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# COUNCIL JOURNAL

OF THE

# LEGISLATIVE ASSEMBLY

OF THE

# TERRITORY OF COLORADO.

THIRD SESSION.

BEGUN AT GOLDEN CITY, ON THE 1ST DAY OF FEBRUARY, 1864.  
ADJOURNED TO DENVER, ON THE 4TH DAY OF FEBRUARY.

PUBLISHED BY AUTHORITY.



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COUNCIL JOURNAL

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TUESDAY, FEBRUARY 2nd 1864

# COUNCIL JOURNAL

OF THE

## LEGISLATIVE ASSEMBLY OF COLORADO

### THIRD SESSION.

MONDAY, FEBRUARY 1st, 1864.

Began according to law, at Golden City, Colorado Territory, on Monday, February 1st, 1864.

Council called to order at 2 o'clock p. m., by Mr. Loveland.

On motion,

C. W. Mather was elected President *pro tem*, and

R. O. Bailey was elected Secretary *pro tem*.

The roll being called, the following members answered to their names, viz :

Messrs. Bailey, Doyle, Dominguez, Esterday, Hallett, Whitsett, Widner, Loveland, Jones and Mather.

On motion,

Messrs. Whitsett, Doyle and Dominguez were appointed a committee to report on credentials.

On motion,

Council adjourned until to-morrow, at 10 o'clock a. m., to receive the report of said committee.

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TUESDAY, FEBRUARY 2nd, 1864.

Council met at 10 o'clock a. m.,  
The President *pro tem* in the chair.

Roll called.

Present—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Loveland, Mather, Widner and Whitsett.

The committee on credentials made the following report :

*To the Legislative Council of Colorado Territory :*

Your committee, elected to report on credentials of members of this Council, beg leave to submit the following report :

Messrs. Amos Widner, Moses Hallett, R. E. Whitset C. W. Mather, W. A. H. Loveland, A. J. Van Deren, L. A. Johnson, Lewis Jones, R. O. Bailey, Robert Berry, J. B. Doyle, C. Dominguez and J. E. Esterday are entitled to seats, as members of this Council,

R. E. WHITSETT, Chairman.

On motion,

The report was adopted.

The oath was then administered to Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Loveland, Mather, Widner and Whitsett by His Excellency, John Evans, Governor of Colorado Territory.

The Council then proceeded to the election of permanent officers.

C. W. Mather was nominated for President, and having received the unanimous vote of the members present, was declared duly elected.

Mr. Mather, on taking the chair, thanked the Council for the honor conferred on him, in electing him their permanent presiding officer, and respectfully urged upon the members the importance of harmony in all their deliberations.

The President announced as the first business in order, the election of Secretary.

C. B. Haynes was nominated for Secretary, and having received the unanimous vote of the members present, was declared duly elected Secretary of the Council.

W. T. Reynolds was nominated for Assistant Secretary, and having received the whole number of votes cast, was declared duly elected.

C. A. Bartholomew was nominated for Sergeant-at-Arms, and having received a majority of the votes cast, was declared duly elected.

On motion,  
W. M. Breakenridge was unanimously elected as Foreman of the Council.

Rev. B. C. Dennis was nominated for Chaplain, and having received the unanimous vote of the members present, was declared duly elected.

Mr. Jones nominated master R. Roberts for Page, and he having received the whole number of votes cast, was declared duly elected.

E. C. Parmelee being nominated for Engrossing Clerk, received the unanimous vote of the Council, and was declared duly elected.

O. B. Brown was nominated for Enrolling Clerk, and having received the unanimous vote of the members present, was declared duly elected.

The oath of office was then duly administered to the officers elected.

Mr. Loveland offered the following resolution :

*Resolved*, That the Governor and Secretary of the Territory, Judges of the Supreme Court, the Commander of the District, the ex-members of the Legislature and the members of the Press, be invited within the bar of the Council.

On motion,  
The resolution was adopted.

Mr. Whitsett offered the following resolution :

*Resolved*, That a committee of three be appointed to notify the House that the Council is duly organized, and have elected C. W. Mather, President.

Resolution adopted, and  
The chair appointed Messrs. Whitsett, Jones and Loveland said committee.

On motion,  
The Council adjourned until to-morrow, at 2 o'clock p. m.

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WEDNESDAY, FEBRUARY 3rd, 1864.

Council met at 2 o'clock p. m.

President in the chair.

Roll called.

Absent—Mr. Johnson.

Journal read and approved.

Mr. Van Deren appeared in his seat and was duly sworn in as a member of the Council.

