, Thomas, Todd, Toll, Trujillo, and Voorhies.—21.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Doug-

lass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Trujillo, Valdez, and Mr. Speaker.—39.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Clark, Lewis, Livesay, Lovato, Luthe, Slockett, Spruance, Todd, Toll, and Voorhies.—10.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

S. B. No. 68, a bill for an act requiring the secretary of State to collect together certain laws of the Territory of Colorado, etc., was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Morehead, Phillips, Roe, Scott, Southworth, Thomas, Trujillo, Valdez, and Mr. Speaker.—35.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Livesay, Lovato, Luthe, Maez, Mead, Pease, Sheets, Slockett, Spruance, Todd, Toll, and Voorhies.—14.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Mr. Speaker. —40.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Clark, Livesay, Lovato, Luthe, Maez, Mead, Slockett, Spruance, and Voorhies.—9.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

The committee having in charge S. B. No. 111, presented the following majority and minority report:

Majority report:

Mr. Speaker:

Your committee on special committee, to whom was referred S. B. No. 111, a bill for an act to establish impartial suffrage, have had the same under consideration and instruct me to report the same back to the House with the recommendation that it be passed.

Respectfully,

J. L. BRUSH,
Chairman.

Minority report:

STATE OF COLORADO,
HOUSE OF REPRESENTATIVES,
DENVER, February 8, 1879.

Mr. Speaker:

The undersigned, a member of the special committee to whom was referred S. B. No. 111, a bill for an act to establish impartial suffrage, begs leave to make a minority report, recommending that the bill do not pass. This action

is based upon the firm belief that impartial suffrage so called would work disastrously to the best interests of the State.

Respectfully,

ROBERT S. ROE.

S. B. No. 107, a bill for an act to amend section 40 of chapter 19 of the general laws of the State of Colorado, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, and Mr. Speaker.—42.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Clark, Livesay, Lovato, Luthe, Slockett, Spruance, and Voorhies.—7.

A constitutional majority having voted in favor of the the passage of the bill.

The bill passed and the title was agreed to.

S. B. No. 39, a bill for an act to amend an act entitled, an act to fix and regulate the fees chargeable by county, precinct and other officers, approved March 24, 1877, was read a third time.

Mr. Southworth moved that S. B. No. 39 be referred to a special committee.

Which motion prevailed.

Mr. Cantlon moved that the vote by which S. B. No. 39 was referred to a special committee be reconsidered.

Which motion prevailed.

The question recurring upon the motion to refer.

The motion was lost.

The question being on the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Cantlon, Cordova, Crawford, Douglass, Gebhard, Gotthelf, Kimberly, Luthe, Mann (W. J.), Martinez, McLaughlan, Scott, and Toll.—14.

Gentlemen voting in the negative were:

Messrs. Brandt, Bromwell, Brush, Chilcott, Coddington, Evans, Flower, Gird, Gunnell, Harvey, Hutchinson, Lewis, Livesay, Maez, Mann (Joseph), McCandlass, Mead, Pease, Roe, Sheets, Southworth, Valdez, Voorhies, and Mr. Speaker.—24.

Gentlemen absent and not voting were:

Messrs. Bingham, Clark, Hoffman, Lovato, Morehead, Phillips, Slockett, Spruance, Thomas, Todd, Toll, and Trujillo.—11.

A constitutional majority not having voted in favor of the passage of the bill.

The bill failed to pass.

S. B. No. 29, a bill for an act concerning joint stock companies formed for religious, educational and benevolent purposes, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brush, Cantlon, Chilcott, Coddington, Douglass, Evans, Flower, Gebhard, Gotthelf, Harvey, Hoffman, Lewis, Livesay, Luthe, Mann (Joseph), McCandlass, McLaughlan, Mead, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, and Trujillo.—28.

Gentlemen voting in the negative were:

Messrs. Bromwell, Cordova, Hutchinson, Maez, Martinez, and Valdez.—6.

Gentlemen absent and not voting were:

Messrs. Brandt, Clark, Crawford, Gird, Gunnell, Kimberly, Lovato, Mann (W. J.), Morehead, Pease, Phillips, Slockett, Spruance, Voorhies, and Mr. Speaker.—15.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate requests the return of H. B. No. 135, an act to amend section 42 of an act entitled, an act to provide for the maintenance and government of the penitentiary.

Also the Senate has amended and passed as amended with an emergency clause H. B. No. 145, an act relating to the powers and duties of the State board of land commissioners.

Also the Senate has receded from its amendment to House amendment to S. B. No. 67, an act to provide for an additional fund for the current expenses of the State university.

Respectfully,

W. W. ORRICK,

Secretary.

By consent, the request of the Senate for the return of H. B. No. 135 was complied with.

S. B. No. 38, a bill for an act to provide for the payment of witnesses in the contested election case of J. T. Boyd against A. H. DeFrance for a seat in the State Senate from the seventh district, and to reimburse the said DeFrance his expenses incurred by reason of such contest, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Mann (Joseph), McCandlass, McLaughlan, Mead, Morehead, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—33.

Gentlemen voting in the negative were:

Messrs. Bartlett, Evans, and Maez.—3.

Gentlemen absent and not voting were:

Messrs. Clark, Cordova, Crawford, Gird, Gunnell, Lovato, Mann (W. J.), Martinez, Pease, Sheets, Slockett, Spruance, and Voorhies.—13.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to:

The question being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Douglass, Evans, Flower, Gebhard, Gotthelf, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—36.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Clark, Cordova, Crawford, Gird, Gunnell, Lovato, Martinez, Morehead, Pease, Phillips, Slockett, Spruance, and Valdez.—13.

A constitutional majority having voted in favor of the adoption of the emergency clause.

It was ordered that the bill take effect in accordance with the provisions thereof.

S. B. No. 63, a bill for an act to enable the State to purchase a certain number of reports of cases at law and chancery, etc., was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Crawford, Douglass, Flower, Gebhard, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph), McCandlass, McLaughlan, Mead, Pease, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Voorhies and Mr. Speaker.—36.

Gentleman voting in the negative was:

Mr. Evans.—1.

Gentlemen absent and not voting were:

Messrs. Clark, Cordova, Gird, Lovato, Mann (W. J.), Martinez, Morehead, Phillips, Slockett, Spruance, Toll, and Valdez.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed.

S. B. No. 86, a bill for an act to amend section 128 of an act entitled, elections, chapter 30 of the general laws, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Bromwell, Brush, Cantlon, Chilcott, Coddington, Crawford, Douglass, Flower, Gebhard, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, Mead, Roe, Southworth, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—31.

Gentlemen voting in the negative were:

Messrs. Mann (Joseph), McLaughlan, and Pease.—3.

Gentlemen absent and not voting were:

Messrs. Brandt, Clark, Cordova, Evans, Gird, Gotthelf, Lovato, Morehead, Phillips, Scott, Sheets, Slockett, Spruance, Thomas, and Valdez.—15.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Todd moved that the House refuse to concur in the Senate amendments to H. B. No. 145, and that the Senate be asked for a conference committee thereon.

Which motion prevailed.

The speaker announced Messrs, Todd, Brush, and Pease as members of said committee on the part of the House.

S. B. No. 43, a bill for an act to submit to the qualified electors of the State an amendment to section 3 of article

10 of the constitution of the State concerning revenue, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Cantlon, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gunnell, Harvey, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Pease, Roe, Scott, Sheets, Southworth, Voorhies, and Mr. Speaker.—31.

Gentlemen voting in the negative were:

Messrs. Gotthelf, Hoffman, Maez, and Martinez.—4.

Gentlemen absent and not voting were:

Messrs. Chilcott, Clark, Cordova, Gird, Lovato, Morehead, Phillips, Slockett, Spruance, Thomas, Todd, Toll, Trujillo, and Valdez.—14.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 112, for an act making appropriations for the State board of health for the years 1879 and 1880, and found the same correctly enrolled.

D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 132, for an act providing that the State treasurer shall countersign all warrants issued by the auditor of State, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 183, for an act making stealing of a dog larceny, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 54, for an act to enable counties to fund their floating indebtedness, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 90, for an act to provide for the purchase of law books for the library of the supreme court, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined substitute for S. B. No. 23, to amend an act entitled, an act to provide for the propagation, preservation and protection of fish, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 176, making appropriation for expense of locating land

donated to the State by the United States, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 89, for an act to amend section 1 of chapter 77 of the general laws of Colorado entitled, penitentiary, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 40, for an act giving justices of the peace jurisdiction in replevin and in relation to the practice in such cases, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 22, for an act to amend an act entitled, an act to provide for and regulate the holding of the district courts in the several judicial districts in this State, and the manner of commencing and adjourning the same, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 62, an act to amend chapter 19 of the general laws of the

State of Colorado entitled corporations, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 6, in relation to attachments issued out of justice's courts, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 134, for an act to encourage the formation and establishment of a State historical and natural history society, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. J. M. No. 12, relative to Chas. Autobias, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. J. M. No. 10, relative to pre-emption and homestead laws, and find the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

At 11 o'clock A. M. the speaker in the presence of the House signed H. J. M. No. 12, relative to Charles Autobias.

Also H. J. M. No. 10, relative to pre-emption and homestead laws.

Also H. B. No. 134, for an act to encourage the formation and establishment of a State historical and natural history society.

Also S. B. No. 62, an act to amend chapter 19 of the general laws of the State of Colorado entitled, corporations.

Also S. B. No. 6, in relation to attachments issued out of justice's courts.

Also S. B. No. 40, for an act giving justices of the peace jurisdiction in replevin and in relation to the practice in such cases.

Also S. B. No. 22, for an act to amend an act entitled, an act to provide for and regulate the holding of the district courts in the several judicial districts in this State and the manner of commencing and adjourning the same.

Also H. B. No. 176, making appropriation for expense of locating land donated to the State by the United States.

Also H. B. No. 89, for an act to amend section 1 of chapter 77 of the general laws of Colorado entitled, penitentiary.

Also H. B. No. 90, for an act to provide for the purchase of law books for the library of the supreme court.

Also substitute for S. B. No. 23, to amend an act entitled, an act to provide for the propagation, preservation and protection of fish.

Also H. B. No. 183, for an act making stealing a dog larceny.

Also S. B. No. 54, for an act to enable counties to fund their floating indebtedness.

Also H. B. No. 112, for an act making appropriations for the State board of health for the year 1879 and 1880.

Also H. B. No. 132, for an act providing that the State treasurer shall countersign all warrants issued by the auditor of the State.

S. B. No. 30, a bill for an (act) to amend an act entitled, an act to prevent fires on prairies, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Chilcott, Cordova, Crawford, Douglass, Evans, Flower, Gotthelf, Harvey, Hutchinson, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Toll, Trujillo, and Mr. Speaker.—31.

Gentlemen voting in the negative were:

Messrs. Brush, and Hoffman.—2.

Gentlemen absent and not voting were:

Messrs. Bartlett, Cantlon, Clark, Coddington, Gebhard, Gird, Gunnell, Lewis, Mann (Joseph), McLaughlan, Slockett, Spruance, Thomas, Todd, Valdez, and Voorhies.—16.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

S. B. No. 66, a bill for an act in regard to the issuing of license to vend or sell spirituous liquors, etc., was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Brush, Douglass, Evans, Harvey, McCandlass, Mead, Morehead, Phillips, Roe, Southworth, and Mr. Speaker.—13.

Gentlemen voting in the negative were:

Messrs. Bingham, Bromwell, Cantlon, Chilcott, Coddington, Crawford, Flower, Gebhard, Gotthelf, Gunnell, Hoffman, Hutchinson, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (W. J.), Martinez, McLaughlan, Trujillo, and Valdez.—22.

Gentlemen absent and not voting were:

Messrs. Clark, Cordova, Gird, Lewis, Mann (Joseph), Pease, Scott, Sheets, Slockett, Spruance, Thomas, Todd, Toll, and Voorhies.—14.

A constitutional majority having failed to vote in favor of the passage of the bill.

The bill failed to pass.

Mr. Livesay moved that the vote by which S. B. No. 39 was lost be reconsidered.

Mr. Mann of Boulder county moved that the motion to reconsider be laid on the table.

Which motion prevailed.

S. B. No. 82, a bill for an act concerning the jurisdiction of the county judges and county courts in cases of injunction, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Cantlon, Chilcott, Douglass, Evans, Flower, Gebhard, Gotthelf, Harvey, Hoffman, Kimberly, Lovato, Luthe, Maez, Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Phillips, Roe, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—31.

Gentleman voting in the negative was:

Mr. Mann (Joseph).—1.

Gentlemen absent and not voting were:

Messrs. Brush, Clark, Coddington, Cordova, Crawford, Gird, Gunnell, Hutchinson, Lewis, Livesay, McLaughlan, Pease, Scott, Sheets, Slockett, Spruance, and Toll.—17.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

S. B. No. 94, a bill for an act to amend an act entitled, an act in relation to municipal corporations, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Bromwell, Cantlon, Chilcott, Coddington, Crawford, Douglass, Flower, Gebhard, Gotthelf, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Luthe, Maez, Martinez, McCandlass, Mead, Pease, Roe, Scott, Southworth, Thomas, Todd, Trujillo, Valdez, and Mr. Speaker.—30.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Brandt, Brush, Clark, Cordova, Evans, Gird, Gunnell, Livesay, Lovato, Mann (Joseph), Mann (W. J.), McLaughlan, Morehead, Phillips, Sheets, Slockett, Spruance, Toll, and Voorhies.—19.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Cantlon, Chilcott, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann, (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—43.

Gentleman voting in the negative was:

Mr. Mann (Joseph).—1.

Gentlemen absent and not voting were:

Messrs. Brush, Clark, Cordova, Slockett, and Spruance. —5.

A constitutional majority having voted in the affirmative.

It was ordered that the bill take effect in accordance with the provisions of the emergency clause.

The joint committee on amendments to the code presented the following report:

Mr. Speaker:

Your committee on amendments to the code of civil procedure of the State of Colorado, to whom was referrod H. B. No. 18, H. C. R. No. 8, H. B. No. 148, H. B. No. 188, and H. B. No. 193, have had the same under consideration

and instruct me to report the same back with the recommendation that they do not pass.

Respectfully,

THOS. J. CANTLON,

Chairman on part of the H. and R.

The joint committee on constitutional amendments presented the following report:

Mr. Speaker:

Your committee on constitutional bills, to whom was referred H. B. No. 109, an act for a proposed amendment to section 3 of article 10 of the constitution of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

CHAS. H. TOLL,

Chairman.

The committee on corporations presented the following reports:

Mr Speaker:

Your committee on corporations, to whom was referred S. B. No. 92, an act to amend chapter 19 of the general laws of the State of Colorado, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

CHAS. H. TOLL,

Chairman.

Mr. Speaker:

Your committee on corporations, to whom was referred S. B. No. 140, an act in relation to suits against corporations, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

CHAS. H. TOLL,

Chairman.

Mr. Speaker:

Your committee on corporations, to whom was referred

S. B. No. 103, an act to repeal section 3 of an act entitled, an act to incorporate the Colorado land and mineral association, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

CHAS. H. TOLL,

Chairman.

The judiciary committee presented the following reports:

Mr. Speaker:

Your committee on judiciary, to whom was referred S. B. No. 69, a bill for an act concerning Masonic bodies, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on judiciary, to whom was referred H. B. No. 205, have had the same under consideration (and) instruct me to report the same back to the (House) with the recommendation that it do not pass.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee (on) judiciary, to whom was referred H. B. No. 200, a bill for an act providing for writs of error from the supreme to the district and county courts, have had the same under consideration and instruct me to report the same back (to the House) with the recommendation that it do not pass.

Respecfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on judiciary, to whom was referred S. B. No. 104, a bill for an act to amend section 74 of the gen-

eral laws, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

Mr. Speaker:

Your committee on judiciary, to whom was referred S. B. No. 75, a bill for an act concerning grand juries, have had the same under consideration and instruct me to report said bill back to the House with the recommendation that it be not passed.

Respectfully,

THOS. J. CANTLON,

Chairman.

The committee on enrollment presented the following reports:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 114, a bill for an act making appropriation for the maintenance and support of the State penitentiary for the years 1879 and 1880, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 191, a bill for an act to enable the State board of agriculture to open the State agricultural college for the public instruction, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 115, a bill for an act making appropriations to pay expenses and claims under the law concerning fugitives from justice

for the years 1879 and 1880, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 78, a bill for an act to amend section 12 of chapter 34 of the general laws of the State of Colorado, entitled, an act to fix and regulate the fees chargeable by county, precint and other officers, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 105, a bill for an act providing for a change of venue in preliminary examinations before justices of the peace, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 38, a bill for act to amend an act entitled, an act to repeal all existing laws in relation to the creation, jurisdiction, powers, proceedings and practice of the county courts of the State of Colorado, and to enact other provisions in lieu thereof, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Secretary.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 33, a bill for an act entitled, an act to amend section 4 of chapter 31 of the general laws of Colorado, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 127, a bill for an act to provide for erecting additional buildings at the mute and blind institute and for other improvements, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. J. M. No. 5, relating to the construction of a military road in southwestern Colorado, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. J. M. No. 9, relative to the confirming of the equitable rights of settlers upon the Maxwell land grant in Colorado, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 123, a bill for an act relating to commutation of sentences and pardon after conviction, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 140, a bill for an act to strike off a part of the county of Saguache and to add the same to the county of Rio Grande, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. J. R. No. 7, relating to the establishment of a military post in northwestern Colorado, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

S. B. No. 102, a bill for an act in relation to bastardy, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bromwell, Cantlon, Coddington, Crawford, Douglass, Flower, Gebhard, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Mann (Joseph), Mann (W. J.), McCandlass, Mead, Morehead, Pease, Roe, Scott, Southworth, Toll, and Mr. Speaker.—25.

Gentlemen voting in the negative were:

Messrs. Bingham, Brandt, Evans, Gotthelf, Luthe, Maez, McLaughlan, Thomas, Trujillo, Valdez, and Voorhies.—11.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brush, Chilcott, Clark, Cordova, Gird, Lovato, Martinez, Phillips, Sheets, Slockett, Spruance, and Todd.—13.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

S. B. No. 100, a bill for an act to amend an act entitled, an act in relation to municipal corporations, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Cantlon, Coddington, Crawford, Douglass, Flower, Gotthelf, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Livesay, Luthe, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead,

Morehead, Pease, Roe, Scott, Southworth, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—31.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brush, Chilcott, Clark, Cordova, Evans, Gebhard, Gird, Hutchinson, Lovato, Maez, Martinez, Phillips, Sheets, Slockett, Spruance, Thomas, and Valdez.—18.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

S. B. No. 73, a bill for an act in regard to acknowledgments, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Cantlon, Chilcott, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Phillips, Roe, Southworth, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—35.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brush, Clark, Cordova, Gird, Gotthelf, Martinez, Morehead, Pease, Scott, Sheets, Slockett, Spruance, and Thomas.—14.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

S. B. No. 80, a bill for an act to protect cattle from disease called Texas fever, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Cantlon, Chilcott, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Harvey, Hoffman, Hutchinson, Kimberly, Lewis,

Livesay, Lovato, Luthe, Maez, Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—37.

Gentleman voting in the negative was:

Mr. Mann (Joseph).—1.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brush, Clark, Cordova, Gotthelf, Gunnell, Martinez, Sheets, Slockett, Spruance, and Toll.—11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has amended and passed as amended with emergency clause H. B. No. 144, an act to establish the Colorado insane asylum.

Also have passed H. B. No. 135, an act providing for the maintenance of the penitentiary.

And have amended and passed as amended with emergency clause H. B. No. 102, an act to amend chapter 61 of the general laws concerning lunatics.

Also H. B. No. 203, an act providing for certain entries to be made by county clerks.

Also H. B. No. 119, an act to amend (an) act incorporating the city of Denver.

Also the Senate has amended and passed as amended H. B. No. 180, an act regulating the service of summons.

All of which are herewith transmitted.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Thomas moved that the House concur in Senate amendments to H. B. No. 144.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Chilcott,

Douglass, Evans, Flower, Gebhard, Gird, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—36.

Gentlemen voting in the negative were:

Messrs. Cantlon, Coddington, Cordova, and Toll.—4.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Crawford, Gotthelf, Livesay, Martinez, Pease, Slockett, and Spruance.—9.

A constitutional majority having voted in favor of concurring in the Senate amendments.

The amendments were concurred in.

Mr. Lewis moved that the House concur in Senate amendments to H. B. No. 102.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Cantlon, Chilcott, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Maez, Mann (Joseph), McCandlass, McLaughlan, Morehead, Roe, Sheets, Southworth, Todd, Toll, Valdez, Voorhies, and Mr. Speaker.—31.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brush, Clark, Cordova, Gotthelf, Livesay, Lovato, Luthe, Mann (W. J.), Martinez, Mead, Pease, Phillips, Scott, Slockett, Spruance, Thomas, and Trujillo. —18.

A constitutional majority having voted in favor of concurring in the Senate amendments.

The amendments were concurred in.

Mr. Cantlon moved that the House concur in Senate amendments to H. B. No. 180.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Bromwell, Cantlon, Chilcott, Codding-

ton, Crawford, Douglass, Evans, Gebhard, Gird, Gotthelf, Harvey, Hoffman, Kimberly, Lewis, Maez, McLaughlan, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—27.

Gentleman voting in the negative was:

Mr. Mann (Joseph).—1.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brandt, Brush, Clark, Cordova, Flower, Gunnell, Hutchinson, Livesay, Lovato, Luthe, Mann (W. J.), Martinez, McCandlass, Mead, Morehead, Pease, Phillips, Slockett, Spruance, and Toll.—21.

A constitutional majority having voted in favor of concurring in Senate amendments.

The amendments were concurred in.

S. B. No. 15, a bill for an act relating to official bonds and to obligations given to boards of county commissioners, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Hoffman, Hutchinson, Kimberly, Maez, Mann (Joseph), McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker. —35.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Clark, Cordova, Gunnell, Harvey, Lewis, Livesay, Lovato, Luthe, Mann (W. J.), Martinez, Slockett, Spruance, and Toll.—14.

A constitutional majority having voted in favor of the the passage of the bill.

The bill passed and the title was agreed to.

The special joint committee to inquire into disbursements of military fund presented the following report:

Mr. Speaker:

Your members of the joint committee, to whom was re-

ferred the matter of inquiring into receipts and disbursements of the military fund of the State of Colorado, have had the same under consideration and instruct me to report as follows:

The total receipts of said fund amount to $6,366.38—the total disbursements, $5,734.89.

Company B first regiment of Colorado militia, as per vouchers of the State treasurer, have received the sum of $2,360.21, and the vouchers of Adjutant General Roe, divided as by exhibit herewith transmitted, which do not include items charged to company B, being items of sundries. Such items of sundries consist of freight, transportation and repairs, amounting to the sum of $3,374.68.