Mr. Berry offered the following resolution :

*Resolved,* That a committee of three be appointed by the President of this Council to report rules for the government of this body, and it shall also be the duty of such committee to confer with a like committee which may be appointed by the House, for the purpose of reporting joint rules for the government of both Houses.

The resolution was adopted, and

The chair appointed Messrs. Bailey, Berry and Whitsett as said committee.

Mr. Whitsett offered the following resolution :

*Resolved,* That the Secretary of this Council be instructed to furnish to the public printer of this Territory a copy of the proceedings of the Council up to the present date, and a copy of the journal, daily, during the remainder of this session, in order that the same may be published for the use of this Council.

Adopted.

Mr. Whitsett offered the following resolution :

*Resolved, by the Legislative Council of Colorado Territory, the House concurring,* That a joint committee, consisting of two members of the Council and three members of the House be appointed to inform His Excellency, the Governor, that this Legislative Assembly is duly organized and ready to receive any communication he may see proper to make.

The resolution was adopted.

The chair appointed as said committee on the part of the Council, Messrs. Whitsett and Van Deren.

A committee from the House appeared and announced that the House had appointed a committee of three to act with a committee on the part of the Council to inform His Excellency, the Governor, that the Legislative Assembly were permanently organized and ready to receive any communication he might wish to offer.

In accordance with the last resolution, the Council proceeded to the House of Representatives to meet in joint convention.

Whereupon, both Houses being in joint convention, the Governor appeared and delivered the following :

#### GOVERNOR'S MESSAGE.

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

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

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

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

#### TERRITORIAL FINANCE.

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

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

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

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

#### PUBLIC SCHOOLS.

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

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

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

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

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

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

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

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

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

#### TERRITORIAL CABINET AND LIBRARY.

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

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

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

#### MILITIA.

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



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

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

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

#### SOLDIERS' VOTE.

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

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

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

#### INDIAN AFFAIRS.

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

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

## GENERAL INCORPORATION LAW.

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

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

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

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

## MINING INTERESTS.

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

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

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

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

#### AGRICULTURE.

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

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

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

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

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

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

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

Total	<u>\$2,850.</u>
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In Illinois, one man will cultivate thirty acres of corn and fifteen acres of wheat, which, at the general average of crops and prices, would yield as follows, viz :

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

Total	<u>\$628.75.</u>
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Profits in Colorado over those in Illinois on the annual labor of one man,	\$2,221.25.
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All other products of the farm yield as liberal a return in Colorado as those above cited.

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

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

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

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

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

#### EMIGRATION.

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

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

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

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

#### PACIFIC RAILROAD.

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

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

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

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

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

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

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

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

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

#### DIRECT ROAD TO SALT LAKE.

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

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

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

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

#### CAPITOL BUILDINGS AND PENITENTIARY.

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

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

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

#### RIGHTS OF WATER FOR IRRIGATION.

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

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

#### PRINTING THE LAWS IN SPANISH.

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

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

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

#### FEDERAL RELATIONS.

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

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

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

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

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

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

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

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

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

JOHN EVANS.

The message being received,

On motion,

The joint convention was dissolved.

The Council having resumed business,

On motion of Mr. Loveland,

The chair appointed Messrs. Loveland and Dominguez a committee to wait on the Secretary of the Territory, to receive instructions in regard to public printing.

On motion,



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

THURSDAY, FEBRUARY 4th, 1864.

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

President in the chair.

Prayer by the chaplain.

Roll called.

Absent—Mr. Johnson.

Journal read and approved.

Rev. B. C. Dennis appeared, and was sworn in as Chaplain of the Council.

The committee on rules for the government of the Council made the following report :

Your committee appointed to draft rules for the government of this Council, beg leave to report that they have examined the rules of the last session and recommend their adoption, with addition of a committee on mining, and also one on printing, increasing the number of standing committees from thirteen to fifteen, all of which is respectfully submitted.

R. BERRY, Ch'n.

On motion,

The report was received and adopted, and the committee discharged.

The joint committee on joint rules made the following report :

MR. PRESIDENT: Your committee on joint rules beg leave to report that they have examined the joint rules of the last session, and would respectfully recommend their adoption for the present session, all of which is respectfully submitted.

R. BERRY, Ch'n.

A. MARSH, Ch'n.

Report received and adopted, and the committee discharged.

The President announced the following as the standing committees of the Council :

*On Judiciary*—Messrs. Hallett, Bailey and Van Deren.

*On Finance and Means*—Messrs. Doyle, Loveland and Berry.

*On Education*—Messrs. Jones, Hallett and Widner.

*On Military Affairs*—Messrs. Whitsitt, Bailey and Esterday.

*On Highways and Bridges*—Messrs. Loveland, Bailey and Doyle.

*On Expenditures*—Messrs. Widner, Dominguez and Esterday.

*On Incorporations*—Messrs. Whitsitt, Van Deren and Bailey.

*On Territorial Library*—Messrs. Dominguez, Widner and Jones.

*On Elections*—Messrs. Berry, Esterday and Bailey.

*On Counties*—Messrs. Bailey, Doyle and Hallett.

*On Federal Relations*—Messrs. Berry, Jones and Dominguez.

*On Agriculture*—Messrs. Esterday, Doyle and Widner.

*On Mining Interests*—Messrs. Van Deren, Berry and Bailey.

*On Printing*—Messrs. Dominguez, Loveland and Van Deren.

*On Enrolling and Engrossing*—Messrs. Bailey and Widner.

Mr. Hallett presented the following joint memorial from His Honor, Judge Charles Lee Armor :

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

The 15th section of the act passed at session of 1861, approved November the 5th, provides that a jury fee of five dollars be taxed with the costs in each suit, which shall be collected by the Clerk of the Court and paid into the County Treasury, there to remain and be held as a special fund for the payment of juror's fees.

The 14th section of the same act provides that the Clerk of the District Court shall furnish each juror, when discharged, a certificate of the number of days he has attended, and that the County Treasurer shall pay to such persons, the sum provided for his services.

The act regulating the fees of jurors, &c., approved November 8th, 1861, provides that each juror shall receive two dollars per day, and fifteen cents for each mile traveled.

The County Commissioners of Gilpin County, hold that the special fund created by the act of 1861, is the only fund from which jurors are to receive their *per diem*, and if that be insufficient, as it always is, jurors must serve without pay.

This, in my opinion, erroneous construction of the law, has tended greatly to retard the administration of public justice in this county, for the reason that is impossible, without imposing fines for non-attendance, to get jurors to attend the terms of the Court, therefore, I would respectfully request your Honorable Bodies to pass an act declaratory of the true intent and meaning of the 15th section of the act of November 5th, 1861, and also commanding the Treasurer of Gilpin County to pay all such jurors who hold certificates as jurors, from the Clerk of the District Court.

The act concerning practice in civil cases, approved November 5th, 1861, section 41, provides that, in appeals to the Supreme Court, the bond shall be approved by the District Court.

I suggest the propriety of so amending this section, that the

bond may be approved by the Court, the Clerk of the Court, on the order of Judge, or by the Judges in vacation.

Very respectfully,

CHARLES LEE ARMOR,

Associate Justice of Sup. Court of Colorado Territory.

Received, and referred to the committee on judiciary.

Mr. Doyle offered the following joint resolution :

*Resolved, by the Council of Colorado Territory, the House concurring.* That the present commandant of the District of Colorado, Colonel J. M. Chivington, has discharged the important duties devolving upon him, as commandant of this District, ably and skilfully, and that the thanks of the people residing within this District are due to him for the same.

Also,

*Resolved,* That the thanks of this Legislative Assembly are hereby tendered to Col. Chivington for the able and patriotic manner in which he has discharged the duties of commandant of this District.

Read first and ordered to the second reading.

Mr. Hallett offered the following :

*Resolved,* That the public printer be instructed to print for the use of the Council five hundred copies of the Governor's message in English, and two hundred copies in Spanish ; also, fifty copies of the standing rules of this Council, with a list of the standing committees appointed by the President, appended thereto.

Mr. Widner moved to amend the resolution by inserting the words "one thousand" in place of "five hundred," and "five hundred in place of "two hundred."

After some debate, the ayes and noes were demanded, and the vote was as follows :

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Loveland, Van Deren and Widner—8.

Noes—Messrs. Hallett, Jones, Whitsitt and Mr. President

—4.

So the resolution, with the amendment, was adopted.

The following message was received from Hon. S. H. Elbert, Secretary of Colorado Territory :

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

To the Honorable, the President of the Council :

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

"This Department claims and exercises the right, under existing laws, to regulate the price and quantity of the Territorial printing.

"The limits of the annual appropriation, aside from any other consideration, would not admit of any indefinite action in this respect by the Assembly, you will, therefore suggest to the presiding officer of each House, that memorials, petitions and documents, having no necessary connection with the duties of legislation, or the dissemination of useful information among the people, will be excluded and not printed at the expense of the United States."

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

I am also authorized by the Department to furnish each member of the Legislature with one newspaper, during the session.

The members will oblige me by giving their names to the Clerk, with the name of the paper published in our Territory, which they may desire.