We find that for company B and the Chaffee Light Artillery the sum of $1000 for rent of Armory has been expended; that for gas for same the sum of $306.01 has been expended; that for water for same the sum of $94 has been expended; that for janitor's services the sum of $325 has been expended; that for armorer for same the sum of $360 has been expended; that for sundries for same, not itemized, $275.20 has been expended.

We further find that no company organized under the militia law of the State of Colorado, of which there are now about seven, has received any of the military fund from the treasury of the State of Colorado, belonging to their respective companies, excepting the two companies above named.

We further find that county treasurers of several counties of the State are derelict in their duty in not transmitting the funds belonging to the military fund of the State of Colorado.

The time given to our committee in which to report being so short, and being after the time prescribed by the constitution of the State when bills can be introduced, prevents them from reporting by bill, but respectfully recommend that S. B. No. 50 do pass and become a law, and

thereby prevent the many errors which have heretofore occurred.

Respectfully,
THOMAS J. CANTLON,
Chairman on part of the
House of Representatives.

Mr. Morehead moved that the House do now take a recess until 2 o'clock this afternoon.

Which motion prevailed.

At 12:20 o'clock P. M. the House took a recess.

AFTERNOON SESSION.

The speaker called the House to order at 2 o'clock in the afternoon.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate have appointed on the part of the Senate, Senators Webster, Wolcott of Clear Creek, and DeFrance, on conference asked for by the House on H. B. No. 145, an act relating to powers and duties of State board of land commissioners.

Respectfully,
W. W. ORRICK,
Secretary.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has amended and passed as amended and with an emergency clause H. B. No. 39, an act concerning garnishments on judgments.

Respectfully,
W. W. ORRICK,
Secretary.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has reconsidered its action on House amendments to S. B. No. 56, in relation to the code, and now refuses to

concur in the same, and asks a committee of conference in relation thereto, and presuming that the House will acquiesce in the Senate's request, Senators Wolcott of Clear Creek and Helm have been appointed.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Luthe moved that the House concur in the Senate amendments to H. B. No. 39.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Brandt, Bromwell, Brush, Cantlon, Clark, Coddington, Crawford, Douglass, Gebhard, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Pease, Roe, Southworth, Trujillo, Valdez, Voorhies, and Mr. Speaker.—31.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Bingham, Chilcott, Cordova, Evans, Flower, Gird, Kimberly, Lovato, Martinez, Phillips, Scott, Sheets, Slockett, Spruance, Thomas, Todd, and Toll.—18.

A constitutional majority having voted in favor of concurring in the Senate amendments.

The amendments were concurred in.

S. B. No. 83, a bill for an act to provide for the publication, purchase and distribution of the decisions of the supreme court of Colorado, was read a third time.

Mr. Toll moved to amend section 2 by inserting the words "not more than" before the words "ten years."

Which motion was lost.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Brush, Clark, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gotthelf, Gunnell, Hoffman, Hutchinson, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McLaugh-

lan, Mead, Morehead, Phillips, Roe, Southworth, Thomas, Trujillo, Valdez, Voorhies, and Mr. Speaker.—33.

Gentlemen voting in the negative were:

Messrs. Bromwell, Cantlon, Coddington, Todd, and Toll —5.

Gentlemen absent and not voting were:

Messrs. Bingham, Chilcott, Gird, Harvey, Lewis, McCandlass, Pease, Scott, Sheets, Slockett, and Spruance.—11.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

By consent, Mr. Toll presented the following resolution:

Inasmuch as the Senate has refused to concur in certain amendments by the House to S. B. No. 56, amending the code of civil procedure, therefore be it

Resolved, That the House committee on amendments to the code be requested to confer with the Senate committee and report at the earliest convenient time to the House.

Mr. Evans moved that the resolution be adopted.

Which motion prevailed.

The hour having arrived for the consideration of the report of the joint committee on printing contracts.

The following minority report was submitted:

Mr. Speaker:

The undersigned, members of the joint committee appointed to investigate the question as to whether the public printing contract was awarded according to law by the late secretary of State, the Hon. Wm. M. Clark, regret that they are unable to concur with the majority of the committee in their report and respectfully report their findings and conclusions as follows: That while they are of the opinion that the printing contract as awarded by said secretary will cost the State less, if its provisions are properly carried out, than though the contract had been awarded to the lowest bidder, yet they cannot agree with the majority of the committee in their conclusions of law and fact in several particulars, among which is the one that the secretary of State

may allow a party to explain his bid after bids have been opened, which was done in this case. They further find that the said secretary did not comply with the law in his advertisements for bids in one particular at least, to-wit: That the size of paper was not required to be given by the bidders, and this the law requires. They further find that after the bids were opened, the bidder to whom the contract was finally awarded, was allowed to explain his bid in one particular, at least, to-wit: In the item of folding and stitching, from three cents per section of eight pages as advertised for, to that of three cents per section of eight pages per quire, which makes a vast difference as to the amount. They further find that the contract, as they understood the evidence, was not awarded to the lowest bidder as to the first and second class of printing as per bids made. They further find, that after having specified lithographing as one of the items to be included in the bids, he, after opening said bids, rejected that item. They further believe from the evidence that the said secretary did not make any correct estimate of the amount of public printing to be done under such contract, before letting the same, without which no one could correctly determine the lowest bidder.

All of which is respectfully submitted.

A. H. DEFRANCE,
Of the Senate.
J. H. P. VOORHIES,
Of the House.

Mr. Douglass moved that the report of the majority be adopted.

Mr. Voorhies moved as an amendment that the report of the minority be adopted.

Which motion to amend was lost.

The question then recurring upon the motion to adopt the majority report.

The motion prevailed.

The committee on enrollment presented the following reports:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 135, a bill for an act to amend section 42 of an act entitled, an act to provide for the maintenance, government and police of the penitentiary, officers and fixing salary of the same and to repeal several acts relating thereto, and find the same correctly enrolled.

Respectfully,
IVORY PHILLIPS,
Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 130, a bill for an act to amend sections 2,573 and 2,583 of the general laws, and find the same correctly enrolled.

Respectfully,
IVORY PHILLIPS,
Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 131, a bill for an act to provide a revenue for the support of the school of mines at Golden, and to repeal section 12 of chapter 91 of the general laws, and find the same correctly enrolled.

Respctfully,
IVORY PHILLIPS,
Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 203, a bill for an act providing for certain entries to be made by county clerks and recorders in the receiving book and general index kept by them, and find the same correctly enrolled.

Respectfully,
IVORY PHILLIPS,
Chairman.

S. B. No. 84, a bill for an act to provide a salary for the reporter of the decisions of the supreme court, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Brush, Cantlon, Chilcott, Clark, Coddington, Crawford, Douglass, Evans, Flower, Gebhard, Gotthelf, Hoffman, Hutchinson, Kimberly, Lewis, Luthe, Maez, Mann (Joseph), McCandlass, McLaughlan, Mead, Morehead, Roe, Scott, Southworth, Thomas, Trujillo, Voorhies, and Mr. Speaker.—31.

Gentleman voting in the negative were:

Messrs. Bromwell, Cordova, Mann (W. J.), Todd, and Toll.—5.

Gentlemen absent and not voting were:

Messrs. Bingham, Gird, Gunnell, Harvey, Livesay, Lovato, Martinez, Pease, Phillips, Sheets, Slockett, and Valdez.—13.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gotthelf, Gunnell, Hoffman, Hutchinson, Kimberly, Lewis, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Morehead, Pease, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—37.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bingham, Gird, Harvey, Livesay, Lovato, Martinez, Mead, Phillips, Sheets, Slockett, Spruance, and Valdez.—12.

A constitutional majority having voted in favor of concurring in the Senate amendments.

The amendments were concurred in.

By consent, Mr. Todd introduced H. C. R. No. 19, in relation to claims.

Mr. Todd moved that the rules be suspended in order that H. C. R. No. 19 may be considered at this time.

Which motion prevailed.

Mr. Todd moved that the resolution be adopted.

Which motion prevailed.

S. B. No. 81, a bill for an act concerning jurisdiction, powers, and practice of county courts, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Cantlon, Clark, Coddington, Cordova, Douglass, Flower, Gotthelf, Hoffman, Hutchinson, Kimberly, Lewis, Lovato, Martinez, Scott, Southworth, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—22.

Gentlemen voting in the negative were:

Messrs. Bingham, Bromwell, Brush, Chilcott, Evans, Gebhard, Luth, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Roe, Thomas, and Valdez.—17.

Gentlemen absent and not voting were:

Messrs. Crawford, Gird, Gunnell, Harvey, Livesay, Pease, Phillips, Sheets, Slockett, and Spruance.—10.

A constiutional majority not having voted in favor of the passage of the bill.

The bill failed to pass.

Mr. Luthe moved that the vote by which S. B. No. 81 was lost be reconsidered.

Messrs. Toll and Southworth demanded a call of the House.

The roll was called and Messrs. Spruance and Voorhies were reported absent without leave.

Mr. Todd moved that further proceedings be dispensed with.

Which motion prevailed.

The question being upon the motion to reconsider the vote by which S. B. No. 81 failed to pass.

Mr. Toll demanded the yeas and nays thereon.

Which were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Cantlon, Clark, Coddington, Flower, Gotthelf, Kimberly, Lovato, Martinez, McCandlass, Todd, Toll, Trujillo, and Valdez.—15.

Gentlemen voting in the negative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Chilcott, Cordova, Crawford, Douglass, Evans, Gebhard, Gunnell, Hoffman, Hutchinson, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Southworth, Thomas, and Mr. Speaker.—28.

Gentlemen absent not voting were:

Messrs. Gird, Harvey, Sheets, Slockett, Spruance, and Voorhies.—6.

A majority not having voted in the affirmative.

The motion to reconsider did not prevail.

The conference committee on H. B. No. 145 presented the following report:

Mr. President:

Your conference committee on H. B. No. 145 beg leave to make the following report:

1st. Senate amendment. That the House concur therein.

2d. Senate amendment. That the Senate recede from said amendments, and that section 3 be amended by striking out the words and figures "one thousand (1,000) dollars" and insert in lieu thereof the words "five hundred (500) dollars" and as amended be agreed to.

3d. Senate amendment. That the said amendment be agreed to with the following amendment:

Strike out all after the word "improvement" in the 5th line.

4th. Senate amendment.

5th. Senate amendment.

6th. Senate amendment.

7th. Senate amendment.

8th. Senate amendment.

The House concur therein.

9th. Senate amendment. That the amendment be agreed to with the following amendment:

Insert in the 9th line after the word "shall" "if they shall deem the same advisable."

W. W. WEBSTER,
EDWARD O. WOLCOTT,
A. H. DEFRANCE,
Conference on part of the Senate.
W. D. TODD,
J. L. BRUSH,
J. G. PEASE,
Conference on part of the House of Representatives.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed H. B. No. 88, an act to amend section 122 of an act concerning counties and county officers.

Also that the Senate has adopted the report of the committee on conference raised to consider the differences on H. B. No. 145, an act relating to powers and duties of State board of land commissioners, and has passed said bill as amended by committee on conference.

Respectfully,
W. W. ORRICK,
Secretary.

Mr. Todd moved that the report of the conference committee on H. B. No. 145 be adopted.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Bromwell, Brush, Cantlon, Clark, Coddington, Cordova, Crawford, Evans, Flower, Gebhard, Gotthelf, Gunnell, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Mann (W. J.), McCandlass, Mead, Morehead, Pease, Phillips, Roe, Scott, Southworth, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.—34.

Gentlemen voting in the negative were:

Messrs. Chilcott, Maez, Martinez, and Valdez.—4.

Gentlemen absent and not voting were:

Messrs. Bingham, Douglass, Gird, Harvey, Lovato, Mann (Joseph), McLaughlan, Sheets, Slockett, Spruance, and Thomas.—11.

A constitutional majority having voted in favor of adopting the report of the conference committee.

The report was adopted.

The committee on enrollment presented the following report:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 180, a bill for an act to regulate the service of summons and other processes issued by justices of the peace, and find the same correctly enrolled.

Respectfully,
IVORY PHILLIPS,
Chairman.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment presented H. J. M. No. 12, relative to Chas. Autobias, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 40, for an act giving justices of the peace jurisdiction in replevin and in relation to the practice in such cases, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 89, for an act to amend section 1 of chapter 77 of the general laws of Colorado entitled, penitentiary, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. J. M. No. 10, relative to pre-emption and homestead laws, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented substitute for S. B. No. 23, to amend an act entitled, an act to provide for the propagation, preservation and protection of fish, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 176, making appropriations for expense of locating land donated to the State by the United States, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 90, for an act to provide for the purchase of law books for the library of the supreme court, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 54, for an act to enable counties to fund their floating indebtedness, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 183, for an act making stealing of a dog larceny, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 112, for an act making appropriation for the State board of health for the years 1879 and 1880, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 132, for an act providing that the State treasurer shall countersign all warrants issued by the auditor of State, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., Feb. 8th, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 75, for an act to enable cities and towns to purchase and manage ditches and canals to supply water for irrigation and other purposes, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., Feb. 8th, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 29, for an act concerning case in any district or county court the venue of which has been changed thereto, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., February 8th, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 53, for an act to enable fence districts to fund their indebtedness, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., February 8th, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 69, a bill for an act to provide for the appointment of sheep inspectors, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., February 8th, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 134, for an act to encourage the formation and establishment of a State historical and natural history society, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., February 8th, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 62, an act to amend chapter 19 of the general laws of Colorado entitled, corporations, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., February 8, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 6, in relation to attachment issuing out of justice's courts, to His Excellency the Governor for his signature, at 11:30 o'clock A. M., February 8, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 22, for an act to amend an act entitled, an act to provide for and regulate the holding of the district courts in the several judicial districts of this State and the manner of commencing and adjourning the same, etc., to His Excellency the Governor for his signature, at 11:30 o'clock A. M., February 8, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

The committee on the code presented the following report:

Mr. Speaker:

Your special committee of conference on amendments to the code of civil procedure of the State of Colorado, to whom has been referred the matter of conferring with a like committee from the Senate on the matter of agreeing to amendments to be made to the code of civil procedure, have had the same under consideration and instruct me to report that section 14 of S. B. No. 56 be stricken out and that section 119 of the code of civil procedure be repealed.

Respectfully,
EDWARD O. WOLCOTT,
J. C. HELM,
Conferrees on part of the Senate.
THOS. J. CANTLON,
J. McD. LIVESAY,
A. T. GUNNELL,
Conferrees on part of the House.

Mr. Luthe moved that the report just presented be adopted.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Brandt, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Flower, Geb-

hard, Gotthelf, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McLaughlan, Mead, Morehead, Phillips, Roe, Scott, Southworth, Thomas, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—36.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bingham, Bromwell, Evans, Gird, Gunnell, Harvey, Lovato, McCandlass, Pease, Sheets, Slockett, Spruance, and Todd.—13.

A constitutional majority having voted in favor of the adoption of the report.

The report was adopted.

Mr. Evans moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Boulder county, Mr. Evans, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole have had under consideration H. B. No. 141, a bill for an act in relation to mineral lands in the State of Colorado, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also H. B. No. 158, a bill for an act to amend an act entitled, an act concerning mines, chapter 66 of the general laws, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also S. B. No. 144, a bill for an act authorizing county treasurers to transfer certain funds to the general fund, and instruct me to report progress thereon.

Respectfully,

J. G. EVANS,

Chairman.

Mr. Luthe moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 86, amending section 128 chapter 30 entitled, elections, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 38, amending an act in relation to county courts, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 140, to strike off a portion of the county of Saguache and add the same to Rio Grande county, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 78, amending section 12 chapter 34, entitled, an act to fix and regulate fees chargeable by county and other officers, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 123, relating to commutation of sentences and pardons, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 191, to loan $2000 to the State board of agriculture to open the State agricultural college, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 114, for the maintenance and support of the penitentiary, and found the same correctly enrolled.

Respecfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 105, providing for the change of venue before justices of the peace, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 127, providing a fund for erecting additional buildings at

the mute and blind institute, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 115, making appropriation to pay expenses incurred under the law concerning fugitives from justice, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 130, to amend sections 2573 and 2583 of the general laws, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 33, amending section 4 chapter 31 general laws, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 203, providing guidance for county clerks, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 131, providing revenue for support of school of mines, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No 43, providing for amendments to the constitution, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 30, to amend an act preventing fires on the prairies, and found the same correctly enrolled.

Respecfully,

D. L. SHEETS,

Ghairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 135, to amend section 42 to provide for government of penitentiary, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. J. R. No. 7, relating to a military post in northwestern Colorado, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. J. R. No. 5, relating to a military post in southwestern Colorado, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. J. M. No. 9, confirming the equitable rights of settlers upon the Maxwell land grant in Colorado, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

At 4:55 o'clock P. M. the speaker in the presence of the House signed S. B. No. 86, a bill for an act to amend chapter 30 general laws.

Also H. B. No. 38, a bill for an act in relation to county courts.

Also H. B. No. 140, to strike off a portion of Saguache county and add to Rio Grande county.

Also H. B. No. 78, to amend section 12 chapter 34 general laws.

Also H. B. No. 123, relating to commutation of sentences.

Also H. B. No. 191, to loan $2000 to the State board of agriculture.

Also H. B. No. 114, for the maintenance and support of the penitentiary.

Also H. B. No. 105, providing for change of venue before justices of the peace.

Also H. B. No. 127, providing an additional fund for buildings for mute and blind institute.

Also H. B. No. 115, making appropriations to pay expenses incurred under the law concerning fugitives from justice.

Also H. B. No. 130, to amend sections 2573 and 2583 general laws.

Also H. B. No. 33, amending section 4 chapter 31 general laws.

Also H. B. No. 203, providing for certain entries to be made by county clerks.

Also H. B. No. 131, providing a revenue for support of school of mines.

Also S. B. No. 43, providing for amendments to constitution.

Also S. B. No. 30, preventing fires on prairies.

Also H. B. No. 135, to amend section 42, to provide for government of penitentiary.

Also H. J. R. No. 7, in relation to military post in northwestern Colorado.

Also H. J. R. No. 5, in relation to military post in southwestern Colorado.

Also H. J. R. No. 9, in relation to settlers on Maxwell grant.

By consent, Mr. Luthe presented the following resolution:

Resolved, That the journal entry of a certain resolution heretofore passed by the House in relation to the employment of an assistant fireman be corrected so that the word "fireman" shall read "janitor."

Mr. Evans moved that the resolution be adopted.

Which motion prevailed.

Mr. Brush moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion provailed.

The House resolved itself into committee of the whole, with the gentleman from Boulder county, Mr. Evans, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration S. B. No. 108, a bill for an act to protect settlers

upon State lands, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also S. B. No. 77, a bill for an act authorizing counties to cancel certain uncollectable taxes, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 14, bill for an act to provide for the expenses of judges, and instruct me to report the same back to the House with the recommendation that it be indefinitely postponed.

Also S. B. No. 138, a bill for an act to repeal section 7 of chapter 41 of the general laws, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 25, a bill for an act to amend chapter 87 of the general laws of Colorado, and instruct me to report the same back to the House with the recommendation that it do not pass.

Respectfully,

J. G. EVANS,

Chairman.

Mr. Livesay moved that the report of the committee of the whole be agreed to.

Which motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed H. B. No. 109, an act making appropriations to pay outstanding State certificates.

Also the Senate has amended and passed as amended H. B. No. 110, an act making appropriations to reimburse the several counties for the support of insane paupers.

Also the Senate has amended and passed as amended H. B. No. 116, an act to provide for the ordinary expenses of the executive, legislative and judicial departments of the State, which bill was passed with the emergency clause.

Also the Senate has amended and passed as amended with the emergency clause H. B. No. 156, an act to amend

an act entitled, an act to provide for the payment of salaries to officers of the executive and judicial departments.

Also the Senate has passed with the emergency clause H. B. No. 84, an act to amend section 2 of an act entitled, an act to provide for maintenance and government of penitentiary.

Also the Senate has passed H. B. No. 174, an act to amend chapter 72 of the general laws.

Respectfully,

W. W. ORRICK,

Secretary.

The committee on enrollment presented the following reports:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 119, a bill for an act to amend an act entitled, an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act, and to revise and amend the same so as to enable the city council to establish a system of sewerage, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Secretary.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 102, a bill for an act to amend chapter 61 of the general laws concerning lunatics, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Livesay moved that the House do now take a recess until 7 o'clock this evening.

Which motion prevailed.

At 5:50 o'clock P. M. the House took a recess.

EVENING SESSION.

The speaker called the House to order at 7 o'clock in the evening.

Mr. Mann of Jefferson county moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Boulder county, Mr. Evans, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration S. B. No. 74, a bill for an act in relation to habeas corpus, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 111, a bill for an act to establish impartial suffrage, and instruct me to report the same back to the House with the recommendation that it be indefinitely postponed.

Respectfully,

J. G. EVANS,

Chairman.

Mr. Brush moved that the report of the committee of the whole be agreed to, except so far as it refers to S. B. No. 111.

Mr. Roe moved as an amendment that the entire report be agreed to.

Upon this motion Mr. Mann of Jefferson county demanded the yeas and nays which were had.

With the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Coddington, Douglass, Gebhard, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Luthe, Mann (W. J.), McLaughlan, Morehead, Roe, Sheets, Thomas, Todd, Trujillo, and Mr. Speaker.—24.

Gentlemen voting in the negative were:

Messrs. Bromwell, Brush, Clark, Cordova, Evans, Flower, Gird, Maez, Mann (Joseph), Martinez, McCandlass, Mead, Pease, Phillips, Scott, Southworth, and Voorhies.—17.

Gentlemen absent and not voting were:

Messrs. Cantlon, Chilcott, Crawford, Lovato, Slockett, Spruance, Toll, and Valdez.—8.

A majority having voted in the affirmative.

The motion to amend prevailed.

The question recurring upon the motion as amended.

The motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has amended and passed as amended H. B. No. 141, an act to suppress intemperance.

Also the Senate has passed H. B. No. 125, an act relating to the exemption of volunteer firemen from jury duty.

Also the Senate has amended and passed as amended H. B. No. 118, an act declaring what shall be a lawful fence.

All of which are herewith transmitted.

Respectfully,

W. W. ORRICK,

Secretary.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has refused to concur in House amendments to S. B. No. 68, an act requiring the secretary of State to collect Territorial laws, and ask for a committee on conference, and presuming the House will acquiesce have appointed on said committee Senators Barella and Butters.

Respectfully,

W. W. ORRICK,

Secretary.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has adopted the report of the committee of conference on S. B. No. 56, and that all House amendments to the bill were concurred in, except those changed by the conference committee and as to those changed by said

committee, the Senate has concurred in the amendments proposed by said conference committee.

Respectfully,

W. W. ORRICK,

Secretary.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has passed H. B. No. 177, an act to prescribe certain powers and duties of the officers of the executive department.

Also the Senate has refused to pass H. B. No. 77, an act to provide for the assessment and collection of revenue.