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

With great respect,

Your obedient servant,

SAM'L. H. ELBERT,  
Secretary of Colorado.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, }  
February, 4th, 1864. }

MR. PRESIDENT : I am instructed by the House to inform the Council that the House has passed the following joint resolution, and respectfully ask your concurrence therein.

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

B. B. STILES,

Clerk of the House.

Mr. Esterday moved that the rules be suspended and the resolution of the House adopted.

Mr. Loveland moved to lay the motion on the table.

The ayes and noes were called for, and there were:

Ayes—Messrs. Loveland, Widner and Mr. President—3.

Noes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Jones, Van Deren and Whitsitt—9.

So the motion to lay on the table was lost.

On motion,

The rules were suspended, and

H. J. R. No. 1 was adopted by the following vote:

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Van Deren and Whitsitt—8.

Noes—Messrs. Jones, Loveland, Widner and Mr. President—4.

The Council then adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

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

President in the chair.

Quorum present.

Mr. Hallett gave notice that he would, on Monday next or some subsequent day, introduce a bill for an act to amend an act entitled "an act concerning practice in civil cases."

Also,

A bill for an act to amend an act entitled "an act regulating the mode of proceeding in replevin."

Also,

A bill for an act to amend an act entitled "an act concerning jurors."

Mr. Bailey gave notice that he would, on Monday next, or some subsequent day, introduce a bill entitled "an act to locate the County of Summit, and to legalize certain acts therein named."

Mr. Dominguez gave notice that he would, on Monday next, or some subsequent day, introduce a bill for "an act providing for an appropriation for printing the laws in the Spanish language."

Mr. Bailey made the following report:

The committee on enrolled and engrossed bills report that they have examined joint resolution No. 1 and find the same correctly enrolled.

Mr. Whitsitt offered the following :

*Resolved*, That the thanks of the Council are hereby tendered to the citizens of Golden City generally, for the kind hospitalities extended to them, and particularly to the Hon. W. A. IL Loveland for the many courtesies received during their sitting in this city.

On motion,

The resolution was unanimously adopted.

On motion,

The Council adjourned until Monday next, 8th inst., at 2 o'clock p. m.

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MONDAY, FEBRUARY, 8, 1864.

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

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Johnson.

Journal read and approved.

On motion, C. J. R. was taken up, read a second time and referred to the committee of the whole.

Mr. Hallett introduced C. B. No. 1, an act to amend an act entitled "an act concerning practice in civil cases."

On motion,

The bill was read 1st. time, and ordered to the second reading.

Mr. Whitsitt gave notice that he would on to-morrow or some subsequent day, introduce the following bills :

A bill for an act to amend an act, entitled "an act to incorporate, Saint John's Church in the Wilderness."

An act to amend an act, entitled "an act to incorporate the city of Denver.

On motion.

The Governor's Message was referred to the appropriate committee.

The following communications, with accompanying reports, were received from the Treasury Department.

## TREASURER'S REPORT.

TREASURY DEPARTMENT, COLORADO TERRITORY,  
TREASURER'S OFFICE, JANUARY 1, 1864.

To the General Assembly of Colorado Territory:

In pursuance of law, I have the honor of submitting the following report of the business of this Department during the two fiscal years commencing November 12th, 1861, and ending December 31st, 1863.

## RECEIPTS.

Dec. 31, 1862	Total amount of revenue received to date	\$ 4 362 84
Dec. 31, 1863	Total amount of revenue received to date	11.532 02

## DISBURSEMENTS

Dec. 31, 1862	Total amount of Auditor's warrants redeemed	3.926 10
Dec. 31, 1863	Interest paid on the same	64 03
	Auditor's warrants redeemed	10.515 15
	Interest paid on the same	1,019 70
	Milage paid County Treasurers	312 20
	Balance in Treasury	57 68
		<hr/>
Jan. 1, 1864	Balance in Treasury	\$15,894 86 \$15,894 86 57.68

The table and statements annexed will exhibit the receipts into the Treasury and the balance due from the several counties; also the disbursements from the several funds of the Territory; the amount of warrants issued, redeemed and outstanding, and the disbursements of the Treasury contingent Fund.

## REVENUE.

From the several Counties and balance due from same.

	AMN'T PAID.	BAL. DUE
Arapahoe County	\$ 6,391 12	\$ 592 31
Boulder	595 67	154 13
Clear Creek	96 00	614 44
Conejos		
Costilla	945 92	507 61
Douglas	344 27	85 41
El Paso	276 47	37 23
Fremont	228 00	69 78
Gilpin	4,221 94	1,258 75

Huerfano	200 00	512 64
Jefferson	909 16	292 46
Lake	30 00	191 00
Laramie		
Park	914 89	222 13
Pueblo	200 69	
Summit	45 50	152 97
Weld	495 23	277 97
	<hr/>	<hr/>
	\$15,894 86	\$4,986 83

To the above footings add \$360.14 unavailable Taxes returned from Arapahoe County; shows the total revenue levied for the years 1862 and 1863—\$21,223 83, as reported to this office by the Auditor.