Also the Senate has passed H. B. 124, an act to amend sections 10 and 11 of chapter 33 of the general laws.

Also H. B. 175, an act making appropriations for the support of insane asylum for years 1879 and 1880.

Also H. J. R. No. 6, relative to establish of a military post on the Republican river in eastern Colorado.

Also H. B. No. 45, an act for the relief of the town of Ouray.

Also the Senate have concurred in the House amendments to S. B. No. 31, an act to amend chapter 88 of the general laws.

Also the Senate have concurred in House amendments to S. B. No. 83, an act to provide for publication of decisions of supreme court.

All of which are herewith transmitted.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Todd moved that the request of the Senate for a committee of conference on S. B. No. 68 be granted.

Which motion prevailed.

The speaker announced Messrs. Todd and Voorhies as members of said committee on the part of the House.

Mr. Mann of Jefferson county moved that the House concur in the Senate amendments to H. B. No. 110.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Pease, Phillips, Roe, Scott, Sheets, Southworth, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—42.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Cantlon, Chilcott, Morehead, Slockett, Spruance, Thomas, and Toll.—7.

A constitutional majority having voted in the affirmative.

The Senate amendments were concurred in.

Mr. Todd moved that the House concur in Senate amendments in H. B. No. 116.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Flower, Gebhard, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Pease, Roe, Scott, Sheets, Southworth, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—38.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Brandt, Cantlon, Evans, Gird, Lewis, Morehead, Phillips, Slockett, Spruance, Thomas, and Toll.—11.

A constitutional majority having voted in the affirmative.

The Senate amendments were concurred in.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush,

Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Roe, Scott, Sheets, Southworth, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—42.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Cantlon, Morehead, Pease, Phillips, Slockett, Spruance, and Thomas.—7.

A constitutional majority having voted in the affirmative.

It was ordered that the bill take effect in accordance with the provisions of the emergency clause.

Mr. Todd moved that the House concur in the Senate amendments to H. B. No. 141.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Pease, Roe, Scott, Southworth, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—40.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Cantlon, Flower, Hoffman, Morehead, Phillips, Sheets, Slockett, Spruance, and Thomas.—9.

A constitutional majority having voted in the affirmative.

The Senate amendments were concurred in.

Mr. Southworth moved that the House refuse to concur in the Senate amendments to H. B. No. 118.

Which motion prevailed.

S. B. No. 74, a bill for an act in relation to habeas corpus, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Brush, Chilcott, Clark, Coddington, Cordova, Douglass, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Luthe, Maez, Mann (W. J.), Martinez, Mead, Roe, Southworth, Todd, and Mr. Speaker.—29.

Gentleman voting in the negative was:

Mr. Mann (Joseph).—1.

Gentlemen absent and not voting were:

Messrs. Cantlon, Crawford, Evans, Livesay, Lovato, McCandlass, McLaughlan, Morehead, Pease, Phillips, Scott, Sheets, Slockett, Spruance, Thomas, Toll, Trujillo, Valdez, and Voorhies.—19.

A constitutional majority having voted in favor of the the passage of the bill.

The bill passed and the title was agreed to.

S. B. No. 144, a bill for an act authorizing county treasurers to transfer certain funds to the general fund, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brush, Chilcott, Coddington, Cordova, Evans, Flower, Gebhard, Gotthelf, Harvey, Hoffman, Lewis, Livesay, Lovato, Maez, Mann (W. J.), Martinez, McLaughlan, Mead, Morehead, Phillips, Scott, Thomas, Toll, and Voorhies.—26.

Gentleman voting in the negative were:

Messrs. Brandt, Bromwell, Clark, Crawford, Gird, Gunnell, Hutchinson, Kimberly, Luthe, Mann (Joseph), McCandlass, Pease, Roe, Southworth, Trujillo, Valdez, and Mr. Speaker.—17.

Gentlemen absent and not voting were:

Messrs. Cantlon, Douglass, Sheets, Slockett, Spruance, and Todd.—6.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The committee on the judiciary presented the following report:

Mr. Speaker:

Your committee on judiciary, to whom was referred S. B. No. 105, a bill for an act concerning the limitations of actions in the courts of justice, have had the same under consideration, and instruct me to report said bill back to the House with the recommendation that it be passed.

Respectfully,

CHAS. H. TOLL,

Acting Chairman.

The following communications were received from the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8, 1879.

HON. RIENZI STREETER,

Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 53, entitled, an act to enable fence districts to fund their indebtedness, and have filed the same with the secretary of State.

Very respectfully,

F. W. PITKIN,

Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8, 1879.

HON. RIENZI STREETER,

Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 89, entitled, an act to amend section 1 of chapter 77 general laws, entitled, penitentiary, and have filed the same with the secretary of State.

Very respectfully,

F. W. PITKIN,

Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8, 1879.

HON. RIENZI STREETER,
Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 90, entitled, an act to provide for the purchase of law books for the supreme court library, and have filed the same with the secretary of State.

Very respectfully,
F. W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8, 1879.

HON. RIENZI STREETER,
Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 176, entitled, an act making appropriation for expenses of State land commissioners, etc., and have filed the same with the secretary of State.

Very respectfully,
F. W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8, 1879.

HON. RIENZI STREETER,
Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 132, entitled, an act providing that the State treasurer shall countersign all warrants issued by the auditor of State and keep a record of the same, and have filed the same with the secretary of State.

Very respectfully,
F. W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8, 1879.

HON. RIENZI STREETER,

Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 112, entitled, an act making an appropriation for the State board of health for the years 1879 and 1880, and have filed the same with the secretary of State.

Very respectfully,
F. W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8, 1878.

HON. RIENZI STREETER,

Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. J. R. No. 10, relating to letters on public lands, and have filed the same with the secretary of State.

Very respectfully,
F. W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8, 1878.

HON. RIENZI STREETER,

Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 183, entitled, an act making the stealing of a dog larceny, and have filed the same with the secretary of State.

Very respectfully,
F. W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8, 1879.

HON. RIENZI STREETER,
Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. J. M. No. 12, asking pension for Charles Autobias, and have filed the same with the secretary of State.

Very respectfully,
F. W. PITKIN,
Governor.

The committee on enrollment presented the following reports:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 168, a bill for an act to amend an act entitled, an act to provide for the assessment and collection of revenue and to repeal certain acts in relation thereto, approved March 20, 1877, and find the same correctly enrolled.

Respectfully,
IVORY PHILLIPS,
Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 144, a bill for an act to establish the Colorado insane asylum and providing for its location, and find the same correctly enrolled.

Respectfully,
IVORY PHILLIPS,
Chairman.

S. B. No. 138, a bill for an act to repeal section 7 of chapter 41 of the general laws, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Coddington, Douglass, Evans, Flower, Gotthelf, Gunnell, Harvey, Hoffman, Kimberly, Phillips, Roe, Scott, Toll, Trujillo, and Voorhies.—15.

Gentlemen voting in the negative were:

Messrs. Brush, Chilcott, Clark, Cordova, Crawford, Gird, Hutchinson, Lewis, Livesay, Lovato, Maez, Mann (Joseph), Martinez, McCandlass, McLaughlan, Mead, Pease, Southworth, Thomas, Todd, Valdez, and Mr. Speaker.—22.

Gentlemen absent and not voting were:

Messrs. Bartlett, Bingham, Brandt, Bromwell, Cantlon, Gebhard, Luthe, Mann (W. J.), Morehead, Sheets, Slockett, and Spruance.—12.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

S. B. No. 77, a bill for an act authorizing counties to cancel certain uncollected taxes, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gird, Gotthelf, Harvey, Hoffman, Hutchinson, Lovato, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Pease, Roe, Scott, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—34.

Gentleman voting in the negative was:

Mr. Kimberly.—1.

Gentlemen absent and not voting were:

Messrs. Bartlett, Bingham, Brandt, Gebhard, Gunnell, Lewis, Livesay, Luthe, Morehead, Phillips, Sheets, Slockett, Spruance, and Toll.—14.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

Mr. Todd moved that S. B. No. 69 be taken from general orders and ordered to a third reading at this time.

Which motion prevailed.

S. B. No. 69, a bill for an act concerning Masonic bodies, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bromwell, Brush, Cantlon, Chilcott, Clark, Cordova, Crawford, Douglass, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Lovato, Luthe, Maez, Mann (Joseph), Martinez, McCandlass, McLaughlan, Pease, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—36.

Gentlemen voting in the negative were:

Messrs. Coddington, Evans, Flower, and Mann (W. J.)—4.

Gentlemen absent and not voting were:

Messrs. Bingham, Brandt, Livesay, Mead, Morehead, Phillips, Sheets, Slockett, and Spruance.—9.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The question then being upon the adoption of the emergency clause.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Pease, Phillips, Roe, Scott, Southworth, Thomas, Todd, Trujillo, Valdez, Voorhies, and and Mr. Speaker.—43.

And none in the negative.

Gentlemen absent and not voting were:

Messrs. Bingham, Brandt, Sheets, Slockett, Spruance, and Toll.—6.

A constitutional majority having voted in the affirmative.

It was ordered that the bill take effect in accordance with the provisions of the emergency clause.

Mr. Todd moved that the House do now go into committee of the whole for the consideration of bills on general orders.

Which motion prevailed.

The House resolved itself into committee of the whole, with the gentleman from Arapahoe county, Mr. Luthe, in the chair.

After some time spent therein, the committee arose and through its chairman presented the following report:

Mr. Speaker:

The committee of the whole House have had under consideration S. B. No. 75, a bill for an act concerning grand juries, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also S. J. R. No. 1, in relation to military post in southwestern Colorado, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 104, a bill for an act to amend section 74 of the general laws, and instruct me to report the same back to the House and recommend its passage.

Also S. B. No. 140, a bill for an act in relation to suits against corporations, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also S. B. No. 92, a bill for an act to amend chapter 19 of the general laws, and instruct me to report the same back to the House with the recommendation that it do not pass.

Also S. B. No. 105, a bill for an act concerning the limitation of actions, and instruct me to report the same back to the House and recommend its passage.

Respectfully,

H. E. LUTHE,

Chairman.

Mr. Roe moved that the report of the committee of the whole be agreed to.

Mr. Mann of Jefferson county moved as an amendment that the report be agreed to except so far as it related to S. B. No. 75, and demanded yeas and nays thereon.

Which were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Mann (Joseph), and Voorhies.—2.

Gentleman voting in the negative were:

Messrs. Bingham, Brush, Cantlon, Coddington, Cordova, Douglass, Flower, Gebhard, Gird, Gotthelf, Gunnell, Hutchinson, Lovato, Luthe, Maez, Mann (W. J.), Morehead, Roe, Scott, Southworth, Thomas, Toll, Trujillo, Valdez, and Mr. Speaker.—25.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brandt, Bromwell, Chilcott, Clark, Crawford, Evans, Harvey, Hoffman, Kimberly, Lewis, Livesay, Martinez, McCandlass, McLaughlan, Mead, Pease, Phillips, Sheets, Slockett, Spruance, and Todd.—22.

A majority not having voted in the affirmative.

The motion to amend did not prevail.

The motion recurring upon the motion to agree to the report of the committee of the whole.

The motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has refused to concur in House amendments to S. B. No. 84, an act to provide a salary for the reporter of the decisions of the supreme court, and ask that a conference committee be appointed on said bill, and presuming that the House will acquiesce the Senate has appointed Senators Parrish and Rhodes.

Also that the Senate has appointed as conference committee on H. B. No. 118, an act declaring what shall be a lawful fence, Senators Gardner and Neikirk.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Speaker:

Your committee on conference on H. B. No. 118, beg leave to submit the following report:

That the House concur in Senate amendments one, two and four amendments.

That the Senate recede from its third amendment.

J. S. BRUSH,
R. A. SOUTHWORTH,
On part of the House.
J. F. GARDNER,
HENRY NEIKIRK,
On part of the Senate.

Mr. Brush moved that the report of the conference committee on H. B. No. 118 be adopted.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Evans, Flower, Gebhard, Gird, Gotthelf, Gunnell, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker.–41.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Harvey, Hoffman, Pease, Sheets, Slockett, Spruance, and Valdez.—8.

A constitutional majority having voted in the affirmative.

The report of the conference committee was adopted.

The conference committee on S. B. No. 68 presented the following report:

Mr. Speaker:

Your conference committee on S. B. No. 68 make the following report:

That the House recede from its amendment to the bill and agree to the Senate bill.

CASIMERO BARELA,
ALFRED BUTTERS,
Conferrees on the part of the Senate.
W. D. TODD,
J. H. P. VOORHIES,
Conferrees on the part of the House.

Mr. Todd moved that the report of the conference committee on S. B. No. 68 be adopted.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Brush, Cantlon, Chilcott, Clark, Coddington, Cordova, Crawford, Douglass, Flower, Gebhard, Gird, Gotthelf, Gunnell, Harvey, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Roe, Scott, Southworth, Todd, Voorhies, and Mr. Speaker.—37.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Evans, Hoffman, Pease, Phillips, Sheets, Slockett, Spruance, Thomas, Trujillo, and Valdez.—12.

A constitutional majority having voted in the affirmative.

The report of the conference committee was adopted.

The committee on enrollment presented the following reports:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 84, a bill for an act to amend section 2 of an act entitled, an act to provide for the maintenance and government of the penitentiary, also the mode of appointing officers and fixing the salary of the same and to repeal acts relating thereto, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 109, a bill for an act making appropriations to pay outstanding State certificates of indebtedness, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 88, a bill for an act to amend section 122 of an act entitled, an act concerning counties, county officers and county government and repealing laws on these subjects, approved March 24, 1877, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 174, a bill for an act to amend chapter 72 of the general laws, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Luthe moved that a committee of conference be appointed on S. B. No. 84.

Which motion prevailed.

The speaker announced Messrs. Luthe and Voorhies as members of said committee on the part of the House.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment examined S. B. Nos. 107, 67, 15, 38 and 50, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 119, for an act in reference to the incorporation of the city of Denver, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 144, in reference to penitentiary at Pueblo, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

At 10 o'clock P. M. the speaker in the presence of the House signed S. B. Nos. 107, 67, 15, 38 and 50, and H. B. Nos. 119 and 144.

The committee of conference on S. B. No. 84 presented the following report:

Mr. Speaker:

The joint conference committee of the Senate and the House on S. B. No. 84, beg leave to report to the House that the committee has agreed upon an amendment to the House amendment to said bill, that the words, "five hundred" in said bill be stricken out and the words "seven hundred and fifty" be substituted therefor.

Respectfully,

H. E. LUTHE,

Chairman of Committee on the part of the House.

S. J R. No. 1, in relation to military post in southwestern Colorado, was read a third time.

Mr. Roe moved that the resolution be adopted.

Which motion prevailed.

S. B. No. 105, a bill for an act concerning the limitation of actions, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Cantlon, Clark, Coddington, Crawford, Douglass, Gebhard, Harvey, Hoffman, Hutchinson, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (W. J.), McCandlass, Roe, Toll, Trujillo, Valdez, and Mr. Speaker.—25.

Gentlemen voting in the negative were:

Messrs. Mann (Joseph), and Mead.—2.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brush, Chilcott, Cordova, Evans, Flower, Gird, Gotthelf, Gunnell, Martinez, McLaughlan, Morehead, Pease, Phillips, Scott, Sheets, Slockett, Southworth, Spruance, Thomas, Todd, and Voorhies.—22.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The committee on enrollment presented the following report:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 175, a bill for an act making appropriations for the support of the insane asylum for the years 1879 and 1880, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 30, to amend an act preventing fires on the prairies, to His Excellency the Governor for his signature, at 10 o'clock P. M., February 8, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. Nos. 107, 67, 15, 38 and 50, to His Excellency the Governor for his signature, at 10 o'clock P. M., February 8, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 144, in reference to penitentiary at Pueblo, to His Excellency the Governor for his signature, at 10 o'clock P. M., Feb. 8th, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 119, for an act in reference to the incorporation of the city of Denver, to His Excellency the Governor for his signanature, at 10 o'clock P. M., Feb. 8th, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 105, providing for the change of venue before justices of the peace, to His Excellency the Governor for his signature, at 10 o'clock P. M., Feb. 8th, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 114, for the maintenance and support of the penitentiary, to His Excellency the Governor for his signature, at 10 o'clock P. M., Feb. 8th, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No.

127, providing a fund for erecting additional buildings at the mute and blind institute, to His Excellency the Governor for his signature, at 10 o'clock P. M., Feb. 8th, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 115, making appropriation to pay expenses incurred under the law concerning fugitives from justice, to His Excellency the Governor for his signature, at 10 o'clock P. M., Feb. 8th, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 33, amending section 4 chapter 31 general laws, to His Excellency the Governor for his signature, at 10 o'clock P. M., Feb. 8th, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. J. R. No. 7, relating to a military post in northwestern Colorado, to His Excellency the Governor for his signature, at 10 o'clock P. M., Feb. 8th, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. J. M. No. 9, conferring the equitable right of settlers upon the

Maxwell land grant in Colorado, to His Excellency the Governor for his signature, at 10 o'clock P. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 86, amending section 128 chapter 30 entitled, elections, to His Excellency the Governor for his signature, at 10 o'clock P. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. J. R. No. 5, relating to a military post in southwestern Colorado, to His Excellency the Governor for his signature, at 10 o'clock P. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 38, amending an act in relation to county courts, to His Excellency the Governor for his signature, at 10 o'clock P. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 78, amending section 12 chapter 34 entitled, fees charge-

able by county and other officers, to His Excellency the Governor for his signature, at 10 o'clock P. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 123, relating to commutation of sentences and pardons, to His Excellency the Governor for his signature, at 10 o'clock P. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 191, to loan $2,000 to the State board of agricultural college, to His Excellency the Governor for his signature, at 10 o'clock P. M., Feb. 8th, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 140, to strike off a portion of the county of Saguache and add the same to Rio Grande county, to His Excellency the Governor for his signature, at 10 o'clock P. M., Feb. 8th, 1879.

Respctfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 130, to amend sections 2573 and 2583 of the general laws,

to His Excellency the Governor for his signature, at 10 o'clock P. M., February 8, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 135, to amend section 42, to provide for government of penitentiary, to His Excellency the Governor for his signature, at 10 o'clock P. M., February 8, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 203, providing for guidance of county clerks, to His Excellency the Governor for his signature, at 10 o'clock P. M., February 8, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 131, providing revenue for support of school of mines, to His Excellency the Governor for his signature, at 10 o'clock P. M., February 8, 1879.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 43, providing for amendments to the constitution, to His

Excellency the Governor for his signature, at 10 o'clock P. M., February 8, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

S. B. No. 104, a bill for an act to amend section (?) 74 of the general laws, was read a third time.

The question being upon the passage of the bill.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bingham, Brandt, Bromwell, Cantlon, Clark, Coddington, Cordova, Crawford, Douglass, Flower, Gird, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Lovato, Maez, Martinez, McCandlass, Mead, Morehead, Roe, Scott, Trujillo, Valdez, Voorhies, and Mr. Speaker.—28.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bartlett, Brush, Chilcott, Evans, Gebhard, Gotthelf, Hutchinson, Livesay, Luthe, Mann (Joseph), Mann (W. J.), McLaughlan, Pease, Phillips, Sheets, Slockett, Southworth, Spruance, Thomas, Todd, and Toll.—21.

A constitutional majority having voted in favor of the passage of the bill.

The bill passed and the title was agreed to.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has adopted the report of the committee of conference on S. B. No. 84, an act providing a salary for the reporter of the decisions of the supreme court.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Roe moved that the report of the conference committee on S. B. No. 84 be adopted.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Brandt, Cantlon, Clark, Coddington, Cordova, Crawford, Douglass, Flower, Gebhard, Gird, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Lovato, Luthe, Maez, Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Roe, Scott, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—32.

Gentlemen voting in the negative were, none.

Gentlemen absent and not voting were:

Messrs. Bromwell, Brush, Chilcott, Evans, Gotthelf, Hutchinson, Livesay, Mann (W. J.), Martinez, Pease, Phillips, Sheets, Slockett, Southworth, Spruance, Thomas, and Toll.—17.

A constitutional majority having voting in the affirmative.

The report of the conference committee was adopted.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment examined H. B. No. 102, and S. B. Nos. 102, 63, 135, 35, 31, 82 and 80, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

At 10:35 o'clock P. M., the speaker in the presence of the House signed H. B. No. 102, and S. B. Nos. 102, 63, 135, 35, 31, 82 and 80.

The committee on enrollment presented the following reports:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 125, a bill for an act to amend an act entitled, an act relating to the exemption of volunteer firemen as jurors and from paying a poll tax in the State of Colorado and to repeal certain acts relating thereto, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 45, a bill for an act for the relief of the town of Ouray, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment examined H. B. Nos. 109, 175, 88, 174, 168 and 84, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented H. B. No. 102, S. B. Nos. 102, 63, 135, 35, 31, 82 and 80 to His Excellency the Governor for his signature, at 10:30 o'clock P. M., February 8, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

At 11:13 o'clock P. M. the speaker in the presence of the House signed H. B. Nos. 109, 175, 88, 174, 84 and 168.

The joint committee on enrollment presented the following report:

Mr. Speaker:

The joint committee on enrollment presented H. B. Nos. 109, 175, 88, 174, 168 and 84 to His Excellency the Governor for his signature, at 11:30 o'clock P. M., February 8, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

The joint committee on enrollment presented the following report:

Mr. Speaker:

The joint committee on enrollment examined S. B. Nos. 144, 77, 83, 69, 94, 29 and 56, and H. B. Nos. 125 and 45, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House of the Joint Committee on Enrollment.

At 11:40 o'clock P. M. the speaker in the presence of the House signed S. B. Nos. 144, 77, 83, 69, 94, 29 and 56, and H. B. Nos. 125 and 45.

The following communications were received from the Governor:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8, 1879.

HON. RIENZI STREETER,
Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 144 entitled, an act to establish the Colorado insane asylum, etc., and have filed the same with the secretary of State.

Very respectfully,
F. W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8, 1879.

HON. RIENZI STREETER,
Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 203 entitled, an act providing for certain entries to be made by county clerks and recorders, etc., and have filed the same with the secretary of State.

Very respectfully,
F. W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8, 1879.

HON. RIENZI STREETER,

Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 191 entitled, an act to loan $2,000 to the State board of agriculture, etc., and have filed the same with the secretary of State.

Very respectfully,
F. W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8, 1879.

HON. RIENZI STREETER,

Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 131 entitled, an act to provide a revenue for the school of mines, etc, and have filed the same with the secretary of State.

Very respectfully,
F. W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8, 1879.

HON. RIENZI STREETER,

Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 175 entitled, an act making appropriations for the insane asylum, etc., and have filed the same with the secretary of State.

Very respectfully,
F. W. PITKIN,
Governor.

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8, 1879.

HON. RIENZI STREETER,
Speaker of the House of Representatives:

SIR: I have the honor to inform you that I have this day signed H. B. No. 84 entitled, an act to amend section 2 of the penitentiary act, etc., and have filed the same with the secretary of State.