There has been disbursed from the different funds during the two fiscal years just closed as follows:

## UPON WHAT FUND PAID.

From Legislative Fund	7,662 90
“ Treasurer’s Salary Fund	1,985 25
“ “ Contingent Fund	501 50
“ Auditor’s Salary Fund	1,835 00
“ “ Contingent Fund	604 10
“ Superintendents Salary Fund	875 00
“ Contingent Fund	132 00
From General Contingent Fund upon	
Auditor’s warrants	847 50
Interests on warrants	1,083 73
Mileage to County Treasurers	312 20
	<hr/>
	\$15,837 18

The total amount of warrants issued during the two fiscal years as appears from the Auditor’s monthly statements received at this office is as follows:

Total amount of Auditor’s Warrants issued,	14,987 36
Deduct amount redeemed	14,441 25
Leaves outstanding	346 11
	<hr/>
	2243.43
	<hr/>
	\$14,987 36 \$14,987 36



## DISBURSEMENT OF THE TREASURER'S CONTINGENT FUND.

There has been paid out of this fund for the contingent expenses of the Treasurer's office as follows :

For rent of office, use of safe and fuel for two years	\$407 50
Stationery	40 00
Books	30 00
Seal and press	20 00
Printing	9 00
Sign	5 00
	<hr/>
	\$511 50

The above report is respectfully submitted,

GEORGE T. CLARK,

Treasurer of Colorado Territory.

The undersigned appointed by the Secretary of Colorado Territory for the purpose of settling with the Auditor and Treasurer of said Territory have examined the accounts of George T. Clark, Treasurer of said Territory from November 12th A. D. 1861, to December 31st, 1863, both days inclusive, and have compared the same with the several vouchers, and find the same correct.

A summary statement of said accounts is given above and we find the balance on hand on the 31st. day of December 1863 to have been fifty-seven dollars and sixty-eight cents. [\$57 56].

MOSES HALLETT,

Member of the Council.

M. C. WHITE,

JEROME B. CHAFFEE,

Members of the House.

TREASURERS OFFICE, January 27th, 1863.

## AUDITOR'S REPORT.

AUDITOR'S OFFICE, COLORADO, }  
January 1st, 1864. }

*To the Honorable, the Legislative Assembly of Colorado Territory :*

In pursuance of law, I have the honor of submitting to your Honorable body the following report, showing the condition of the revenue of the Territory, and the doings of this office during the two fiscal years, commencing November 12th, 1861, and ending December 31st, 1863—containing the following exhibits :

- 1st.—Receipts and disbursements of the revenue.
- 2d.—Expenditures of the Territory, and to what account charged.
- 3d.—Warrants issued, redeemed and outstanding.
- 4th.—Resources of the Territory.
- 5th.—Indebtedness of the Territory.
- 6th.—Estimated expenditures for the two ensuing years.
- 7th.—Disbursement of the Auditor's Contingent Fund.
- 8th.—Statement "A," showing the balance of tax due from Counties.
- 9th.—Statement "B," showing the amount of taxable property assessed in the several Counties for the year 1862 and 1863.
- 10th.—Statement "C," showing the aggregate valuation of property in the several counties, the amount of Territorial taxes levied, the amount paid, the amount returned as unavailable, and the balance now due.
- 11th.—Remarks on revenue.
- 12th.—General remarks.

## 1- RECEIPTS AND DISBURSEMENTS OF THE REVENUE.

Dec. 31, 1862—To am't of revenue received to date		\$4,362 84
Contra		
By Auditor's warrants redeemed to date,	3,926 10	
Interest paid on the same,	64 03	
Balance down	372 71	\$4,362 84
To bal. brought down,	372 71	
June 30, 1863—To am't of revenue received last 6 months,	823 01	\$1,195 72
Contra.		
By Auditor's warrants redeemed,	754 45	
Interests paid on the same,	23 26	
Balance down,	418 01	\$1,195 72
To balance brought down,	418 01	
Dec. 31, 1863—To am't revenue rec'd in last 6 months,	10,709 01	\$11,127 02
Contra,		
By Aud's warrants redeemed	9,760 70	
Interest paid on the same,	996 44	
Mileage paid County Treasurers,	312 20	
Balance down	57 68	\$11,127 02
Jan'y 1, 1864—To bal. of revenue in Treasury,		\$57 68

## 2.—EXPENDITURES.

Showing the amount of warrants issued, to what accounts charged, and other expenditures during the two fiscal years just closed.

Upon what fund drawn	Am't expended.	Am't unpp'ted and udrawn	
Legislative Fund,		\$7.796 90	\$2.202 10
Treasurer's Salary Fund,		1.995 25	554 75
Treasurer's Contingent Fund		511 50	488 50
Auditor's Salary Fund,		1.995 25	554 75
Auditor's Contingent Fund,		648 35	351 65
Ter Supt's. Salary Fund,		940 28	109 72
“ “ Contingent Fund,		164 50	435 50
“ Librarian's Salary Fund,		78 33	1.196 67
“ “ Contingent Fund.		8 50	466 50
General Contingent Fund,			
Warrants issued,	\$ 847 50		
Interest paid,	1.083 73		
Mileage paid Treasurers	312 20	2.243 43	2.757 57
			<hr/>
		\$16383 29	\$9.117 71

## 3.—AMOUNT OF WARRANTS ISSUED, REDEEMED, AND OUTSTANDING.

Total amount of warrants issued during the two fiscal years just closed,	\$14.987 36	
Deduct amount redeemed, leaves outstanding,	14.441 25	\$546 11

## 4.—RESOURCES OF THE TERRITORY.

Balance of revenue in the Treasury,		57 68
Balance of revenue due from Counties,	\$4.968 83	
Less 20 per ct. estimated unavailable,	993 76	3.975 17
Probable tax of 1864, at three mills,		15 000 00
Probable tax of 1865, at 2½ mills,		15.000 00
		<hr/>
		\$34.032 85

The above estimated unavailable tax is deducted from the actual taxes now due from the several counties, upon the supposition that County Treasurers will fail to make up the usual deficiencies by additional assessments, or the collection of interests from delinquents; but in most cases where proper reports are made by County Clerks, the additions nearly equal the losses.

I would here suggest that that the revenue law be so amended, that it shall be the duty of the Clerk of each County to make an annual report to the Auditor, showing the condition of the Territorial revenue in his County. I have sought to inaugurate this system, and have forwarded to the several counties suitable blanks for the purpose; but in many cases, the Clerks

have declined to report, alledging that they are not required by law to do so.

#### 5.—PRESENT INDEBTEDNESS OF THE TERRITORY.

Balances now due the Territorial Officers on account of salaries, about	\$700 00
Amount due for local services of the Att'y General,	100 00
Probable Interest on outstanding warrants,	25 00
Probable mileage due County Treasurers,	200 00
Salary of Adjutant General of Militia,	200 00
Due Assessors for enrolling Militia, say	250 00
	\$1.475 00

The above is as near the aggregate indebtedness of the Territory, as can be determined from data at hand. Accounts for services in the Militia Department have been presented, but as there has been no appropriation made to this fund, payment has been deferred.

#### 6—ESTIMATED EXPENDITURES.

For the two fiscal years commencing January 1st, 1864, and ending December 1st, 1865, exclusive of extraordinary appropriations, which may be made for purposes not here enumerated. Also, amount of appropriations undrawn, and estimated appropriations necessary to pay salaries, and other expenses, to December 31st, 1865.

	Estimated Expur's.	Am't aprop's undrawn.	Estn'te of ap- pr'ps to Dec. 31, 65
Legislative Fund	\$6.000 00	\$2.202 10	\$6.000 00
Treasr's Salary	" 2.400 00	554 75	2.400 00
" Conting't	" 1.000 00	488 50	1.000 00
Auditor's Salary	" 2.400 00	554 75	2.400 00
" Conting t	" 1.000 00	351 65	1.000 00
Ter. Super't. Sal'y	" 1.000 00	109 72	1.000 00
" " Contg't	" 5.00 00	435 50	200 00
" Librarian's Sal.	" 1.200 00	1.196 67	100 00
" " Contg't.	" 500 00	466 50	100 00
" Militia	"		500 00
Gen. Contingent	" 5.000 00	2.756 57	300 00

#### 7.—DISBURSEMENT OF THE AUDITORIAL CONTINGENT FUND.

There has been paid out of this fund for contingent expenses as follows:

For office rent and fuel,	\$331 25
For Furniture,	107 25
For Printing,	98 65
For Books and Stationery,	91 20
For One year's subscription to the Daily Commonwealth,	20 00
Total,	\$648 25

## 8.—STATEMENT "A,"

Showing the balance on the books of this office, due from the several Counties on the 31st of December:

Arapahoe County,	\$592 31
Boulder "	154 13
Clear Creek "	614 44
Costilla "	507 61
Douglas "	85 41
El Paso "	37 23
Fremont "	69 78
Gilpin "	1,258 75
Huerfano "	512 64
Jefferson "	292 46
Lake "	191 00
Park "	222 13
Summit "	152 97
Weld "	277 97
	<u>\$4,968 83</u>

## 9.—STATEMENT "B,"

Showing the valuation of Taxable property for the years 1862, and 1863.