Very respectfully,
FREDERICK W. PITKIN,
Governor.

Mr. Todd moved that the rules be suspended, and that the daily hour of meeting be fixed at 12:45 o'clock A. M.

Which motion prevailed.

Mr. Voorhies presented the following resolution.

Which was laid over till to-morrow:

Be it resolved, That it is the unanimous opinion of the House of Representatives of the Second General Assembly of the State of Colorado that in the Hon. Rienzi Streeter as speaker, the clerks and other officers, they have had justice, efficiency and courtesy, and that in tendering this resolution of thanks for the manner in which said officers have discharged their arduous duties, the members feel they are paying a tribute pleasant and deserved.

The committee on enrollment presented the following reports:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 39, a bill for an act concerning garnishments in judgments, etc., and find the same correctly enrolled.

Respectfully,
IVORY PHILLIPS,
Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 116, a bill for an act to provide for the ordinary expenses

of the executive, legislative, and judicial departments of the State and interest on the public debt for the years 1879 and 1880, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

The joint committee on enrollment presented the following report:

Mr. Speaker:

The joint committee on enrollment presented S. B. Nos. 144, 77, 83, 69, 94, 29 and 56, and H. B. Nos. 125 and 45, to His Excellency the Governor for his signature, at 12 o'clock P. M., February 8, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Todd moved that the House do now adjourn.

Which motion prevailed.

At 12 o'clock midnight the House adjourned until tomorrow at 12:45 o'clock A. M.

THIRTY-FOURTH DAY.

SUNDAY, FEBRUARY 9, 1879.

House met at 12:45 o'clock A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called, and the following gentlemen were present and answered to their names:

Messrs. Bartlett, Bingham, Bromwell, Brush, Clark, Cordova, Crawford, Douglass, Evans, Flower, Gotthelf, Gunnell, Harvey, Kimberly, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), Martinez, McCandlass, McLaughlan, Mead, Morehead, Phillips, Roe, Scott, South-

worth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—36.

Being a quorum of the House.

Gentlemen absent were:

Messrs. Brandt, Cantlon, Chilcott, Coddington, Gebhard, Gird, Hoffman, Hutchinson, Lewis, Pease, Sheets, Slockett, and Spruance.—13.

Pending the reading of the minutes of the previous day's session, Mr. Voorhies moved that the further reading of the journal be dispensed with.

Which motion prevailed.

The joint committee on enrollment presented the following report:

Mr. Speaker:

The joint committee on enrollment examined S. B. Nos. 74, 104, 84 and 105, and S. M. No. 1, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House
of the Joint Committee on Enrollment.

At 1 o'clock A. M. the speaker in the presence of the House signed S. B. Nos. 74, 104, 84 and 105, and S. J. R. No. 1.

The committee on enrollment presented the following reports:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 156, a bill for an act to amend an act entitled, an act to provide for the payment of salaries to officers of the executive and judicial departments of the State of Colorado, and find the same correctly enrolled.

Respectfully,
IVORY PHILLIPS,
Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B.

No. 141, a bill for an act to suppress intemperance, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

The joint committee on enrollment presented the following report:

Mr. Speaker:

The joint committee on enrollment presented S. B. Nos. 74, 104, 84 and 105, and S. M. No. 1 to His Excellency the Governor for his approval, at 1:15 o'clock A. M.

Respectfully,

J. G. PEASE,

Acting Chairman on part of the House of the Joint Committee on Enrollment.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate have concurred in House amendments to S. B. No. 73, an act in regard to acknowledgments.

Also the Senate have concurred in House amendments to S. B. No. 100, an act to amend an act entitled, an act in relation to municipal corporations.

Also the Senate have amended and passed as amended H. B. No. 129, an act relating to district law, location and representations of placer and mining claims.

Also that the Senate have adopted the report of the committee of conference on H. B. No. 118, an act declaring what shall be a lawful fence.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Evans moved that the House concur in the Senate amendments to H. B. No. 129.

Mr. McLaughlan moved as an amendment that the House do not concur.

Which motion was lost.

The question recurring upon the motion to concur.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Bromwell, Brush, Clark, Crawford, Douglass, Evans, Gebhard, Gotthelf, Gunnell, Harvey, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, Morehead, Phillips, Roe, Scott, Todd, Trujillo, Valdez, Voorhies, and Mr. Speaker.—30.

Gentlemen voting in the negative were:

Messrs. Flower, and McLaughlan.—2.

Gentlemen absent and not voting were:

Messrs. Brandt, Cantlon, Chilcott, Coddington, Cordova, Gird, Hoffman, Hutchinson, Martinez, Mead, Pease, Sheets, Slockett, Southworth, Spruance, Thomas, and Toll.—17.

A constitutional majority having voted in the affirmative

The Senate amendments were concurred in.

The committee on enrollment presented the following reports:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 145, a bill for an act relating to the powers and duties of the State board of land commissioners and the management of the State lands, and defining the duties of the secretary of the board, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 177, a bill for an act to amend an act entitled, an act to prescribe certain powers and duties of the officers of the executive department and certain rules in relation to the fiscal affairs of the State in connection therewith, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 124, a bill for an act to amend sections 10 and 11 of article 4 of chapter 33 entitled, executive department of the general laws of Colorado, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 110, a bill for an act making appropriations to reimburse the several counties of the State moneys heretofore or hereafter expended by them in the support of insane paupers, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. J. R. No. 6, relative to the establishment of a military post on the Republican river in eastern Colorado, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

The joint committee on enrollment presented the following report:

Mr. Speaker:

The joint committee on enrollment examined H. B. Nos. 141, 156, 116 and 39, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

At 1:55 o'clock A. M. the speaker in the presence of the House signed H. B. Nos. 141, 156, 116 and 39.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate have amended and passed as amended H. B. No. 195, an act to reduce the law incorporating the city of Denver.

Respectfully,
W. W. ORRICK,
Secretary.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate have amended and passed as amended H. B. No. 22, an act concerning irrigation, which is herewith submitted.

Respectfully,
W. W. ORRICK,
Secretary.

Mr. Mead moved that the House concur in the Senate amendments to H. B. No. 22.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, Bingham, Bromwell, Brush, Clark, Crawford, Douglass, Evans, Flower, Gebhard, Gotthelf, Gunnell, Harvey, Hoffman, Kimberly, Lewis, Livesay, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Phillips, Roe, Scott, Thomas, Todd, Toll, Trujillo, Voorhies, and Mr. Speaker. —34.

Gentlemen voting in the negative were:

Messrs. Lovato, and Valdez.—2.

Gentlemen absent and not voting were:

Messrs. Brandt, Cantlon, Chilcott, Coddington, Cordova, Gird, Hutchinson, Martinez, Pease, Sheets, Slockett, Southworth, and Spruance.—13.

A constitutional majority having voted in the affirmative.

The Senate amendments were concurred in.

The joint committee on enrollment presented the following report:

Mr. Speaker:

The joint committee on enrollment examined S. B. No. 100, H. B. Nos. 177, 110, 124 and 145, and H. J. R. No. 6, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

At 2:20 o'clock A. M. the speaker in the presence of the House signed S. B. No. 100, H. B. Nos. 177, 110, 124 and 145, and H. J. R. No. 6.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate have adopted a concurrent resolution, raising a joint committee of two members from the Senate and three members from the House, to consider the time of adjournment *sine die*, and have appointed as said committee Senators Webster and DeFrance.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Todd moved that the House concur in the Senate amendments to H. B. No. 195.

The yeas and nays were had, with the following result:

Gentlemen voting in the affirmative were:

Messrs. Bartlett, and Bingham.—2.

Gentlemen voting in the negative were:

Messrs. Bromwell, Clark, Crawford, Douglass, Evans, Flower, Gunnell, Harvey, Kimberly, Lewis, Livesay, Lovato, Luthe, Maez, Mann (Joseph), Mann (W. J.), McCandlass, McLaughlan, Mead, Morehead, Phillips, Roe, Scott, Southworth, Thomas, Todd, Toll, Trujillo, Valdez, Voorhies, and Mr. Speaker.—31.

Gentlemen absent and not voting were:

Messrs. Brandt, Brush, Cantlon, Chilcott, Coddington, Cordova, Gebhard, Gird, Gotthelf, Hoffman, Hutchinson, Martinez, Pease, Sheets, and Slockett.—16.

A constitutional majority not having voted in the affirmative.

The Senate amendments were not concurred in.

The joint committee on enrollment presented the following report:

Mr. Speaker:

The joint committee on enrollment examined S. B. Nos. 68 and 73, and found the same correctly enrolled.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

At 2:40 o'clock A. M. the speaker in the presence of the House signed S. B. Nos. 68 and 73.

The joint committee on enrollment presented the following reports:

Mr. Speaker:

The joint committee on enrollment presented S. B. Nos. 68 and 73, to His Excellency the Governor for his signature, at 2:45 o'clock A. M.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Speaker:

The joint committee on enrollment presented S. B. No. 100, H. B. Nos. 177, 110, 124 and 145 and H. J. R. No. 6, to His Excellency the Governor for his signature, at 2:30 o'clock A. M.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the

Senate has passed S. C. R. No. 19, relative to printing 500 copies of each House (journal.)

Respectfully,

W. W. ORRICK,

Secretary.

S. C. R. No. 19, in relation to printing journals, was read a first time.

Mr. Livesay moved that the rules be suspended in order that the resolution may be considered at this time.

Which motion prevailed.

Mr. Livesay moved that the resolution be adopted.

Mr. Todd moved to amend the resolution to make it read 250 instead of 500, and that the journals of the two Houses be printed in one volume.

Mr. Flower moved to lay the amendment on the table.

Which motion was lost.

The question recurring upon the motion to amend.

The motion prevailed.

The question recurring upon the motion to adopt the resolution.

The motion prevailed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate has concurred in House amendments to S. C. R. No. 19, relative to printing 500 copies of journals of each House.

Respectfully,

W. W. ORRICK,

Secretary.

Mr. Todd moved that a committee of three be appointed to confer with a like committee from the Senate, to wait upon the Governor and ascertain if he has any further communications to make to this General Assembly.

Which motion prevailed.

The speaker announced Messrs. Todd, Mann of Boulder, and Brush as said committee on the part of the House.

The committee on enrollment presented the following reports:

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 129, a bill for an act relating to district laws, locations and representations of placer mining claims, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

Mr. Speaker:

Your committee on enrollment have examined H. B. No. 118, a bill for an act declaring what shall be a lawful fence, and find the same correctly enrolled.

Respectfully,

IVORY PHILLIPS,

Chairman.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your Honorable Body that the Senate have appointed Senators Butters, Hall of Park, and Rhodes on the part of the Senate to wait on the Governor to ascertain if he has any further communications to make to the General Assembly before it adjourned *sine die.*

Respectfully,

W. W. ORRICK,

Secretary.

The joint committee on *sine die* adjournment reported the following adjournment:

Resolved by the House, the Senate concurring, That the Second General Assembly of the State of Colorado adjonrn *sine die* at 6 o'clock A. M. to-day.

Mr. Voorhies moved that the resolution be adopted.

Which motion prevailed.

The committee on enrollment presented the following report:

Mr. Speaker:

Your committee on enrollment have examined H. B. No.

22, a bill for an act concerning irrigation, and find the same correctly enrolled.

Respectfully,
IVORY PHILLIPS,
Chairman.

The joint committee on enrollment presented the following report:

Mr. Speaker:

The joint committee on enrollment examined H. B. Nos. 118, 129 and 22, and found the same correctly enrolled.

Respectfully,
D. L. SHEETS,
Chairman on part of the House of the Joint Committee on Enrollment.

At 5:45 o'clock A. M. the speaker in the presence of the House signed H. B. Nos. 118, 129 and 22.

The resolution of thanks introduced by Mr. Voorhies yesterday was taken up and unanimously adoptcd, on motion of Mr. Mann of Jefferson county.

The committee to wait upon the Governor, reported that they had performed that duty and presented the following:

STATE OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 8, 1879.

HON. RIENZI STREETER,

Speaker of the House of Representatives:

SIR: I have the honor to announce that I have no further communications to make to your Honorable Body.

I also take pleasure in bearing testimony to the very faithful manner in which your duties as legislators have been discharged.

In my opinion no General Assembly has ever been more diligent, faithful or conscientious in the service of its constituents and I am sure the people of the State will join with me in congratulating you upon the successful termination of your session.

Thanking you for your uniform courtesy and kindness

to myself and wishing you all a safe return to your homes, I remain very respectfully,

Your obedient servant,

FREDERICK W. PITKIN,

Governor.

The joint committee on enrollment presented the following report:

Mr. Speaker:

The joint committee on enrollment presented H. B. Nos. 118, 129 and 22, to His Excellency the Governor for his signature, at 6 o'clock A. M., February 9, 1879.

Respectfully,

D. L. SHEETS,

Chairman on part of the House of the Joint Committee on Enrollment.

Mr. Toll presented the following resolution:

Be it resolved, by the republican members of the House of Representatives of the Second General Assembly of the State of Colorado, That upon the eve of the dissolution of this Assembly, we desire to hereby express our appreciation of the high personal character and the uniform freedom from partisan action which has characterized the members of the minority of this body during the entire session.

Mr. Todd moved that the resolution be adopted.

Which motion prevailed unanimously.

A message was received from the Senate announcing the concurrence of that body in the resolution to adjourn *sine die* at 6 o'clock A. M.

Six o'clock A. M., the hour for adjournment, having arrived, the speaker announced the House of Representatives of the Second General Assembly of the State of Colorado adjourned *sine die.*

Respectfully,

W. B. FELTON,

Chief Clerk of the House.

Index to House Journal.

A

ABSENCE—

Bartlett, Wm. R., 82, 163, 323, 387.
Bingham, Frank, 18, 148, 187, 323.
Brandt, Lucas, 9, 127, 598.
Bromwell, Henry H. P., 45, 59, 73, 127, 155, 187, 323.
Brush, Jared L., 18, 59, 217.
Cantlon, Thomas J., 45, 82, 155, 187, 234, 464, 598.
Chilcott, George M., 18, 45, 53, 67, 78, 93, 118, 217, 598.
Clark, Julius H., 59, 67, 78, 93, 271, 290, 464, 486.
Coddington, Matthew O., 45, 155, 290, 323, 341, 598.
Cordova, Benito, 9, 82, 341, 486.
Crawford, James H.
Douglass, Robert, 290.
Evans, J. G., 18, 45.
Flower, Judson T., 78, 234, 341.
Gebhard, Henry, 18, 127, 244, 486, 598.
Gird, Christopher C., 18, 187, 598.
Gotthelf, Isaac, 17, 93, 244, 314, 387, 464.
Gunnell, Allen T., 9, 17, 53, 67, 93, 187, 199, 217, 271, 290, 314, 387.
Harvey, Richard, 127.
Hoffman, Joseph, 9, 45, 53, 82, 155, 187, 234, 323, 464, 513, 598.
Hutchinson, Joseph, 9, 199, 217, 234, 244, 258, 271, 290, 323, 341, 387, 428, 464, 486, 598.
Kimberly, Benjamin K., 18, 93, 290, 323, 464.
Lewis, William J., 78, 148, 155, 486, 598.
Livesay, James McD., 464.
Lovato, Juan B., 9, 82, 341, 464, 486.
Luthe, Herman E., 45, 53, 73, 118, 127, 135, 148, 187, 271, 290, 464.
Maez, Vincent, 82, 217, 234, 244, 258, 341, 513.
Mann, Joseph, (Jefferson) 18, 73, 155.
Mann, William J., (Boulder) 127.
Martinez, J. B., 82, 155, 163, 179, 187, 199.
McCandlass, James A., 127, 217, 234, 341, 387.
McLaughlan, William, 9, 148, 341.
Mead, Lorin C., 187, 217, 323.
Morehead, Matthew D., 78, 187, 464.
Pease, James G., 82, 93, 234, 323, 598.
Phillips, Ivory, 127.
Roe, Robert S., 187, 234, 244, 258, 271, 290, 323.
Scott, Wm., 127.
Sheets, D. L., 598.
Slockett, Henry, 155, 341, 387, 428, 464, 486, 513, 598.
Southworth, Royal A., 155, 187, 199.

Spruance, Wm., 9, 17, 18, 45, 53, 59, 67, 73, 78, 82, 93, 118, 127, 135, 148, 155, 163, 179, 187, 199, 217, 234, 244, 258, 271, 290, 323, 341, 387 428, 464, 486, 513, 598.
Streeter, Rienzi, 341, 486.
Thomas, J. J., 18.
Todd, Wm. D., 187.
Toll, Charles H., 67, 118, 127, 135, 148, 187, 199, 234, 464, 486, 513.
Trujillo, Ramon, 187, 258, 341.
Valdez, Martin Y., 513.
Voorhies, John H. P., 59, 127, 155, 163, 187, 387, 464, 486, 513.

AGRICULTURAL COLLEGE—
act to amend chap. 3 of general laws entitled, 90, 128, 131, 148, 161, 234, 237, 310, 317, 332, 337, 342, 363.
act to enable board of agriculture to open, 225, 323, 327, 372, 381, 398, 415, 416, 495, 501, 534, 560, 563, 589, 595.

ALAMOSA COUNTY—
act to create, 221.

APPEALS—
act to provide for, from judgments of justices, 226, 323, 418, 439, 441, 446, 460, 469.
act providing for, &c., 232, 422, 429, 533.

ARAPAHOE COUNTY—
act for relief of, 193, 219, 230, 477, 477.

ASSESSORS, COUNTY—
act to elect assistant, 55, 62, 63, 156, 185.

ASSIGNMENTS—
act to provide for, 68, 78, 80, 421, 439, 442, 447, 451.

ASSISTANT DOOR-KEEPER—
election of, 11.
oath of, 12.

ASSISTANT CLERK—
election of, 10.
oath of, 12.

ASSISTANT ENGROSSING CLERK—
election of, 10.
oath of, 12.

ASSISTANT ENROLLING CLERK—
election of, 11.
oath of, 12.

ASSISTANT SERGEANT-AT-ARMS—
election of, 10.
oath of, 12.

ATTACHMENTS—
act conferring jurisdiction in, upon justices of peace, 49, 67, 69, 84, 85, 292, 421, 531.
act entitled, 60.

ATTORNEYS-AT-LAW—
act to repeal sec. 3 of chap. 5 of general laws entitled, 159, 188, 190, 374, 439, 440, 448, 453.

ATTORNEY GENERAL—
act to prescribe certain duties of, 189, 219, 229, 251, 287, 351, 364.

B

BEARDSLEY, REV. H. L.—
election of, 10.
oath of, 12.

BENT COUNTY—
act to reimburse, 193, 219, 230, 477, 477.

BOARD OF AGRICULTURE—
(see State board of agriculture.)

BOARD OF HEALTH—
(see State board of health).

BOUREEY, JOSEPH—
election of interpeter, 11.
oath of, 12.

BRANDT, LUCAS—
credentials of, 7.
oath of, 8.
bills introduced by, 90.
petitions presented by, 118, 188, 200.

BARTLETT, WM. R—
credentials of, 8.
oath of, 9.
motions by.
bills introduced by, 158, 188, 221.

BINGHAM, FRANK—
credentials of, 7.
oath of, 9.
motions by, 92, 186, 217, 239, 514.
bills introduced by, 68, 118, 193.

BOGUE, F. NEWTON—
election of asst. sergeant-at-arms, 10.
oath of, 12.

BLOMWELL, HENRY H. P.—
credentials of, 7.
oath of, 8.
motions by, 51, 52, 114, 115, 167, 341, 342, 394, 433, 434, 501.
bills introduced by, 74, 116, 168, 182, 222, 222, 223, 225, 225, 232.
resolutions presented by, 43, 115.

BRUSH, JARED L.—
credentials of, 8.
oath of, 8.
motions by, 12, 18, 41, 42, 48, 53, 56, 60, 61, 70, 72, 76, 77, 81, 111, 130, 144, 146, 154, 161, 162, 199, 235, 236, 243, 265, 317, 371, 380, 407, 450, 464, 483, 486, 490, 496, 498, 501, 510, 515, 564, 567, 581.
bills introduced by, 49, 49, 55, 60, 71, 116, 153, 167, 296.
resolutions presented by, 47, 48, 51, 58, 70, 144.
petitions presented by, 81.

BULLS—
act concerning, 49, 56, 56, 58, 62, 142, 145, 166, 174, 213, 262, 305, 306, 332, 342.
act apportioning, 68, 78, 80, 80, 82, 90, 112, 125, 130, 131, 478.

C

CANTLON, THOMAS J.—
credentials of, 7.
oath of, 8.
motions by, 9, 12, 13, 66, 114, 115, 126, 134, 150, 170, 256, 279, 307, 318, 319, 327, 340, 392, 401, 426, 427, 442, 469, 492, 493, 496, 519, 540.
bills introduced by, 60, 149, 222, 226, 226, 226.
resolutions presented by, 40, 43, 114, 387.

CERTIFICATES OF INDEBTEDNESS—
act making appropriation to pay, 170, 188, 190, 273, 285, 301, 312, 532, 565, 582, 593, 593.

CHAPLAIN—
election of, 10.
oath of, 12.

CHIEF CLERK—
election of, 10.
oath of, 12.

CHILCOTT, GEORGE M.—
credentials of, 7.
oath of, 8.
motions by, 305, 341, 342, 345, 349, 387, 428.
bills introduced by, 128, 136, 137, 150, 152.
resolutions presented by, 253, 349, 437, 502.
memorials presented by, 75.

CHILDREN —
act authorizing supt. of poor to bind out indigent, 50, 56, 57, 69, 75, 92, 125, 166, 175, 282, 332, 337, 342, 362, 489.

CITIES AND TOWNS —
act to enable, to purchase ditches, etc., 144, 180, 184, 186, 234, 238, 250, 444, 480, 487, 488, 488, 555.
act to amend chap. 100 of general laws entitled, 193, 246, 255, 261, 339, 350, 366.

CLARK, DUDLEY—
election of night fireman, 89.

CLARK, JULIUS H.—
credentials of, 7.
oath of, 8.
motions by, 6, 8, 163.
bills introduced by, 90, 90, 149.
memorials presented by, 216.

CLEAR CREEK RAILROAD COMPANY—
act to repeal section 8 of act incorporating, 214, 246, 256, 375.

CODDINGTON, MATTHEW O.—
credentials of, 7.
oath of, 8.
motions by, 263.

CODE OF CIVIL PROCEDURE—
act to amend, 149, 150.
act to repeal sec. 226 of, 223, 274, 277, 292, 421, 531.
act to amend, 225, 292, 421, 531.
act to repeal chaps. 17, 18, 35 and 36 of, 232, 422, 429, 533.

COMMERCIAL TRAVELERS—
act to provide for licensing, 206, 261, 264, 303.

COMMISSIONER OF MINES—
act to repeal chap. 15 of general laws entitled, 220, 246, 256, 292, 335, 439, 442.

COMMON CARRIERS—
act to prevent extortion by, 220, 261, 264, 358.

COMMUNICATIONS—
from Governor John L. Routt, 16.
from secretary of State, 15, 41.
from State board of agriculture, 59.
from W. N. Babcock, 61.
from Jos. A. Sewell, president board regents university, 81.
from Governor John L. Routt, 113.
from Governor F. W. Pitkin, 135.
from president D. & S. P. R. R., 207, 210.

CONFIDENCE GAMES—
act to define and punish, 50, 56, 57, 141, 135, 165, 175, 282, 296, 331, 336, 342, 362, 417.

CONSTITUTION—STATE—
act for proposed amendment to sec. 8 of art. 6 of, 168, 203, 212, 252, 287.
act to amend sec. 8 of art. 14 of, 226, 274, 277.
act to amend sec. 3 of art. 10 of, 226, 323, 327.
act to amend sec. 6 of art. 5 of, 232, 274, 278.

CONSTITUTIONAL CONVENTION—
act to provide for payment of amount due on account of expenses of, 129, 148, 151, 248, 288.

CORDOVA, BENITO—
credentials of, 7.
oath of, 9.

CORPORATIONS—
act to amend chap. 19 of general laws entitled, 116, 135, 137, 338, 338, 358.
act to amend act to provide for formation of, 129, 148, 151, 298, 315, 368, 375, 377.
act to repeal sec. 65 of chap. 19 of general laws entitled, 169, 203, 212, 252, 270, 301, 310, 335.
act relating to, 206, 246, 255, 284.
act to amend sec. 40 of chap. 19 of general laws entitled, 223, 275, 277.

COSTS—
act concerning in criminal cases, 168, 203, 211, 223, 228, 286, 323 327, 374.

COUNTIES—
act to amend sec. 13 of chap. 21 of general laws entitled, 68, 78, 80, 113, 125, 130, 132.
act to amend sec. 122 of act concerning, etc., 158, 180, 184, 363, 380. 398, 408, 496, 551, 593, 593.
act to amend act concerning, etc., 168, 203, 212, 385, 402, 425.
act to amend sec. 123 and repeal sec. 122 of chap. 22 of general laws, entitled, etc., 183, 219, 228, 280.
act to change lines between Douglas and Jefferson, 222, 302, 304, 422, 439, 451, 466, 467.
act to amend sec. 21 of act concerning, etc., 223, 274, 277, 364.
act to entitle certain, to fund indebtedness, 226, 274, 278.

COUNTY COURTS—
act to amend act concerning, 76, 92, 119, 143, 145, 165, 177, 492, 500, 535, 559, 563, 588.
act in relation to, 207, 246, 255, 293, 385, 400, 431, 461, 470.

COUNTY CLERKS—
act providing for certain entries to be made by, 230, 274, 278, 422, 439, 441, 447, 461, 539, 547, 561, 564, 590, 594.

COUNTY COMMISSIONERS—
act giving certain powers in relation to common drunkards, 205, 291, 299.
act concerning vacancy in office of, 220, 291, 299.
act to enable, to appropriate certain military funds, 225, 274, 277, 296, 385, 403, 425.
act requiring, to certify list, county and precinct officers to secretary of State, 232, 274, 278, 303, 439, 441.

COUNTY JUDGES—
act to prescribe qualifications of, 90, 128, 131, 150, 160, 161.

COUNTY WARRANTS—
act to regulate issuing, 90, 128, 131, 155, 161.

CRAWFORD, JAMES H.—
credentials of, 7.
oath of, 8.
motions by, 436.
bills introduced by, 68.
resolutions presented by, 42, 168.

CRIMINAL CODE—
act to amend, regarding form of indictments, 55, 62, 63, 71, 77, 83, 88, 188, 208, 215, 216, 231, 239.
act to repeal sec. 198 of, 71, 78, 80, 143, 145, 165, 176.
act to amend secs. 192, 258, 259 and 266 of, 71, 84, 85, 142, 145, 195, 196.
act to amend sec. 182 of, 223, 323, 327, 353.

CUSTER COUNTY—
act relative to rep. dist. of, 90, 128, 131, 160, 185, 194, 196, 353.

D

DENVER, CITY OF—
act to establish court of common pleas in, 74, 92, 119, 355.
act to amend charter of, 182, 246, 254, 352, 439, 440, 446, 454, 539, 566, 583, 586.
act concerning town site of, 222, 274, 334, 371.
act to amend charter of, 225, 234, 371, 390.
ibid, 225, 274, 277. 352, 439, 442.
ibid, 225, 327, 334, 370, 375, 439, 440, 446, 460, 471, 481, 484, 602, 603.

DISTRICT COURTS—
act to abolish Sept. term of in Bent county, 118, 135, 139, 213, 217.
act to abolish June term of in Park county, 128, 148, 151, 355, 439, 440.
act to provide for term of in Rio Grande county, 186, 219, 229, 251 270, 302, 313.

DIVORCES—
act concerning, 214, 261, 264, 292, 439, 441.

DOGS—
act making stealing of, larceny, 223, 274, 277, 293, 385, 403, 433, 495, 504, 525, 528, 554, 575.

DOUGLASS, ROBERT—
credentials of, 7.
oath of, 8.
motions by, 10, 14, 43, 50, 58, 79, 134, 179, 205, 233, 234, 272, 273, 546.
bills introduced by, 74, 186, 206.
resolutions presented by, 13, 273.

DOUGLASS COUNTY—
act to change lines of, 222, 302, 304, 422, 439, 451, 466, 467.

DOORKEEPER—
election of, 10.
oath of, 15.

DRAINAGE—
act concerning, 118, 135, 138, 138, 139, 164, 173, 180, 247, 287, 459, 463.

E

ELECTIONS—
act to amend act regulating, 90, 128, 131, 160.
act to amend act regulating, 137, 164, 172, 402, 439, 441.
act to amend chap. 30 of general laws entitled, 183, 219, 228, 359, 402.

EMINENT DOMAIN—
act to amend sec. 4 of chap. 31 of general laws entitled, 74, 92, 117, 143, 146, 166, 176, 491, 501, 535, 561, 564, 587.

ENGROSSING CLERK—
election of, 10.
oah of 12.

ENROLLING CLERK—
election of, 10.
oath of, 12.

EVANS, J. G.—
credentials of, 7.
oath of, 8.
motions by, 58, 62, 65, 186, 200, 214, 272, 331, 338, 341, 380, 392, 468, 469, 545, 558, 564, 599.
bills introduced by, 49, 74, 119, 150, 167, 189, 206.
resolutions presented by, 15, 114.

EXECUTIVE DEPARTMENT—
act to amend sec. 16 of art. 7 of chap. 33 of general laws entitled, 55, 62, 63, 72, 76, 83, 87, 165, 166, 184, 192, 192, 205, 219.
act to amend sec. 1 of art. 4 of act concerning, 168, 219, 228, 302, 369.
act making appropriation for ordinary expenses of, etc., 171, 204, 212, 334, 381, 400, 412, 565, 570, 596, 601, 601.
act to amend secs. 10 and 11 of art. 4 of chap. 33 of general laws entitled, 183, 219, 229, 336, 385, 402, 430, 569, 601, 603, 603, 604.
act to amend act concerning salaries of, etc., 207, 261, 264, 283, 369, 398, 414, 565, 598, 601, 601.
act to amend act concerning, etc., 222, 323, 327, 418, 439, 440, 448, 457, 569, 600, 603, 603, 604.

F

FEES—
act to amend sec. 30 of chap. 34 of general laws entitled, 90, 128, 131, 155, 157, 200, 240, 275, 278, 491.
act to amend sec. 6 of an act concerning, 167, 203, 211, 324.
act to amend act concerning, 169, 200, 241.

FELTON, W. B.—
second general assembly called to order by, 3.
election of chief clerk, 10.
oath of, 12.

FENCES—
act defining lawful, 69, 78, 80, 113, 125, 164, 173, 173.
ibid, 173, 173, 219, 228, 285, 301, 314, 568, 571, 580, 580, 581, 599, 606, 607, 607 608.
act to amend act concerning, 213, 261, 264, 316.

FENCE DISTRICTS—
act to enable, to fund indebtedness, 116, 135, 137, 161, 235, 237, 444, 464, 480, 488, 489, 555, 573.

FIREMAN—
election of, 12.
oath of, 12.

FIREMEN—
an act to amend act exempting from jury duty, etc., 186, 219, 229, 250, 287, 351, 361, 568, 592, 594, 594, 597.

FIRES—
act to prevent on prairies, 168, 203, 211, 246, 288, 339.

FISH—
act concerning, 61, 70, 383.
act to amend sec. 3 of chap. 33 of general laws, entitled, 119, 135, 139, 150, 152, 249, 271, 283, 369.

FISH—Continued.
act to repeal secs. 1225, 1226 and 1227 of general laws concerning, 221, 261, 264, 293, 298, 330.

FISH, GAILIE—
election of, page, 10.
oath of, 42.

FLOWER, JUDSON T.—
credentials of, 7.
oath of, 8.
motions by, 56, 73, 89, 126, 162, 205, 208, 209, 233, 269, 280, 308, 319, 409, 470, 506, 605.
bills introduced by, 128, 159, 189, 207, 221.
petitions presented by, 82.

FREMONT COUNTY—
act relative to representative district of, 90, 128, 131, 160, 185, 194, 196, 353.

FRENCH, CHARLES RUSSELL—
act to change name of, 49, 52, 52.

FUGITIVES FROM JUSTICE—
act making appropriation to pay expenses and claims under law concerning, 171, 188, 191, 249, 284, 352, 360, 492, 499, 534, 561, 563, 587.

G

GALAZAR JUAN—
election of asst. doorkeeper, 11.
oath of, 12.

GAME—
act to repeal sec. 7 of chap. 41 of general laws, entitled, 207, 246, 256, 324, 439, 442.
act to make chasing of deer or antelope with hounds a misdemeanor, 144, 164, 172, 218, 270.
act granting licenses for shipping, 193, 246, 255, 323.

GARLICK, H.—
election of, messenger, 10.

GARNISHMENT—
act entitled, 60, 84, 85, 292, 421, 531.
act concerning, 78, 92, 120, 292, 421, 442, 449, 459, 462, 466, 543, 544, 596, 601, 601.
act conferring jurisdiction in, on justices of peace, 223, 438.

GEBHARD, HENRY—
credentials of, 7.
oath of, 8.
bills introduced by, 168, 188.
resolutions presented by, 68.

GENERAL ASSEMBLY—

act to amend act concerning employés and officers of, 76, 92, 92, 115, 123, 123.

GENERAL LAWS—

act to amend sec. 98 of chap. 87, entitled revenue, 50, 56, 57, 355, 371.

act to repeal chap. 105, entitled wolves nd coyotes, 55, 62, 63, 72, 75, 83, 87, 199, 205, 235, 242, 244, 245, 262, 267, 295, 297, 306, 307, 332, 343.

act to amend sec. 16, of art. 7, of chap. 33, entitled executive department, and sec. 4 of chap. 49, entitled interest, 55, 62, 63, 72, 76, 83, 87, 165, 166, 184, 192, 192, 205, 219.

act to amend sec. 13 of chap. 21, entitled counties and county boundaries, 68, 78, 80, 113, 125, 130, 132.

act to repeal sec. 198 of chap. 24, entitled criminal code, 71, 78, 80, 143, 145, 165, 176.

act to amend secs. 192, 258, 259 and 266 of chap. 24, entitled criminal code, 71, 84, 85, 142, 145, 195, 196.

act to amend sec. 10 of chap. 87, entitled revenue, 71, 78, 81, 357.

act to amend sec. 4 of chap. 31, entitled eminent domain, 74, 92, 117, 143, 146, 166, 176, 491, 501, 535, 561, 564, 587.

act to amend sec. 30 of chap. 34, entitled fees, 90, 128, 131, 155, 157, 200, 240, 275, 278, 491.

act to amend chap. 3, entitled agricultural college, 90, 128, 131, 148, 161, 234, 237, 310, 317, 332, 337, 342, 363.

act to amend chap. 19, entitled corporations, 116, 135, 137, 338, 338, 358.

act to amend chap. 45, entitled justices and constables, 116, 148, 151.

act to repeal sec. 16 of chap. 60, entitled limitations, 119, 135, 139, 203, 241, 275, 279.

act to amend sec. 3 of chap. 33, entitled fish, 119, 135, 139, 150, 152, 249, 271, 283, 369.

act to amend sec. 128 of chap. 30, entitled elections, 137, 164, 172 402, 439, 441.

act to amend secs. 12 and 21 of chap. 34, entitled fees, 149, 188, 189, 201, 240, 257, 279, 279, 426, 462, 509, 535, 559, 588.

act to repeal sec. 63 of chap. 92, entitled schools, 150, 180, 184, 202, 236, 241.

act to repeal portions of chap. 87, entitled revenue, 150, 180, 184, 202, 241.

act to amend sec. 1 of chap. 77, entitled penitentiary, 158, 188, 190, 203, 241, 291, 384, 400, 409, 485, 505, 526, 528, 553, 573.

act to repeal sec. 3 of chap. 5, entitled attorneys-at-law, 159, 188, 190, 374, 439, 440, 448, 453.

act to repeal sec. 60 of chap. 87, entitled revenue, 167, 188, 190, 356.

act to amend chap. 61, entitled lunatics, 168, 203, 212, 227, 286, 351, 359, 539, 540, 566, 592, 592, 593.

GENERAL LAWS—Continued.
act to repeal sec. 65 of chap. 19, entitled corporations, 169, 203, 212 252, 270, 301, 310, 335.
act to amend secs. 33, 42, 44 and 45 of chap. 87, entitled revenue, 183, 219, 228, 304, 349, 356.
act to amend sec. 123 of chap. 22 and to repeal sec. 122 of said chapter of general laws, entitled counties, county officers, etc., 183, 219, 228, 280.
act to amend chap. 30, entitled elections, 183, 219, 228, 359, 402.
act to amend secs. 10 and 11, of art. 4, of chap. 33, entitled executive department, 183, 219, 229, 336, 385, 402, 430, 569, 601, 603, 603, 604.
act to amend secs. 2572 and 2583 of chap. 96, entitled stock, 189, 246, 254, 291, 384, 399, 431, 514, 514, 547, 561, 564, 589.
act to repeal sec. 16 of chap. 60, entitled limitations, 206, 246, 255, 295.
act to amend sec. 19 of chap. 101, entitled university, 206, 246, 255, 330.
act to repeal sec. 7 of chap. 41, entitled game, 207, 246, 256, 324, 439, 442.
act to amend chap. 66, entitled mines, 213, 261, 264, 335, 386, 399, 432, 434, 465, 496, 558.
act to repeal chap. 15 entitled commissioner of mines, 220, 246, 256, 292, 335, 439, 442.
act to repeal secs. 1225, 1226 and 1227 of chap. 37, entitled fish, 221, 261, 264, 293, 298, 330.
act to amend chap. 32, entitled official reports, 221, 246, 256, 260, 339, 350, 368, 566, 583, 593, 593.
act to amend sec. 40 of chap. 19, entitled, 223, 274, 279.
act to amend sec. 182 of chap. 24, entitled criminal code, 223, 323, 327, 353.

GIRD, CHRISTOPHER C.—
credentials of, 7.
oath of, 8.
nominations by, 10.
motions by, 51, 60, 60, 67, 71, 82, 84, 152, 157, 157, 180, 198, 242, 280, 285, 369, 379, 428.
resolutions presented by, 48, 84, 152.
petitions presented by, 280.
memorials presented by, 157.

GOTTHELF, ISAAC—
nominations by, 5.
election of, temporary speaker, 5.
credentials of, 8.
oath of, 8.
motions by, 58, 75, 79, 161, 221, 490.
bills introduced by, 119, 137, 169.
resolutions presented by, 53.

GOVERNOR—
message of, 22 to 39.

GUNNELL, ALLEN T.—
credentials of, 7.
oath of, 19.
motions by, 51, 117, 245, 260, 290, 470, 481.
bills introduced by, 90.
resolutions presented by. 60.

GREELEY, TOWN OF—
act concerning, 60, 61, 120, 126, 128, 141, 144.

H

HARVEY, RICHARD—
credentials of, 7.
oath of, 8.
motions by, 236, 428.
bills introduced by, 84, 152, 169, 193, 223.
resolutions introduced by, 236.

HISTORICAL SOCIETY, STATE—
act to encourage formation of, 193, 261, 263, 344, 345, 396, 414, 491, 504, 527, 528, 556.

HOFFMAN, JOSEPH—
credentials of, 7.
oath of, 9.
motion by, 207.

HOOD MORTON—
election of, page, 10.
oath of, 19.

HOTELS—
act for protection of owners and proprietors of, 168, 203, 212, 294, 384, 401, 427, 427.

HOUSE BILLS—
No. 1, an act to provide for the appointment of a secretary of the State board of land commissioners, who shall also act as immigration agent, and defining his duties, 40, 49, 56, 56, 204, 269.
No. 2, an act to provide for the enrollment, organization, government and pay of the national guard and militia of the State for the public defense, and for the care of the arms and military stores, relics and records of the State, 49, 73, 74, 296, 384.
No. 3, an act to confer jurisdiction in attachment upon justices of the peace, 49, 67, 69.
No. 4, an act entitled stud horses, jacks and bulls, 49, 56, 56, 58, 62, 142, 145, 166, 174, 213, 262, 305, 306, 332, 342.
No. 5, an act to change the name of Charles Russell French, 49, 52, 52.

HOUSE BILLS—Continued.

No. 6, an act providing what shall constitute a private seal, 49, 56, 56, 71, 75, 83, 86, 181, 195, 215, 216, 231, 232.

No. 7, an act concerning release of mortgages, trust deeds and instruments of writing for the security of money, 49, 56, 121, 125, 133, 288, 318.

No. 8, an act to authorize the State treasurer to apply certain moneys belonging to the several revenue funds to the payment of interest on State warrants, 49, 56, 57, 62, [62, 65, 65, 65, 85, 91, 91, 130, 135.

No. 9, an act to define and punish the obtaining of money or property by confidence games, 50, 56, 57, 141, 145, 165, 175, 282, 296, 331, 336, 342, 362, 417.

No. 10, an act to authorize the superintendent of the poor to bind out indigent children, 50, 56, 57, 69, 75, 92, 125, 166, 175, 282, 332, 337, 342, 362, 489.

No. 11, an act to amend sec. 98 of chap. 87 of general laws, rescinding so much thereof as make taxes levied or assessed upon personal property a perpetual lien thereupon, 50, 56, 57, 355, 371.

No. 12, an act concerning redemption of land sold under trust deeds and other instruments for the security of money, 53, 62, 63, 121, 125, 133, 146, 171, 250, 288, 318.

No. 13, an act to repeal chap. 105 of general laws, 55, 62, 63, 72, 75, 83, 87, 199, 205, 235, 242, 244, 245, 262, 267, 295, 297, 306, 307, 332, 343.

No. 14, an act to amend sec. 16 of art. 7 of chap. 33 and sec. 4 of chap. 49 of general laws, 55, 62, 63, 72, 76, 83, 87, 165, 166, 184, 192, 192, 205, 219.

No. 15, an act to elect assistant assessors, 55, 62, 63, 156, 185.

No. 16, an act in relation to sealed instruments, 55, 62, 63, 121, 126.

No. 17, an act to amend the criminal code regarding form of indictments, 55, 62, 63, 71, 77, 83, 88, 188, 208, 215, 216, 231, 239.

No. 18, an act entitled attachment and garnishment, 60, 84, 85, 292, 421, 531.

No. 19, an act to enable town of Greeley to buy rights and obligations of canal No. 3 from Union colony of Colorado, 60, 61, 120, 126, 128, 141, 144.

No. 20, an act relating to appeals from judgments of justices of the peace, 61, 74.

No. 21, an act for protection and propagation of fish, 61, 70, 383.

No. 22, an act concerning irrigation, 61, 70, 74, 78, 78, 307, 308, 320, 320, 321, 333, 342, 382, 393, 509, 602, 602, 606, 607, 607, 608.

No. 23, an act to prescribe conditions upon which retail liquor dealers, saloon keepers and persons keeping dram shops may be allowed to do business, 61, 78, 78, 79, 119, 144, 146, 188, 194, 213, 272, 273, 281.

HOUSE BILLS—Continued.

No. 24, an act to provide for assignments for creditors, 68, 78, 80, 421, 439, 442, 447, 451.

No. 25, an act apportioning bulls and cows, 68, 78, 80, 80, 82, 90, 112, 125, 130, 131, 478.

No. 26, an act amending sec. 13 of chap. 21 of general laws, relating to counties and county boundaries, 68, 78, 80, 113, 125, 130, 132.

No. 27, an act describing a lawful fence, 69, 78, 80, 113, 125, 164, 173, 173.

No. 28, an act to confer exclusive jurisdiction upon justices of the peace in misdemeanors punishable by fine or imprisonment in county jail, 70, 78, 80, 82.

No. 29, an act concerning cases in any district or county court, the venue of which has been changed thereto, 71, 78, 80, 120, 126, 133, 201, 269, 271, 300, 311, 444, 480, 488, 489, 555.

No. 30, an act to repeal sec. 198 of criminal code, chap. 24 of general laws, and to insert section in lieu thereof, 71, 78, 80, 143, 145. 165, 176.

No. 31, an act to amend secs. 192, 258, 259 and 266 of criminal code, chap. 24 of general laws, 71, 84, 85, 142, 145, 195, 196.

No. 32, an act to amend sec. 10 of chap. 87 of general laws, entitled revenue, 71, 78, 81 357.

No. 33, an act to amend sec. 4 of chap. 31 of general laws, 74, 92, 117, 143, 146, 166, 176, 491, 501, 535, 561, 564, 587.

No. 34, an act authorizing the people of any locality to vote upon the question of license or no license for the sale of intoxicating liquors to be used as a beverage in such locality, 74, 92, 119.

No. 35, an act to establish a court of common pleas in the city of Denver, 74, 92, 119, 355.

No. 36, an act to amend an act to secure liens to mechanics and others, and to repeal all other acts in relation thereto, 74, 92, 92, 210, 214, 226, 269, 280, 323, 344, 347.

No. 37, an act to amend sec. 3 of an act entitled an act to prescribe the number, duties and compensation of the officers and employés of each house of the general assembly, approved November 23, 1876, 76, 92, 92, 115, 123, 123.

No. 38, an act to amend an act to repeal all existing laws in relation to the creation, jurisdiction, powers, proceedings and practice of the county courts of Colorado, and to enact other provisions in lieu thereof, 76, 92, 119, 143, 145, 165, 177, 492, 500, 535, 559, 563, 588.

No. 39, an act concerning garnishment in courts of record and before justices of the peace, and judgments rendered, and in relation to the proceedings and practice in garnishment and attachment, 78, 92, 120, 292, 421, 442, 449, 459, 462, 466, 543, 544, 596, 601, 601.