	VALUATION 1862	VALUATION 1863
Arapahoe County	1082,860 00	1365,054 00
Boulder "	106,826 00	143,106 00
Clear Creek "	75,813 00	160,740 85
Conejos "		
Costilla "	193,803 33	290,706 66
Douglas "	57,296 66	85,936 00
El Paso "	26,142 00	75,090 00
Fremont "	39,693 33	59,566 66
Gilpin "	808,710 35	1018,187 00
Huerfano "	74,396 00	160,203 00
Jefferson "	176,186 75	224,351 00
Lake "		73,672 72
Laramie "		
Park "	185,370 00	193,337 00
Pueblo "	66,896 00	
Summit "	36,396 66	
Weld "	103,093 00	154,640 00
	<u>\$3,051,485 08</u>	<u>\$4,004,890 89</u>

The County Officers of Conejos have refused to levy a tax in the county until quite recently. This office is now advised that an assessment is being made and that a tax will be levied and collected at an early day.

I am informed by the Clerk of Laramie County, that there is

really no organization of the county. Elections have been held and officers elected, but in nearly every instance, they have neglected or refused to qualify. Hence there has been no assessment reported.

In Summit County an assessment was made in 1862, and a small amount of the Territorial tax paid over; since which time no advices have been received from the county until quite recently. A communication from the present Clerk of the county informs me that there are but two or three officers in the county, beside himself, and that they are without Courts or County Government. Whether the balance of the Territorial tax levied in 1862 has been collected or not, I am still unadvised.

No assessment was made in Lake County in 1862, for the reason, (I am informed,) that but few, if any officers elected for that year qualified or entered upon the duties of their office.

The abstract of assessment of Pueblo County has not been received for the year 1863. An assessment has been made, and the abstract written for, but up to this date it has not come to hand.

Every effort practicable has been made by this office to secure the collection of the revenue in all the counties, but it is exceedingly difficult to enforce the observance of the laws when citizens are not sufficiently interested to qualify and—at least—attempt to discharge their official duties when elected.

## 10.—STATEMENT "C."

Counties.	Valuation of Taxable Property, 1852.	Valuation of Taxable Property, 1863.	Ter'ial Tax levied for 1852.	Ter'ial Tax levied for 1863.	Total Territorial Tax levied.	Amount collect'd and Paid Over.	Balance Unpd.
Arapahoe,	1,082,860 00	1,365,054 00	3,248 57	4,095 00	7,343 57	6,391 12	592 3
Boulder,	106,826 00	143,106 00	320 48	429 32	749 80	595 67	154 13
Clear Cr'k	75,813 00	160,740 85	227 44	483 00	710 44	96 00	614 44
Conejos,							
Costilla,	193,803 33	290,706 66	581 41	872 12	1,453 53	945 92	507 61
Douglas,	57,296 66	85,936 00	171 87	257 81	429 68	344 27	85 41
El Paso,	26,142 00	95,090 00	78 43	225 27	313 70	276 47	37 23
Fremont,	39,693 33	59,556 66	119 08	178 70	297 78	228 00	69 78
Gilpin,	898,710 35	1,018,187 00	2,426 13	3,054 56	5,480 69	4,221 94	1,258 75
Huerfano,	74,396 09	160,203 00	223 19	489 45	712 64	200 00	512 64
Jefferson,	176,186 75	224,351 00	528 56	673 06	1,201 72	909 16	292 46
Lake,		73,672 72		221 00	221 00	30 00	191 00
Larimer,							
Park,	185,370 00	193,637 00	556 11	580 91	1,137 02	914 89	222 13
Pueblo,	63,896 00		200 69		200 69	200 69	
Summit,	36,398 66		198 47		198 47	45 50	152 97
Weid,	103,093 00	154,640 00	309 28	463 92	773 20	495 23	277 97
	3,051,485 08	4,004,890 89	9,189 71	12,024 12	21,223 93	15,894 86	4,968 83

Taxes returned Unavailable, (Arapahoe County) \$360 14.  
It is hoped that some measures will be adopted at your pres-

ent session to enforce the payment of back taxes in all the delinquent counties.