HOUSE BILLS—Continued.

No. 40, an act to make a married woman jointly liable with her husband for debts contracted by husband for necessaries, 81, 92, 120, 142, 145.

No. 41, an act providing for the leasing of the penitentiary and the convict labor of the State, 84, 116, 116, 163, 188, 189, 198.

No. 42, an act authorizing a tax levy of 15 mills on valuation for county purposes in Ouray county, 84, 164, 171, 336.

No. 43, an act requiring the payment of taxes in cash, 84, 164, 171, 336.

No. 44, an act concerning the foreclosure of trust deeds and other instruments to secure money on real estate and the sale and redemption thereof, 89, 128, 130, 251, 288, 318, 318, 319, 320, 369.

No. 45, an act for the relief of the town of Ouray, 89, 128, 131, 422, 439, 440, 448, 452, 569, 593, 594, 594, 597.

No. 46, an act relating to the representative district of Fremont and Custer counties, 90, 128, 131, 160, 185, 194, 196, 353.

No. 47, an act to amend sec. 30 of chap. 34 of general laws, concerning fees, 90, 128, 131, 155, 157, 200, 240, 275, 278, 491.

No. 48, an act to regulate the issuing of county warrants, 90, 128, 131, 155, 161.

No. 49, an act to prescribe the qualifications of county judges, 90, 128, 131 150, 160, 161.

No. 50, an act to amend an act entitled an act regulating elections, approved March 8, 1877, 90, 128, 131, 160.

No. 51, an act to amend chap. 3 of general laws, entitled agricultural college, 90, 128, 131, 148, 161, 234, 237, 310, 317, 332, 337, 342, 363.

No. 52, an act prescribing the manner of passing bills containing emergency clause, 92, 128, 131, 133.

No. 53, an act to enable fence districts to fund their indebtedness, 116, 135, 137, 161, 235, 237, 444, 464, 480, 488, 489, 555, 573.

No. 54, an act to amend chap. 19 of general laws, entitled corporations, 116, 135, 137, 338, 338, 358.

No. 55, an act to amend an act entitled an act to provide for the holding of two or more terms of the supreme court annually, and to make regulations incident thereto, 116, 135, 138, 227, 286.

No. 56, an act to protect grazing lands from stock of non-residents, 116, 135, 138, 156, 162, 194, 197, 254, 258, 295, 306, 307, 332, 343.

No. 57, an act to amend chap. 45 of general laws, entitled justices and constables, to confer jurisdiction upon justices of the peace in actions of replevin, attachment and garnishment, to regulate practice in justices' courts, and repeal certain acts, 116, 148, 151.

HOUSE BILLS—Continued.

No. 58, an act relative to drainage, 118, 135, 138, 138, 139, 164, 173, 180, 247, 287, 459, 463.

No. 59, an act to abolish the September term of the district court in Bent county, and to change it from a second to a third class county, 118, 135, 139, 213, 217.

No. 60, an act to repeal sec. 16 of chap. 60 of general laws concerning limitations, 119, 135, 139, 203, 241, 275, 279.

No. 61, an act to amend sec. 3 of chap. 33 of general laws entitled fish, 119, 135, 139, 150, 152, 249, 271, 283, 369.

No. 62, an act in relation to salary of county superintendents of schools, 119, 135, 139, 196, 213.

No. 63, an act to protect the public health and to regulate the practice of medicine in Colorado, 128, 149, 164, 171, 262, 339, 381.

No. 64, an act to provide for the herding of rams, 128, 148, 151, 182, 185, 195, 197, 376, 387, 396, 424, 425, 471, 489.

No. 65, an act to abolish the June term of the district court in Park county, 128, 148, 151, 355, 439, 440.

No. 66, an act amendatory to an act entitled an act relating to surveys, 129, 148, 151, 316, 439, 441.

No. 67, an act to amend an act to provide for formation of corporations, 129, 148, 151, 298, 315, 368, 375, 377.

No. 68, an act providing for an inebriate and insane asylum, 129, 201, 213.

No. 69, an act to amend an act entitled an act to provide for the appointment of a sheep inspector, 129, 164, 172, 218, 270, 300, 309, 444, 473, 480, 488, 489, 556.

No. 70, an act for the payment of the amount remaining due on account of expenses of constitutional convention, 129, 148, 151, 248, 288.

No. 71, an act providing for change of venue in criminal cases in district court and proceedings therein, 136, 164, 172, 294, 384, 400, 405.

No. 72, an act to amend an act entitled an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, approved March 20, 1877, 136, 164, 172, 236, 355.

No. 73, an act to amend an act entitled an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, approved March 20, 1877, 137, 164, 172, 356.

No. 74, an act to amend sec. 128 of chap. 30 of general laws, entitled elections, and to provide an additional section thereto, 137, 164, 172, 402, 439, 441.

No. 75, an act to enable cities and towns to purchase and manage ditches and canals to supply water for irrigation and other purposes, 144, 180, 184, 186, 234, 238, 250, 444, 480, 487, 488, 488, 555.

HOUSE BILLS—Continued.

No. 76, an act to make the chasing of deer or antelope with hounds a misdemeanor, 144, 164, 172, 218, 270.

No. 77, an act to amend an act to provide for the assessment and collection of revenue and to repeal certain acts in relation thereto, 144, 164, 172, 363, 371, 397, 406, 569.

No. 78, an act to amend secs. 12 and 21 of chap. 34 of general laws, entitled fees, 149, 188, 189, 201, 240, 257, 279, 279, 426, 462, 509, 535, 559, 588.

No. 79, an act to regulate the practice of medicine, 149, 149, 171.

No. 80, an act to amend the code of civil procedure, 149, 150.

No. 81, an act to authorize the publication of all laws of a general nature in newspapers, as soon as the same are signed by the governor, 150, 188, 189, 245, 288.

No. 82, an act to repeal sec. 63 of chap. 92 of general laws, 150, 180, 184, 202, 236, 241.

No. 83, an act to repeal a portion of chap. 87 of general laws, 150, 180, 184, 202, 241.

No. 84, an act to amend sec. 2 of an act entitled an act to provide for the maintenance, government and police of the penitentiary; also mode of appointing officers and fixing salary of same, and to repeal several acts thereto, 152, 188, 190, 246, 286, 325, 386, 439, 440, 447, 452, 497, 509, 566, 582, 593, 593, 596.

No. 85, an act to establish and maintain a hospital for insane, 153. 159.

No. 86, an act to establish a State industrial school and for the maintenance and government of same, 153, 159, 181, 185, 247, 286.

No. 87, an act concerning the appropriation of water for mining purposes, 158, 188, 190, 292, 384, 397, 406.

No. 88, an act to amend sec. 122 of an act entitled an act concerning counties, county officers and county government, and repealing laws on these subjects, approved March 24, 1877, being sub. for house bill No. 15, as submitted by committee on finance, ways and means, 158, 180, 184, 363, 380, 398, 408, 496, 551, 593, 593.

No. 89, an act to amend sec. 1 of chap. 77 of general laws, entitled penitentiary, 158, 188, 190, 203, 241, 291, 384, 400, 409, 485, 505, 526, 528, 553, 573.

No. 90, an act to provide for the purchase of law books for the library of the supreme court, 158, 180, 184, 248, 287, 345, 348, 485, 505, 525, 528, 554, 574.

No. 91, an act to provide for the printing of the laws of the state in most convenient and compact form, with index, 158, 188, 190, 245, 287, 318, 419.

No. 92, an act to amend an act entitled an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, approved March 20, 1877, 159, 188, 190, 357.

HOUSE BILLS—Continued.

No. 93, an act to repeal sec. 3, chap. 5 of general laws and insertion of section in lieu thereof, 159, 188, 190, 374, 439, 440, 448, 453.

No. 94, an act concerning encumbrances on real property, 167, 203, 211, 227, 286.

No. 95, an act fixing the salary of assistant librarian, 167, 203, 211, 325.

No. 96, an act to amend sec. 6 of an act entitled an act to fix and regulate fees chargeable by county, precinct and other officers, approved March 24, 1877, 167, 203, 211, 324.

No. 97, an act to repeal sec. 60 of chap. 87 of general laws, entitled revenue and to provide for the interest on taxes and the payment of the several funds 167, 188, 190, 356.

No. 98, an act to amend sec. 1 of art. 4 of an act entitled an act to prescribe certain powers and duties of officers of executive department, and certain rules in relation to the fiscal affairs of the State in connection therewith, approved February 27, 1877, 168, 219, 228, 302, 369.

No. 99, an act concerning costs in criminal cases, 168, 203, 211, 228, 286.

No. 100, an act to prevent fires on the prairies along railroad lines, 168, 203, 211, 246, 288, 339.

No. 101, an act to amend and repeal certain sections of an act entitled an act concerning counties, county officers and county government, and repealing laws on these subjects, approved March 24, 1877, 168, 203, 212, 385, 402, 425.

No. 102, an act to amend chap. 61 of general laws, concerning lunatics, 168, 203, 212, 227, 286, 351, 359, 539, 540, 566, 592, 592, 593.

No. 103, an act for a proposed amendment to sec. 8 of art. 6 of State constitution, 168, 203, 212, 252, 287.

No. 104, an act concerning the protection of owners and proprietors of hotels and inns, and for the punishment of offenders, 168, 203, 212, 294, 384, 401, 427, 427.

No. 105, an act providing for change of venue in preliminary examinations before justices of the peace, 169, 203, 212, 252, 287, 351, 360, 509, 535, 560, 563, 586.

No. 106, an act repealing sec. 65 of chap. 19 of general laws, 169, 203, 212, 252, 270, 301, 310, 335.

No. 107, an act to provide for the employment of a chaplain for penitentiary, 169, 204, 212, 218, 269, 301, 310.

No. 108, an act to amend an act entitled an act to fix and regulate the fees chargeable by county, precinct and other officers, approved March 24, 1877, 169, 200, 241.

No. 109, an act making appropriations to pay outstanding certificates of indebtedness, 170, 188, 190, 273, 285, 301, 312, 532, 565, 582, 593, 593.

HOUSE BILLS—Continued.

No. 110, an act making appropriations to reimburse the several counties moneys expended in support of insane paupers, 170, 188, 190, 330, 385, 433, 434, 565, 569, 601, 603, 603, 604.

No. 111, an act making appropriations for the support of insane paupers for years 1879 and 1880, 170, 188, 191, 372, 381, 398, 411.

No. 112, an act making appropriations for the State board of health for the years 1879 and 1880, 170, 188, 191, 248, 284, 301, 313, 485, 505, 524, 528, 554, 575.

No. 113, an act making appropriations for expense of selecting and locating land donated State by United States, and expenses State board of land commissioners for years 1879 and 1880, 170, 188, 191, 324, 325.

No. 114, an act making appropriations for maintenance and support of State penitentiary for years 1879 and 1880, 171, 204, 212, 329, 385, 403, 412, 492, 499, 534, 560, 563, 586.

No. 115, an act making appropriations to pay expenses and claims under law concerning fugitives from justice for years 1879 and 1880, 171, 188, 191, 249, 284, 352, 360, 492, 499, 534, 561, 563, 587.

No. 116, an act to provide for the ordinary expenses of executive, legislative and judicial departments and interest on public debt for years 1879 and 1880, 171, 204, 212, 334, 381, 400, 412, 565, 570, 596, 601, 601.

No. 117, an act to authorize the State treasurer to pay interest on State warrants when there is money in treasury not otherwise appropriated, 171, 188, 191, 357, 359, 439, 441, 448, 454.

No. 118, an act declaring what shall be a lawful fence, being sub. for house bill No. 27, as submitted by committee on agriculture, 173, 173, 219, 228, 285, 301, 314, 568, 571, 580, 580, 581, 599, 606, 607, 607, 608.

No. 119, 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 revise and amend the same, so as to enable the city council to establish a system of sewerage, 182, 246, 254, 352, 439, 440, 446, 454, 539, 566, 583, 586.

No. 120, an act to amend secs. 33, 42, 44 and 45 of chap. 87 of general laws, 183, 219, 228, 304, 349, 356.

No. 121, an act to amend sec. 123 of chap. 22 of general laws, and to repeal sec. 122 of said chapter, 183, 219, 228, 380.

No. 122, an act to amend chap. 30 of general laws entitled elections, 183, 219, 228, 359, 402.

No. 123, an act relating to commutation of sentences and pardons after conviction, 183, 219, 229, 250, 288, 341, 381, 399, 429, 508, 536, 560, 563, 589.

HOUSE BILLS—Continued.

No. 124, an act to amend secs. 10 and 11 of art. 4 of chap. 33 of general laws, entitled executive department, 183, 219, 229, 336, 385, 402, 430, 569, 601, 603, 603, 604.

No. 125, an act to amend an act entitled an act relating to the exemption of volunteer firemen as jurors and from paying poll tax, and to repeal certain acts relating thereto, 186, 219, 229, 250, 287, 351, 361, 568, 592, 594, 594, 597.

No. 126, an act providing for the holding of an annual term of district court in Rio Grande county, 186, 219, 229, 251, 270, 302, 313.

No. 127, an act to provide a fund for erecting additional buildings at mute and blind institute and for other improvements, 186, 219, 229, 249, 284, 302, 314, 437, 536, 560, 563, 587.

No. 128, an act to amend an act entitled an act to erect an institute for education of mute and blind, provide for its support and management and repeal all laws for the organization, management and maintenance of the mutes, 186, 219, 229, 247, 288.

No. 129, an act relating to mining districts, district laws, location and representation of placer mining claims, 188, 246, 254, 430, 439, 441, 447, 455, 599, 599, 606, 607, 607, 608.

No. 130, an act to amend secs. 2572 and 2583 of general laws, 189, 246, 254, 291, 384, 399, 431, 514, 514, 547, 561, 564, 589.

No. 131, an act to provide a revenue for support of school of mines at Golden, and to repeal sec. 12 of chap. 91 of general laws, 189, 246, 254, 382, 385, 400, 426, 514, 514, 547, 562, 564, 590, 595.

No. 132, an act providing that the State treasurer shall countersign all warrants issued by State auditor and keep record of same, 189, 219, 229, 303, 379, 485, 490, 506, 524, 528, 555, 574.

No. 133, an act to prescribe certain duties of attorney general, 189, 219, 229, 251, 287, 351, 364.

No. 134, an act to encourage the formation and establishment of a State historical and natural history society, 193, 261, 263, 344, 345, 396, 414, 491, 504, 527, 528, 556.

No. 135, an act to amend sec. 42 of an act entitled an act to provide for the maintenance, government and police of penitentiary, also the mode of appointing officers and fixing salaries of same, and to repeal several acts relating thereto, 193, 219, 229, 364, 439, 440, 447, 456, 508, 521, 521, 539, 547, 562, 564, 590.

No. 136, an act for the relief of Arapahoe county, 193, 219, 230, 477, 477.

No. 137, an act to amend chap. 100 of general laws entitled towns and cities, 193, 246, 255, 261, 339, 350, 366.

No. 138, an act to reimburse Bent county for maintenance of prisoners, 193, 219, 230, 477, 477.

No. 139, an act granting licenses for the shipping of game, 193, 246, 255, 323.

HOUSE BILLS—Continued.

No. 140, an act to strike off a portion of Saguache county and add same to county of Rio Grande, 193, 246, 254, 315, 378, 496, 500, 536, 559, 563, 589.

No. 141, an act to suppress intemperance, pauperism and crime, 194, 246, 255, 281, 281, 304, 305, 397, 404, 558, 568, 571, 599, 601, 601.

No. 142, an act to furnish road overseers with laws pertaining to their office together with plats of roads in their several districts. 195, 246, 255, 330.

No. 143, an act conferring jurisdiction upon justice and police courts in cases of inebriates or common drunkards and giving county commissioners certain powers in regard to the transfer of such persons to an inebriate asylum, and authorizing said boards to cause to be levied and collected a special revenue for the support of such inebriates, 205, 291, 299.

No. 144, an act to establish the Colorado inebriate and insane asylum, and providing for its location, 206, 291, 299, 333, 342, 350, 367, 539, 539, 576, 584, 586, 594.

No. 145, an act relating to the powers and duties of the State board of land commissioners and management of the State lands, and defining the duties of the secretary of the board, 206, 261, 263, 307, 308, 321, 351, 365, 491, 521, 523, 543, 550, 551, 551, 600, 603, 603, 604.

No. 146, an act to provide for licensing commercial travelers, 206, 261, 264, 303.

No. 147, an act concerning justices of the peace, 206, 246, 255.

No. 148, an act in relation to the service of papers in legal proceedings, 206, 246, 255, 292, 421, 477, 531.

No. 149, an act relating to corporations, 206, 246, 255, 284.

No. 150, an act to repeal sec. 16 of chap. 60 of general laws, entitled limitations, 206, 246, 255, 295.

No. 151, an act to amend sec. 19 of chap. 101 of general laws, entitled university of Colorado, 206, 246, 255, 320.

No. 152, an act to amend an act entitled an act to provide for the selection, location, appraisal and leasing of State lands, 206, 261, 264, 323.

No. 153, an act to amend an act entitled an act in relation to municipal corporations, 207, 261, 264, 358, 439, 440, 445, 456.

No. 154, an act in relation to county courts, 207, 246, 255, 293, 385, 400, 431, 461, 470.

No. 155, an act to repeal sec. 7 of chap. 41 of general laws, entitled an act for the preservation of wild game and insectiverous birds, 207, 246, 256, 334, 439, 442.

No. 156, an act to amend an act entitled an act to provide for the payment of salaries to officers of the executive and judicial departments of State, 207, 261, 264, 283, 369, 398, 414, 565, 598, 601, 601.

No. 157, an act to amend an act entitled an act comcerning fences and enclosures in Conejos county and in other counties under certain circumstances, 213, 261, 264, 316.

No. 158, an act to amend an act concerning mines, chap, 66 of general laws, 213, 261, 264, 335, 386, 399, 432, 434, 465, 496, 558.

No. 159, an act to repeal sec. 8 of an act entitled an act to incorporate the Colorado and Clear Creek railroad company, approved February 9, 1865, 214, 246, 256, 375.

No. 160, an act to provide for the herding and driving of stock, 214, 261, 264, 324, 385, 433, 435, 435.

No. 161, an act to establish the office of inspector of kerosene or illuminating oils, and for the purpose of establishing a safe commercial standard for all illuminating oils, which are composed wholly or in part of the products of petroleum, 214, 274, 277, 359.

No. 162, an act to amend secs. 1, 2, 3 4, 5, 9 and 11 of an act entitled an act to secure liens to mechanics and others, and to repeal all other acts in relation thereto, 214, 261, 264, 458, 467, 467.

No. 163, an act concerning divorces, 214, 261, 264, 292, 439, 441.

No. 164, an act requiring purchasers of hides taken from horned cattle to keep a record of same, 214, 291, 299, 439, 441, 445, 457, 457, 493.

No. 165, an act to prevent extortion and discrimination by common carriers, 220, 261, 264, 358.

No. 166, an act to provide for declaring the office of county commissioner vacant and for filling such vacancy by appointment, 220, 291, 299.

No. 167, an act to repeal chap. 15 of general laws, 220, 246, 256, 292, 335, 439, 442.

No. 168, an act to amend an act entitled an act to provide for the assessment and collection of revenue, and to repeal certain acts in relation thereto, 221, 291, 299, 364, 372, 382, 383, 485, 490, 496, 496, 499, 509, 510, 575, 593, 593.

No. 169, an act to amend an act entitled an act concerning mines, approved February 13, 1874, 221, 261, 264, 335, 439, 442.

No. 170, an act for the relief of occupants of State lands entered upon prior to the location thereof by the State board of land commissioners, 221, 291, 299, 323.

No. 171, an act to create the county of Alamosa, 221.

No. 172, an act to repeal secs. 1225, 1226 and 1227 of general laws, 221, 261, 264, 293, 298, 330.

HOUSE BILLS—Continued.

No. 173, an act to amend an act concerning juries and jurors, 221, 291, 299, 353, 439, 442.

No. 174, an act to amend chap. 72 of general laws, 221, 246, 256, 260, 339, 350, 368, 566, 583, 593, 593.

No. 175, an act making appropriations for support of insane asylum for years 1879 and 1880, 221, 261, 265, 373, 380, 399, 413, 569, 585, 593, 593, 595.

No. 176, an act making appropriations for expense of selecting, locating, appraising and selling lands donated the State by United States, and expenses of State board of land commissioners for years 1879 and 1880, 222, 291, 299, 318, 324, 344, 348, 485, 504, 525, 528, 553, 574.

No. 177, an act to amend an act entitled an act to prescribe certain powers and duties of the officers of executive department, and certain rules in relation to fiscal affairs of State in connection therewith, 222, 323, 327, 418, 439, 440, 448, 457, 569, 600, 603, 603, 604.

No. 178, an act to regulate the practice, pleading and procedure in actions at law, 122.

No. 179, an act to change the county line between Douglass and Jefferson counties, so as to provide for the same to run on government lines instead of the centre of Platte river, 222, 302, 304, 422, 439, 451, 466, 467.

No. 180, an act to regulate the service of summons and other processes issued by justices of the peace, 222, 277, 420, 439, 439, 446, 459, 539, 540, 552.

No. 181, an act to extend the provisions of sec. 9 of an act of legislative assembly of Colorado Territory, approved February 8, 1872, entitled an act to provide for the future execution of the trust relating to the townsite of the city of Denver and to regulate the same, as amended by an act entitled an act to amend an act entitled an act to provide for the further execution of the trust relating to the townsite of the city of Denver and to regulate the same, approved February 10, 1876, 222, 274, 334, 371.

No. 182, an act to amend sec. 40 of chap. 19 of general laws, entitled corporations, 223, 274, 277.

No. 183, an act making the stealing of dogs a larceny, 223, 274, 277, 293, 385, 403, 433, 495, 504, 525, 528, 554, 575.

No, 184, an act conferring jurisdiction in garnishment on justices of the peace on judgments, 223, 438.

No. 185, an act in relation to costs in criminal cases, 223, 323, 327, 374,

No. 186, an act to amend sec. 21 of an act entitled an act concerning counties, county officers and county government, and repealing laws on these subjects, 223, 274, 277, 364.

HOUSE BILLS—Continued.

No. 187, an act to amend sec. 182, division 12, entitled fraudulent and malicious mischief, of chap. 24 of general laws entitled criminal code, 223, 323, 327, 353.

No. 188, an act to repeal sec. 226 of chap. 20 entitled proceedings supplementary to execution of an act providing a system of procedure in civil actions in courts of justice of Colorado, 223, 274, 277, 292, 421, 531.

No. 189, an act to repeal secs. 1 and 2 of an act entitled an act in relation to the jurisdiction of justices of the peace and the practice in justices' courts, 225, 274, 277.

No. 190, an act to enable county commissioners to appropriate certain military funds for county purposes, 225, 274, 277, 296, 385, 403, 425.

No. 191, an act to enable the State board of agriculture to open the State agricultural college for public instruction, 225, 323, 327, 372, 381, 398, 415, 416, 495, 501, 534, 560, 563, 589, 595.

No. 192, an act to amend an act entitled an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act and to revise and amend the same, approved April 6, 1877, 225, 334, 371, 390.

No. 193, an act to amend an act entitled an act providing a system of procedure in civil courts of justice, approved March 11, 1877, 225, 292, 421, 531.

No. 194, an act to amend an act entitled an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof, and revise and amend the same so as to grant the city council power by ordinance to close all places of business on the Sabbath day, 225, 274, 277, 352, 439, 442.

No. 195, an act to amend sec. 9 of an act entitled an act to reduce the law incorporating the city of Denver and the several acts amendatory thereof into one act, and to revise and amend the same, approved April 6, 1877, 225, 327, 334, 370, 375, 439, 440, 446, 460, 471, 481, 484, 484, 602, 603.

No. 196, an act to provide for the action of replevin, 226, 226, 253, 323, 327.

No. 197, an act to amend sec. 8 of art. 14 of State constitution, 226, 274 277.

No. 198, an act to provide for appeals from judgments rendered by justices of the peace against complaining witnesses on preliminary examinations, 226, 323, 418, 439, 441, 446, 460, 469.

No. 199, an act for a proposed amendment to sec. 3 of art. 10 of State constitution, 226, 323, 327.

No. 200, an act providing for writs of error from supreme court to district and county courts, 226, 422, 429, 533.

HOUSE BILLS—Continued.

No. 201, an act to enable certain counties to fund their indebtedness, 226, 274, 278.

No. 202, an act to provide for payment of first regiment Colorado mounted militia, 226, 274, 278, 296.

No. 203, an act providing for certain entries to be made by county clerks and recorders in receiving book and general index kept by them, 230, 274, 278, 422, 439, 441, 447, 461, 539, 547, 561, 564, 590, 594.

No. 204, an act to prohibit discrimination by telegraph companies against any citizen of Colorado, 232, 422, 429, 458, 483.

No. 205, an act providing for appeals from district and county courts to supreme court, and for writs of error from supreme court to district and county court and repealing chaps. 17, 18, 35 and 36 of code of civil procedure, 232, 422, 429, 533.

No. 206, an act requiring county clerks to certify list of county and precinct officers to secretary of State, 232, 274, 278, 303, 439, 441.

No. 207, an act to amend sec. 6 of art. 5 of State constitution, 232, 274, 278.

HOUSE CONCURRENT RESOLUTIONS—

No. 1, in relation to printing biennial report of certain State officers, 42, 46, 51.

No. 2, in relation to raising joint committee to visit State institutions, 48, 54.

No. 3, in relation to the inauguration of State officers, 51, 54, 57, 148.

No. 4, in relation to printing 2,500 copies of report of superintendent public instruction, 51, 52, 54, 56.

No. 5, in relation to printing reports of supreme and district judges, 52, 57, 63, 204.

No. 6, in relation to excursion to Fort Collins and Boulder, 66, 66, 188.

No. 7, in relation to joint convention for inauguration, 72, 72, 76, 204.

No. 8, in relation to commission to revise the code, 92, 119, 292, 421, 531.

No. 9, in relation to joint committee to inquire into collection and disbursement of military fund, 114, 114, 164, 181,

No. 10, in relation to repeal of joint rule No. 6, and adoption of new rule in its place, 115, 146.

No. 11, in relation to adoption of joint rule relative to passage of bills containing emergency clause, 128, 137, 165, 167, 172, 181.

No. 12, in relation to printing governor's inaugural address, 136, 136, 149, 160.

No. 13, in relation to printing of index of bills, 236.

HOUSE CONCURRENT RESOLUTIONS—Continued.
No. 14, in relation to joint committee to consider bills concerning fish, 290, 300,
No. 15, in relation to joint committee on bills, 349.
No. 16, to raise joint committee to consider bills conferring jurisidiction on justices of the peace, 387.
No. 17, to raise joint committee to consider question of extra session. 410, 438.
No. 18, to allow officers of general assembly mileage, 502.
No. 19, in relation to claims, 549.

HOUSE JOINT MEMORIALS—
No. 1, relative to donation of arid lands, 64, 70, 74, 78, 91, 122, 122, 180, 208, 215, 216, 230, 232.
No. 2, relative to terms of United States court at different points in the State, 75, 116, 119, 153, 153, 198, 208, 215, 216, 231, 232.
No. 3, relative to establishment of military post in southwestern Colorado, 114, 152, 180, 186, 282, 324, 337, 342, 362, 404.
No. 4, relative to extinguishment of title to Ute reservation, 117, 122, 181, 195, 215, 216, 230, 232, 291.
No. 5, relative to construction of military road in southwestern Colorado, 136, 159, 169, 204, 211, 274, 340, 340, 398, 436, 496, 536, 563, 564, 588.
No. 6, relative to establishmet of military post on Republican river, 157, 188, 191, 204, 269, 300, 309, 569, 601, 603, 603, 604.
No. 7, relative to establishment of military post in northwestern Colorado, 168, 204, 211, 274, 340, 340, 397, 436, 508, 537, 562, 564, 587.
No. 8, relative to surveys on public domain, 178, 204, 211, 275, 285, 376, 390, 395, 396, 417, 423.
No. 9, relative to rights of settlers on Maxwell grant, 216, 261, 263, 339, 397, 436, 508, 536, 563, 564, 587.
No. 10, relative to old settlers ('59-ers), 220, 323, 327, 345, 347, 485, 506, 527, 528, 553, 575.
No. 11, relative to removal of land office from Lake City, 220, 274, 278, 340.
No. 12, relative to Charles Autobias, 220, 323, 327, 350, 350, 485, 505, 527, 528, 552, 576.

HUTCHINGS, C. A.—
election of, enrolling clerk, 10.
oath of, 12.

HUTCHINSON, JOSEPH—
credentials of, 7.
oath of, 19.
bills introduced by, 76, 168.
petitions presented by, 59.

I

INDICTMENTS—
act to amend criminal code regarding, 55, 62, 63, 71, 77, 83, 88, 188, 208, 215, 216, 231, 239.

INDUSTRIAL SCHOOL—
act to establish, 153, 159, 181, 185, 247, 286.

INEBRIATE ASYLUM—
act to establish, 206, 291, 299, 333, 342, 350, 367, 539, 539, 576, 584, 586, 594.

IMMIGRATION AGENT—
act providing that secretary State board of land commissioners shall act as, 40, 49, 56, 56, 204, 269.

INSANE—
act to provide asylum for, 129, 201, 213.
act to establish hospital for, 153, 159.
act to establish asylum for, 206, 291, 299, 333, 342, 350, 367, 539, 539, 576, 584, 586, 594.
act making appropriation for asylum for, 221, 261, 265, 373, 380, 399, 413, 569, 585, 593, 593, 595.

INSANE PAUPERS—
act reimbursing counties for support of, 170, 188, 190, 330, 385, 433, 434, 565, 569, 601, 603, 603, 604.
act making appropriation for support of, 170, 188, 191, 372, 381, 398, 411.

INTEMPERANCE—
act to suppress, 194, 246, 255, 281, 281, 304, 305, 397, 404, 558, 568, 571, 599, 601, 601.

INTERPRETERS—
election of, 11.
oath of, 12.

INTEREST—
act to amend sec. 4 of chap. 49 of general laws, entitled, 55, 62, 63, 72, 76, 83, 87, 165, 166, 184, 192, 192, 205, 219.

IRRIGATION—
act concerning, 61, 70, 74, 78, 78, 307, 308, 320, 321, 333, 342, 382, 393, 509, 602, 602, 606, 607, 607, 608.

J

JACKS—
act concerning, 49, 56, 56, 58, 62, 142, 145, 166, 174, 213, 262, 305, 306, 332, 342.

JANITOR—
election of, 11.
oath of, 12.

JEFFERSON COUNTY—
act to change line of, 222, 302, 304, 422, 439, 451, 466, 467.
JOINT CONVENTION—
for canvass of State vote, 17, 19.
JURIES—
act to amend act exempting firemen from duty on, 186, 219, 229, 250, 287, 351, 361, 568, 592, 594. 594, 597.
act to amend act concerning, 221, 291, 299, 353, 439, 442.
JUSTICES OF THE PEACE—
act conferring jurisdiction upon, in attachment, 49, 67, 69.
act relating to appeals from judgments of, 61, 74.
act to confer exclusive jurisdiction upon, in certain cases, 70, 78, 80, 82.
act to amend chap. 45 of general laws entitled, 116, 148, 151.
act to confer jurisdiction upon, in cases of common drunkards, etc., 205, 291, 299.
act concerning, 206, 246, 255.
act conferring jurisdiction on, in garnishment, 223, 438.
act to repeal secs. 1 and 2 of act concerning, 225, 274, 277.
act providing for appeals from judgments of, 226, 323, 418, 439, 441, 446, 460, 469.

K

KEROSENE—
acts to establish office of inspector of, 214, 274, 277, 359.
KIMBERLY, BENJAMIN K.—
credentials of, 7.
oath of, 8.
motions by, 51, 53, 58, 89.
bills introduced by, 72.
resolutions presented by, 51.

L

LANDS, STATE—
(see State lands)
LARAGOITE, MARIANO—
elected assistant interpreter, 15.
oath of, 15.
LAUTER, HERMAN F.—
election of assistant enrolling clerk, 11.
oath of, 12.
LAWS—
act to authorize publication of in newspapers, 150, 188, 189, 245, 288.
act to provide for printing, 158, 188, 190, 245, 287, 318, 419.
LAWS, W. H.—
election of assistant engrossing clerk, 10.
oath of, 12.

LEWIS, WM. J.—
credentials of, 7.
oath of, 8.
motions by, 540.
bills introduced by, 168, 183, 193, 223, 226.

LIBRARIAN, STATE—
act fixing salary of assistant, 167, 203, 211, 325.

LICENSE—
act concerning, of liquor dealers, 61, 78, 78, 79, 119, 144, 146, 188, 194, 213, 272, 273, 281.
act concerning, 74, 92, 119.
act to provide for issuing to commercial travelers, 206, 261, 264, 303.

LIENS—
act to amend act to secure to mechanics, etc., 74, 92, 92, 210, 214, 226, 269, 280, 323, 344, 347.
act to amend secs. 1, 2, 3, 4, 5, 9 and 11 of act to secure to mechanics, etc., 214, 261, 264, 458, 467, 467.

LIMITATIONS—
act to repeal sec. 16 of chap. 60 of general laws entitled, 119, 135, 139, 203, 241, 275, 279.
ibid, 206, 246, 255, 295.

LIVESAY, JAMES McD.—
nominations by, 5.
credentials of, 7.
oath of, 8.
motions by, 43, 45, 60, 271, 273, 285, 296, 347, 349, 368, 379, 392, 427, 467, 468, 492, 499, 530, 565, 566, 605.
bills introduced by, 55, 71, 136, 169, 214, 223, 225, 232.
resolutions presented by, 349.

LOVATO, JUAN B.—
credentials of, 7.
nominations of, 15.
oath of, 9.
motions by, 51, 80, 369, 436.
bills introduced by, 213, 221.
resolutions presented by, 11, 157.

LUNATICS—
act to amend chap. 61 of general laws entitled, 168, 203, 212, 227, 286, 351, 359, 539, 540, 566, 592, 592, 593.

LUTHE, HERMAN E.—
credentials of, 7.
oath of, 8.
motions by, 11, 12, 13, 51, 62, 66, 70, 77, 79, 115, 116, 129, 185, 192, 213, 224, 236, 259, 280, 281, 333, 340, 435, 437, 442, 449 469, 502, 503, 506, 507, 544, 549, 557, 559, 583.

LUTHE, HERMAN E.—Continued.
bills introduced by, 49, 49, 50, 61, 70, 81, 144, 167, 183, 206, 223, 223, 223.
resolutions presented by, 14, 280, 564.

M

MAEZ, VINCENTE—
credentials of, 7.
oath of, 8.

MANN, JOSEPH—JEFFERSON—
credentials of, 7.
oath of, 8.
motions by, 8, 52, 93, 124, 141, 147, 188, 200, 205, 211, 213, 216, 222, 233, 255, 256, 263, 271, 272, 276, 305, 307, 308, 340, 433, 435, 451, 469, 490, 494, 498, 506, 507, 514, 567, 569, 579, 607.
bills introduced by, 61, 68, 78, 116, 167, 226.
resolutions presented by, 8, 117, 146.
petitions presented by, 58.
nominations by, 111.

MANN. WM. J.—BOULDER—
credentials of, 7.
oath of, 8.
nominations by, 111.
motions by, 149, 194, 483, 530.
bills introduced by, 149, 232.
resolutions presented by, 191.
petitions presented by, 149.

MARRIED WOMEN—
act to make jointly liable in certain cases, 81, 92, 120, 142, 145.

MARTINEZ, J. B.—
credentials of, 7.
oath of, 8.
resolutions presented by, 118.

McCANDLASS, JAMES A.—
credentials of, 7.
oath of, 8.
motions by, 196.
bills introduced by, 89, 207.
petitions presented by, 272.

McLAUGHLIN, WM.—
credentials of, 7.
oath of, 8.
motions by, 599.
bills introduced by, 129, 183, 213.

MEAD, LORIN C.—
credentials of, 7.
oath of, 8.
motions by, 12, 67, 125, 138, 198, 211, 240, 244, 307, 333, 381, 602.
bills introduced by, 49, 53, 61, 195.
resolutions presented by, 327.
memorials presented by, 60.

MEDICINE—
act to regulate practice of, 128, 149, 164, 171, 262, 339, 381.
ibid, 149, 149, 171.

MINING DISTRICTS—
act relating to, 188, 246, 254, 430, 439, 441, 447, 455, 599, 606, 607, 607, 608.

MOORE, R.—
election of temporary clerk, 6.
election of assistant clerk, 10.
oath of, 12.

MOREHEAD, MATTHEW D.—
credentials of, 7.
oath of, 8.
motions by, 126, 298, 473, 477, 483, 543.

MORTGAGES—
act concerning release of, 49, 56, 121, 125, 133, 288, 318.
act concerning redemption of land sold under, 53, 62, 63, 121, 125, 133, 146, 171, 250, 288, 318.
act concerning foreclosure of, etc., 89, 128, 130, 251, 288, 318, 318, 319, 320, 369.

MUNICIPAL CORPORATIONS—
act to amend act relating to, 207, 261, 264, 358, 439, 440, 445, 456.

MUTE AND BLIND INSTITUTE—
act to provide for erection of additional buildings for, 186, 219, 229, 249, 284, 302, 314, 437, 536, 560, 563, 587.
act to amend act providing for erection of, support, etc., 186, 219, 229, 247, 288.

MEMORIALS—
of Montague R. Leverson in relation to code, 60, 120.
of citizens of Golden in relation to irrigation, 60.

MESSENGER—
election of, 10.
oath of, 12.

MILITIA—
act concerning, 49, 73, 74, 296, 384.
act to pay First Regiment Colorado Mounted, 226, 274, 278, 296.

MINES—
act to amend chap. 66 of general laws, entitled, 213, 261, 264, 335, 386, 399, 432, 434, 465, 496, 558.
act to amend act concerning, 221, 261, 264, 335, 439, 442.

O

OFFICIAL REPORTS—
act to ament chap. 72 of general laws, entitled, 221, 246, 256, 260, 339, 350, 368, 566, 583, 593, 593.

OURAY, TOWN OF—
act for relief of, 89, 128, 131, 422, 439, 440, 448, 452, 569, 593, 594, 594, 597.

OURAY COUNTY—
act providing for special levy in, 84, 164, 171, 336.

OVERHOLT, EDWIN S.—
election of, page, 10.
oath of, 12.

P

PAGES—
election of, 10.
oath of, 12, 19, 42.

PARDONS—
act in relation to communication of, 183, 219, 229, 250, 288, 341, 381, 399, 429, 508, 536, 560, 563, 589.

PARK COUNTY—
act to abolish June term of district court in, 128, 148, 151, 355, 439, 440.

PEASE, JAMES G.—
credentials of, 7.
oath of, 8.
motions by, 464.
bills introduced by, 222.

PEASE, J. D.—
election of page, 11.
oath of, 19.

PENITENTIARY—
act for leasing of, and convict labor, 84, 116, 116, 163, 188, 189, 198.
act to amend act concerning, 152, 188, 190, 246, 286, 325, 386, 439, 440, 447, 452, 497, 509, 566, 582, 593, 593, 596.
act to amend sec. 1 of chap. 77 of general laws entitled, 158, 188, 190, 203, 241, 291, 384, 400, 409, 485, 505, 526, 528, 553, 573.
act to provide for employment of chaplain for, 169, 204, 212, 218, 269, 301, 310.

act making appropriation for, 171, 204, 212, 329, 385, 403, 412, 492, 499, 534, 560, 563, 586.
act to amend sec. 42 of act concerning, 193, 219, 229, 364, 439, 440, 447, 456, 508, 521, 521, 539, 547, 562, 564, 590.

PETITIONS—
of S. S. Woodbury and R. H. Stewart for relief, 58, 66.
of citizens Gunnison county, for term district court, 59.
of woman's christian temperance association of Greeley, 81.
of citizens Park county for two terms district court, 82, 142.
of State grange patrons of husbandry, 118.
of Boulder county medical association, 149.
of citizens Larimer county, 188.
of citizens Colorado relative to equal suffrage, 200.
of citizens of Denver to suppress liquor traffic, 234.
of citizens Fremont county, 272.
of citizens of Denver, 280.

PHILLIPS, IVORY—
credentials of, 7.
oath of, 8.
motions by, 387, 473.
bills introduced by, 128, 129.
resolutions presented by, 205.

PRACTICE—
act to regulate, 122.

R

RAMSEY, J. M.—
election of sergeant-at-arms, 10.
oath of, 12.

REPLEVIN—
act to provide for action of, 226, 226, 253, 323, 327.

RESOLUTIONS—
that committee be appointed to arrange seats of members, 8.
creating new offices in house, 11,
that additional interpreter be appointed, 11.
regarding time of joint session, for canvass of vote, for executive officers, 13.
ibid, 14.
that temporary officers be allowed usual per diem, 40.
that committee on finance, judiciary, and appropriation consist of seven members, 40.
that committee be appointed to frame joint rules, 41.
that house take recess each day from 12:30 p. m. to 2 p. m., 42.
that committee on rules be instructed to provide rule dispensing with a second to any motion, etc., 43.
that office of assistant janitor be created, 43.
that members be supplied with daily papers, 47.

RESOLUTIONS—Continued.
that subjects treated in governor's message be referred, 48.
that Thomas B. Corbett be authorized to furnish members and officers with legislative manual, 53.
that committee on education present bill giving legal effect to art. 9, sec. 11, of State constitution, 54.
that report of joint committee to examine and verify accounts of State auditor and treasurer be approved, 54.
that Miss Matilda Fletcher be invited to lecture on moral, industrial, and social science in representative hall, 58.
that sergeant-at-arms remove certain seats, 60.
that representative hall be tendered Miss Fletcher for lecture, 68.
of thanks to officers of C. C. R. R., 68.
that judiciary committee be allowed clerk at $4.00 per day, 70.
that committee on public lands report legislation needed concerning same, 84.
that representative hall be granted Capt. A. B. Tuttle, 84.
that judiciary committee report in regard to legislation or rule necessary relative to passage of bills with emergency clause, 88.
that house proceed to election of United States senator, 111.
that committee on indian affairs prepare memorial to congress relating to treaty with Ute indians, 114.
thas committee on rules report joint rule for regulation of all matters connected with bills having emergency clause, 115.
in relation to use of representative hall, 117.
in relation to printing inaugural message in Spanish, 118, 148.
that journal be corrected, 124.
that sergeant-at-arms procure room for judiciary committee, 144.
that representative hall be granted "third house," 147.
that committee on military affairs report amendment to H. J. M. No. 3, 152.
that committee on public lands inquire into rights of settlers on State lands in Conejos county, etc., 157.
that chief clerk W. B. Felton be allowed per diem and mileage for service in calling house of 2d general assembly to order, 158.
that use of representative hall be granted only by unanimous vote, 182.
that committee on public health be appointed, to whom all bills and resolutions pertaining to sanitary affairs and practice of medicine be referred, 191.
that committee on enrollment be allowed to employ clerk, 205.
that appropriation bills and bills from finance committee have precedence over other business.
that secretary of State be requested to forward certified copy of H. J. M. No. 2 to president of senate United States congress, 253.
that the *money* of the noble band of Spartans who so gallantly immolated themselves upon the altar of duty, etc., etc., *is* entitled to the lasting gratitude of the "dear people' and that *their* memory ought to be enshrined and preserved *green*, etc.,(Ed. by a "smile?") *ad voluminum*, *ad nauseum*, 268.

RESOLUTIONS—Continued.
that committee on irrigation (Ed. with water?) be instructed to report *immediately* and *without delay* on H. B. No. 22, (Ed. as the house is *very dry*) 272.
that house ahall convene at 9. a. m. each day, 273.
that engrossing committee be authorized to employ assistant clerks, 280.
that sergeant-at-arms enforce rule No. 52, 327.
that clerk of house be authorized to employ reading clerk, 349.
that committees on engrossment and enrollment be increased to five members, 349.
that interpreters be allowed mileage, 387.
that sec. 6 of art. 5 of State constitution be construed to mean forty days, Sundays excepted, 437.
that house committee on code amendments confer with senate committee and report at once, 545.
in relation to journal entry of certain other resolutions, 564.
of eulogy to officers, 596.

REVENUE—
act to amend sec. 98 of chap. 87 of general laws entitled, 50, 56, 57, 355, 371.
act to amend sec. 10 of chap. 87 of general laws, entitled, 71, 78, 81, 357.
act concerning collection of, 84, 164, 171, 336.
act to amend act concerning, 136, 164, 172, 236, 355.
act to amend act concerning, 137, 164, 172, 356.
act to amend act concerning, 144, 164, 172, 363, 371, 397, 406, 569.
act to repeal portion of chap. 87 of general laws entitled, 150, 180, 184, 202, 241.
act to amend act concerning, 159, 188, 190 357.
act to amend sec. 60 of chap. 87 of general laws entitled, 167, 188, 190, 356.
act to amend secs. 33, 42, 44 and 45 of chap. 87 of general laws entitled, 183, 219, 228, 304, 349, 356.
act to amend act concerning, 221, 291, 299, 364, 372, 382, 383, 485, 490, 496, 496, 499, 509, 510, 575, 593, 593.

RILEY, THOMAS—
election of janitor, 11.
oath of, 19.

RIO GRANDE COUNTY—
act providing for term of district court in, 186, 219, 229, 251, 270, 302, 313.
act to add to from Saguache county, 193, 246, 254, 315, 378, 496, 500, 536, 559, 563, 589.

ROAD OVERSEERS—
act to furnish with laws, etc., 195, 246, 255, 330.

ROE, ROBERT S.—
credentials of, 7.
oath of, 8.
motions by, 6, 45, 50, 52, 54, 63, 66, 68, 90, 117, 123, 160, 161, 166, 184, 185, 207, 372, 391, 426, 478, 480, 483, 490, 567, 579, 584, 591.
bills introduced by, 49, 50, 50, 55, 76, 167, 168, 183, 193, 220.
resolutions presented by, 41, 54.

S

SAGUACHE COUNTY—
act to strike of portion of, 193, 246, 254, 315, 378, 496, 500, 536, 559, 563, 589.

SCHOOLS—
act in relation to salary of county superintendents of, 119, 135, 139, 196, 213.
act to repeal sec. 63 of chap. 92 of general laws entitled, 150, 180, 184, 202, 236, 241.

SCHOOL OF MINES—
act to provide revenue for, etc., 189, 246, 254, 382, 385, 400, 426, 514, 514, 547, 562, 564, 590, 595.

SCOTT, WM.—
credentials of, 7.
oath of, 8.
bills introduced by, 214.

SEAL—
act providing what shall constitute private, 49, 56, 56, 71, 75, 83, 86, 181, 195, 215, 216, 231, 232.

SEALED INSTRUMENTS—
act in relation to, 55, 62, 63, 121, 126.

SECRETARY STATE BOARD LAND COMMISSIONERS—
act appointing and defining duties, 40, 49, 56, 56, 204, 269.
act defining duties of, 206, 261, 263, 307, 308, 321, 351, 365, 491, 521, 523, 543, 550, 551, 551, 600, 603, 603, 604.

SENATE BILLS—
No. 1. An act to regulate the practice, pleading, and procedure in action at law, 242, 242, 244, 244, 256, 257, 259.
No. 2. 153.
No. 3. An act concerning the abatement of actions, and parties thereto, 244, 253.
No. 4. An act to amend chap. 12 of general laws in relation to chattel mortgages, 159, 169, 183, 202, 236, 241, 265.
No. 5. An act giving consent to acquisition of lands by United States, 64, 64, 69, 82, 85, 86, 178, 179, 191.
No. 6. An act in relation to attachments issuing out of justice courts, 282, 298, 326, 421, 439, 470, 473, 527, 528, 556.

SENATE BILLS—Continued.

No. 8. An act concerning practice in chancery, 244, 253.

No. 9. An act to further define the duties of clerks of district and county courts, 244, 253.

No. 10. An act concerning masters in chancery, their appointment and duties, 244, 253.

No. 13. An act to protect natural scenery from defacement by advertisements, 134, 137, 151, 156, 162, 173, 216, 213, 231.

No. 14. An act to provide for the expenses of judges and district attorneys when absent from the counties of their residence, 134, 134, 137, 151, 155, 162, 252, 317, 339, 439. 565.

No. 15. An act relating to official bonds and to obligations given boards of county commissioners, 165, 169, 183, 401, 439, 511, 541, 583, 584, 585.

No. 18. An act to enable school district to refund their bonds, 118, 119, 129, 133, 140, 178, 179, 192.

No. 19. An act changing the boundaries of certain judicial districts, 127, 137, 151, 203, 208, 211, 217, 224, 224, 242.

No. 20. 153.

No. 21. An act to amend an act to provide for the branding, herding and care of stock, and to repeal certain acts iu relation thereto, 213, 236, 253, 283, 379, 381, 389, 408, 443, 444, 472.

No. 22. An act to amend an act to provide for and regulate the holding of district courts in the several judicial districts, 311, 316, 326, 439, 481, 481, 484, 526, 528, 557.

No. 23. An act in relation to the protection and propagation of fish, 188, 208, 261, 289, 308, 321, 321, 328, 331, 409 437, 438, 449, 450, 525, 528, 553.

No. 25. An act to amend chap. 87 of general laws in relation to lands sold for taxes, 159, 169, 183, 357, 565.

No. 27. An act in relation to manner of satisfying trust deeds on the record, 159, 169, 171, 251, 289, 339, 340.

No. 29. An act concerning joint stock companies formed for religious, educational and benevolent purposes, 188, 189, 208, 373, 439, 495, 520, 594, 594, 597.

No. 30. An act to amend an act to prevent fires on the prairies, 322, 325, 370, 401, 439, 511, 528, 562, 564, 585.

No. 31. An act to amend an act in relation to roads and public highways, 159, 169, 183, 218, 285, 305, 316, 439, 473, 477, 569, 592, 592, 593.

No. 34. An act to amend an act in relation to wills, executors and administrators, 159, 169, 183, 202, 241, 266, 306, 307, 343.

No. 35. An act to amend chap. 7 of general laws entitled board of agriculture, 199, 207, 228, 291, 439, 494, 515, 592, 592, 593.

No. 38. An act to provide for the payment of witnesses in contested election case of Boyd vs. DeFrance, 127, 137, 151, 248, 289, 331, 439, 494, 521, 583, 584, 585.

SENATE BILLS—Continued.

No. 39. An act to amend an act entitled an act to fix and regulate the fees chargeable by county, precinct and other offices, approved March 24, 1877, 437, 438, 465, 486, 495, 519, 519, 530.

No. 40. An act giving justices of the peace jurisdiction in replevin, 289, 298, 326, 417, 439, 470, 474, 526, 528, 552.

No. 43. An act to submit to qualified electors an amendment to sec. 3, art. 10, state constitution, 322, 325, 370, 439, 495, 523, 562, 564, 590, 298, 304.

No. 44. An act to provide method of collecting and keeping account of moneys collected for State institutions, 199, 207, 228, 273, 340, 345, 376, 377, 423.

No. 45. An act accepting the provisions of an act of Congress of the United States, approved July 2, 1862, 134, 137, 151, 156, 162, 174, 198, 224, 224, 242.

No. 49. An act to amend chap. 18 of general laws entitled conveyances, 253, 257, 263, 293, 385, 388, 425, 425, 439, 473.

No. 50. An act concerning enrollment and organization of militia, 322, 331, 370, 391, 425, 426, 439, 471, 483, 483, 483, 492, 493, 502, 503, 503, 509, 542, 583, 584, 585.

No. 53. 426.

No. 54. An act to enable counties to fund their indebtedness, 370, 421, 432, 436, 439, 470, 479, 479, 495, 525, 528, 554.

No. 56. An act to amend an act providing a system of procedure in civil courts, 437, 438, 439, 465, 477, 506, 507, 514, 543, 545, 557, 568, 594, 594, 597.

No. 57. An act to establish the county of Carbonate and to provide for terms of court therein, 239, 240, 245, 245, 260, 263, 294, 318, 318, 319, 320, 328, 376, 377, 423.

No. 62. An act to amend chap. 19 of general laws entitled corporations, 267, 276, 298, 315, 439, 481, 490, 496, 526, 528, 556.

No. 63. An act to enable the state to purchase a certain number of reports of cases at law and chancery determined in supreme court by L. B. France, reporter, 267, 276, 298, 354, 439, 494, 522, 592, 592, 593.

No. 66. An act in regard to issuing licenses to sell liquor, 377, 388, 428, 438, 439, 512, 529.

No. 67. An act to provide an additional fund for the current expenses of the State university and for the improvement of the buildings and grounds thereof, 267, 276, 299, 373, 381, 391, 438, 469, 478, 497, 498, 498, 521, 583, 584 585.

No. 68. An act requiring the publishing of certain laws of Colorado territory together with laws of present session, 289, 298, 326, 420, 439, 498, 510, 510, 517, 568, 569, 581, 582, 604, 604, 604.

No. 69. An act concerning masonic bodies, 233, 233, 236, 533, 577, 577, 594, 594, 597.

No. 72. An act to amend an act entitled an act to establish and maintain a system of free schools, 233, 233, 286, 308, 376, 377, 423.

SENATE BILLS—Continued.

No. 73. An act in regard to acknowledgments, 311, 326, 370, 420, 439, 511, 538, 599, 604, 604, 604.

No. 74. An act in relation to habeas corpus, 289, 298, 326, 354, 567, 571, 598, 598, 599.

No. 75. An act concerning grand juries, 444, 445, 465, 534, 579, 579.

No. 77. An act to relieve counties of certain classes of delinquent taxes, 377, 388, 428, 476, 565, 577, 594, 594, 597.

No. 80. An act to protect cattle from Texas fever, 377, 388, 428, 432, 439, 511, 538, 592, 592, 593.

No. 81. An act concerning jurisdiction, powers and practice of county courts, 289, 298, 326, 354, 439, 495, 504, 549, 549, 549.

No. 82. An act concerning jurisdiction of county judges and county courts in cases of injunction, 311, 326, 370, 418, 439, 511, 530, 592, 592, 593.

No. 83. An act providing for publication and purchase of decisions supreme court, 376, 388, 429, 476, 512, 544, 569, 594, 594, 597.

No. 84. An act to provide a salary for reporters of decisions of supreme court, 377, 388, 429, 475, 512, 547, 580, 583, 584, 591, 591, 598, 598, 599.

No. 86. An act to amend sec. 128 of chap. 30 of general laws, entitled elections, 267, 276, 299, 354, 495, 523, 559, 563, 588.

No. 89. An act to amend an act entitled an act concerning unclaimed freight, 322, 325, 370, 420.

No. 91. Act providing for payment of clerical expenses in office secretary of State, 311, 326, 370, 382, 384, 393, 439, 443, 472.

No. 92. An act to amend chap. 19 of general laws, 334, 338, 370, 419, 444, 470, 532, 579.

No. 94. An act in relation to relation to municipal corporations, 322, 370, 419, 439, 511, 530, 594, 594, 597.

No. 95. An act to amend sec. 17 of an act entitled an act to reduce the law incorporating the city of Denver, 254, 257, 263, 266, 339, 346, 395, 396, 424.

No. 96. An act to amend sec. 34 of an act entitled an act to reduce the law incorporating the city of Denver, 254, 257, 263, 275, 340, 346, 396, 396, 424.

No. 98. An act to amend sec. 59 of an act entitled an act to reduce the law incorporating the city of Denver, 254, 257, 263, 267, 340, 347, 377, 425, 425, 472.

No. 97. An act providing the manner in which county seats may be changed, 267, 276, 299.

No. 100. An act in relation to municipal corporations, 377, 388, 429, 439, 442, 511, 537, 599, 603, 603, 604.

No. 102. An act in relation to bastardy, 289, 298, 326, 419, 439, 511, 537, 592, 592, 593.

No. 103. An act to repeal part of act to incorporate Colorado land and mineral association, 444, 445, 465, 533.

SENATE BILLS—Continued.

No. 104. An act to amend sec. 74 of general laws, 478, 483, 490, 533, 579, 591, 598, 598, 599.

No. 105. Act concerning limitations of actions, 310, 326, 369, 573, 579, 584, 598, 598, 599.

No. 106. An act to change the names of Lake and Carbonate counties, 282, 298, 326, 339, 410, 437, 444, 444, 472.

No. 107. An act to amend sec. 40 of chap. 19 of general laws, entitled corporations, 267, 276, 299, 374, 439, 511, 519, 583, 584, 585.

No. 108. Act to protect settlers on State lands, 444, 445, 466, 491, 564.

No. 111. An act to establish impartial suffrage, 495, 498, 509, 515, 518, 518 567, 567.

No. 135. An act to provide for the purchase of supplies for supreme court, and executive and judicial departments, and for renting rooms for same, 311, 326, 370, 391, 510, 511, 516, 592, 592, 593.

No. 138. An act repealing sec. 7 of chap. 41 of general laws, 377, 388, 429, 476, 565, 576.

No. 140. An act in relation to suits against corporations, 444, 445, 466, 532, 579.

No. 141. An act in relation to mineral lands, 478, 483, 490, 497.

No. 144. An act authorizing county treasurers to transfer certain funds to general fund of their respective counties, 444, 445, 466, 558, 572, 594, 594, 597.

SENATE CONCURRENT RESOLUTIONS—

No. 1. Appointing committee to inform governor of readiness to receive communications, 18.

No. 3. Appointing joint committee on printing contract, 50, 55.

No. 4. Adopting joint rules 1st general assembly, 46, 50, 51, 63.

No. 5. Relative to printing 1500 copies of governor's message, 54, 56, 56, 70.

No. 7. Tendering vote of thanks to Dr. F. V. Hayden, 85, 119, 129, 133, 141, 178, 179, 192, 192.

No. 8. Relative to joint session to elect United States senator, 85, 91, 91.

No. 9. Relative to appointment of committee to wait on governor 85, 89, 91, 93.

No. 11. Relativo to printing governor's inaugural address, 152, 159, 170.

No. 12. Relative to completion of military post near Pagosa Springs and wagon road leading to it, 188, 189, 207, 295, 369, 395, 396, 417, 424.

No. 13. Relative to Pagosa Springs, 240, 240, 253 288, 305, 337, 342, 362, 403

No. 14. Relative to State lands, 253, 257, 263, 306, 307, 332, 343.

No. 16. Relative to printing reports of State board of agriculture, 408, 428, 443, 471.

SENATE CONCURRENT RESOLUTIONS—Continued.
No. 17. Relative to appointment of joint committee to consider constitutional amendment, 267, 276, 282.
No. 18. Relative to appointment of joint committee on code amendments, 268, 276, 282.
No. 19. Relative to printing 500 copies of journals of each house, 605, 605, 605.

SENATE JOINT MEMORIALS—
No. 1, relative to establishment of military post in southwestern Colorado, 485, 490, 515, 579, 584, 598, 598, 599.

SENTENCES—
act relating to commutation of, 180, 219, 229, 250, 288, 341, 381, 399, 429, 508, 536, 560, 563, 589.

SERGEANT AT ARMS—
election of, 10.
oath of, 12.

SERVICE—
act in relation to, of legal papers, 206, 246, 255, 292, 421, 477, 531.

SHEEP INSPECTORS—
act to amend act to provide for appointment of, 129, 164, 172, 218, 270, 300, 309, 444, 473, 480, 488, 489, 556.

SHEETS, D. L.—
credentials of, 7.
oath of, 8.
motions by, 436.
bills introduced by, 116, 220.
resolutions presented by, 54, 136.
memorials presented by, 114.

SHEPHERD, HOMER—
election of, engrossing clerk, 10.
oath of, 12.

SLOCKETT, HENRY—
credentials of, 7.
oath of, 8.
bills introduced by, 186.

SOUTHWORTH, ROYAL A.—
credentials of, 7.
oath of, 8.
motions by, 13, 15, 19, 48, 51, 66, 79, 89, 91, 138, 144, 173, 213, 272, 320, 386, 410, 484, 495, 496, 519, 571.
bills introduced by, 55, 69, 89, 193.
resolutions presented by, 182, 272.
memorials introduced by, 64.
petitions presented by, 234.

SPRUANCE, WM.—
credentials of, 7.
(did not put in an appearance during session, Ed.)

STALLIONS—
act concerning, 49, 56, 56, 58, 62, 142, 145, 166, 174, 213, 262, 305, 306, 332, 342.

STATE BOARD OF AGRICULTURE—
act to enable, to open agricultural college, 225, 323, 327, 372 381, 398, 415, 416, 495, 501, 534, 560, 563, 589, 595.

STATE BOARD OF HEALTH—
act making appropriations for, 170, 188, 191, 248, 284, 301, 313, 485, 505, 524, 528, 554, 575.

STATE BOARD OF LAND COMMISSIONERS—
act for appointment of secretary of, 40, 49, 56, 56, 204, 269.
act making appropriation for expenses of, etc., 170, 188, 191, 324, 325,
act relating to powers and duties of, etc., 206, 261, 263, 307, 308, 321, 351, 365, 491, 521, 523, 543, 550, 551, 551, 600, 603, 603, 604.

STATE LANDS—
act making appropriation for expense of locating, etc., 170, 188, 191, 324, 325.
act to amend act to provide for location, etc., 206, 261, 264, 323.
act for relief of occupants of, 221, 291, 299, 323.
act making appropriation for expense of locating, etc., 222, 291, 298, 318, 324, 344, 348, 485, 504, 525, 528, 553, 574.

STATE TREASURER—
act authorizing to apply certain moneys to payment of interest on warrants, 49, 56, 57, 62, 62, 65, 65, 65, 85, 91, 91, 130, 135.
act authorizing to pay interest on State warrants, 171, 188, 191, 357, 359, 439, 441, 448, 454.
act providing for countersigning warrants, 219, 229, 303, 379, 485, 490, 506, 524, 528, 555, 574.

STEELE, J. L.—
election of doorkeeper, 10.
oath of, 15.

STOCK—
act concerning stallions, bulls, jacks, rams and boars, 49, 56, 56, 58, 62, 142, 145, 166, 174, 213, 262, 305, 306, 332, 342.
act apportioning bulls and cows, 68, 78, 80, 80, 82, 90, 112, 125, 130, 131, 478.
act to protect grazing lands from, 116, 135, 138, 156, 162, 194, 197, 254, 258, 295, 306, 307, 332, 343.
act ro provide for herding of rams, 128, 148, 151, 182, 185, 195, 197, 376, 387, 396, 424, 425, 471, 489.
act to amend sec. 2572 and 2583 (chap. 96 entitled stock), 189, 246, 254, 291, 384, 399, 431, 514, 514, 547, 561, 564, 589.

STOCK—Continued.
act to provide for herding and driving of, 214, 261, 264, 324, 385, 433, 435, 435.
act concerning hides taken from, 214, 291, 299, 439, 441, 445, 457, 457, 493.

STREETER, RIENZI—
nominations by, 5.
credentials of, 7.
oath of, 8.
election of, speaker of house, 9.

SUBSTITUTE BILLS—
Sub. S. B. No. 23, 189.
Sub. H. B. No. 23, 194.
Sub. S. B. No. 49, 257.
Sub. S. B. No. 91, 311, 326, 370, 382, 384, 393, 439, 443, 472.
Sub. S. B. No. 108, 444.

SUMMONS—
act to regulate service of, 222, 277, 420, 439, 439, 446, 459, 539, 540, 552.

SUPREME COURT—
act to amend act concerning, 116, 135, 138, 227, 286.
act to provide for purchase of books for library of, 158, 180, 184, 248, 287, 345, 348, 485, 505, 525, 528, 554, 574.

SURVEYS—
act to amend act concerning, 129, 148, 151, 316, 439, 441.

T

TEMPORARY SPEAKER—
election of, 5.

TEMPORARY CLERK—
election of, 6.

TEMPORARY SERGEANT-AT-ARMS—
election of, 6.

TELEGRAPH COMPANIES—
act to prohibit discrimination by, 232, 422, 429, 458, 483.

THOMAS, J. J.—
credentials of, 7.
oath of, 9.
motions by, 253, 350, 487, 513, 539.
bills introduced by, 116, 119, 129, 144, 168, 182, 206, 206, 214, 220, 221.
resolutions presented by, 220.

TODD, WM. D.—
credentials of, 7.
oath of, 8.

TODD, WM. D.—Continued.
nominations by, 5, 111.
motions by, 6, 8, 9, 10, 11, 12, 14, 15, 41, 42, 43, 50, 51, 56, 64, 75, 80, 84, 89, 111, 112, 114, 115, 118, 122, 124, 128, 129, 131, 133, 136, 137, 139, 141, 144, 152, 153, 158, 171, 173, 181, 184, 207, 211, 213, 219, 236, 240, 242, 244, 256, 258, 259, 263, 273, 279, 280, 284, 286, 297, 298, 304, 305, 308, 318, 320, 321, 325, 327, 387, 387, 392, 434, 439, 445, 471, 477, 481, 484, 499, 500, 502, 504, 510, 523, 549, 549, 551, 569, 570, 571, 577, 578, 582, 596, 597, 603, 605, 608.
bills introduced by, 40, 74, 92, 118, 129, 169, 170 171, 193, 221, 225, 230.
resolutions presented by, 11, 84, 88, 111, 115, 124, 128, 136, 158, 219, 410, 549.
memorials presented by, 60.

TOLL, CHARLES H.—
credentials of, 7.
oath of, 8.
motions by, 50, 56, 58, 64, 65, 91, 170, 182, 225, 226, 253, 270, 276, 280, 281, 285, 289, 317, 371, 378, 379, 383, 388, 461, 479, 493, 500, 502, 512, 544.
bills introduced by, 186, 193, 207, 214, 220, 225, 232.
resolutions presented by, 387, 545, 608.
memorials presented by, 117.

TOWNS AND CITIES—
act to enable to purchase ditches, etc., 144, 180, 184, 186, 234, 238, 250, 444, 480, 487, 488, 488, 555.
act to amend chap. 100 of general laws entitled, 193, 246, 255, 261, 339, 350, 366.

TRUJILLO, RAMON—
credentials of, 7.
oath of, 8.

TRUST DEEDS—
act concerning release of, 49, 56, 121, 125, 133, 288, 318.
act concerning redemption of land sold under, 53, 62, 63, 121, 125, 133, 146, 171, 250, 288, 318.
act concerning foreclosure of, etc., 89, 128, 130, 251, 288, 318, 319, 320, 369.

U

UNIVERSITY, STATE—
act to amend sec. 19 of chap. 101 of general laws entitled, 206, 246, 255, 330.

V

VALDEZ, MARTIN Y.—
credentials of, 7.
oath of, 8.

VENUE—
act concerning, 71, 78, 80, 120, 126, 133, 201, 269, 271, 300, 311, 344, 480, 488, 489, 555.
act providing for change of, etc., 136, 164, 172, 294, 384, 400, 405.
ibid, 169, 203, 212, 252, 287, 351, 360, 509, 535, 560, 563, 586.

VIGIL, ANTONIO—
election of, fireman, 11.
oath of, 12.

VOORHIES, JOHN H. P.,—
credentials of, 7.
oath of, 8.
motions by, 11, 14, 15, 66, 124, 147, 209, 230, 254, 290, 305, 321, 322, 340, 347, 380, 425, 436, 438, 450, 470, 493, 503, 546, 598, 606.
bills introduced by, 55, 61, 84, 89, 226, 226.
resolutions presented by, 42, 91, 220, 290, 596.

W

WATER—
act concerning appropriation of for mining purposes, 158, 188, 190, 292, 384, 397, 406.

WARRANTS—
act to regulate issuing of county, 90, 128, 131, 155, 161.
act authorizing state treasurer to pay interest on, 171, 188, 191, 357, 359, 439, 441, 448, 454.
act providing that State treasurer shall countersign all State, 189, 219, 229, 303, 379, 485, 490, 506, 524, 528, 555, 574.

WOLVES AND COYOTES—
act to repeal chap. 105 of general laws entitled, 55, 62, 63, 72, 75, 83, 87, 199, 205, 235, 242, 244, 245, 262, 267, 295, 297, 306, 307, 332, 343.

WOOD, J. D.—
election of temporary sergeant-at-arms, 6.

WRITS OF ERROR—
act providing for, 226, 422, 429, 533.