It would seem that a much greater amount of revenue should be derived from the various mining districts, if the assessments were made in strict conformity with the law. In the County of Gilpin particularly, where so large an amount of capital is employed in mining operations, the assessment is small. The reason given by the County Treasurer of said county, for this seeming deficiency, is that very little, if any, of the capital invested in mining claims—and employed in working the same, is listed or assessed.

Some special legislation in regard to tax upon mining interests and capital invested in mining claims, is deemed advisable.

Section 2 Article four of the laws of 1861 requires the Treasurers of counties to make a settlement with this office on the first Monday of October of each year, while section 60 of the law providing for the collection of the revenue, provides that all collectors of the revenue shall pay over all funds in their hands, belonging to the Territory, on the 15th of December and June annually. Were these portions of the law strictly adhered to, it would impose an onerous task upon the Treasurers of remote counties, for which they would be poorly paid, while the mileage to which they would be entitled, would greatly reduce the revenue. In this connection I desire to call your attention to the fact that certain amendments to the revenue law, passed at the last session, render much of the law entirely inoperative,

The opinion has been held at this office, that the delinquent taxes mentioned in section 42 of the revenue law applies only to taxes upon real estate. In accordance with that opinion County Treasurers have been instructed, that all taxes heretofore levied, should be regarded as personalty tax, and collected as such. But many of the Treasurers have entertained different views, and returned a large amount of tax as delinquent. I would respectfully suggest that the law be so amended as to render County Treasurers liable upon their bonds for all the personalty tax due the Territory, after the first day of December in each year, together with interest upon the same at the rate of 5 per cent per month until paid. The revenue is greatly diminished by the interest accruing upon Auditor's warrants, in consequence of want of promptness on the part of County Treasurers.

A very large amount of revenue, for the use of counties, might be derived from the collection of a poll tax, if the law were so amended as to render the collection of such a tax practicable. Under the present law, an additional tax is imposed upon the owners of property, while those whom the law was doubtless intended to reach, pay the tax or not, as they choose.

Such amendments to the revenue law as will secure a proper co-operation of the various county officers with this office, will result in a speedy and prompt collection and return of the revenue, and add much to the credit and prosperity of the Territory.

Respectfully submitted,

M. M. DE LANO,  
Territorial Auditor.

The undersigned appointed by the Secretary of Colorado Territory for the purpose of settling with the Auditor and Treasurer of said Territory, have examined the accounts of M. M. DeLano, Auditor of said Territory, from November 12th, 1861, to December 31st, 1863, both days inclusive, have compared the same with several vouchers in his office and find the same correct—except as to the item of \$20 for one year's subscription to the *Daily Commonwealth*—charged in the contingent expenses of the said Auditor, which in our opinion is not authorized by law. We find that warrants have been issued, amounting in the aggregate to the sum of Fourteen Thousand Nine Hundred and Eighty-Seven Dollars and Thirty-Six Cents—of which Fourteen Thousand, Four Hundred and Forty-One Dollars and Twenty-Five Cents have been redeemed by the Treasurer.

Given under our hands this twenty-eighth day of January, A. D. 1864.

MOSES HALLETT,

*Member of the Legislative Council,*

JEROME B. CHAFFEE,

MARK C. WHITE,

*Members of the General Assembly.*

### LIBRARIAN'S REPORT.

OFFICE OF TERRITORIAL LIBRARIAN, }  
DENVER, February 1, 1864. }

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

SIR—I have the honor to transmit through you to the Legislative Assembly, the first annual Report in this Department.

Very Respectfully, your obedient servant,

W. S. WALKER, Territorial Librarian.



OFFICE OF TERRITORIAL LIBRARIAN, }  
DENVER, December 31, 1863. }

To the Honorable, the Legislative Assembly of Colorado Territory:

GENTLEMEN—In accordance with Section 9. of the Act "To establish a Territorial Library and Cabinet," I have the honor to submit the following report:

The Library, at present, contains eight hundred and eighteen volumes as follows:

554 vols.	Congressional Laws and Documents.
206 "	State " " "
23 "	Territorial " " "
35 "	Miscellaneous.

I am informed, indirectly, that the appropriation of two thousand five hundred dollars made by Congress, March 3d, 1863, for the purchase of a Territorial Library, for this Territory has been expended by the Secretary of the Interior, in the purchase of books for the Library. This amount will, or ought to, procure a valuable addition thereto.

Circulars have been issued inviting contributions to the Territorial Cabinet, provided for in the act referred to, but in consequence of the measures for establishing the Cabinet having been so recently taken, no specimens have as yet been received. It is believed however, that but a short time will elapse, before a valuable and attractive collection can be made.

Respectfully submitted,

W. S. WALKER,  
Territorial Librarian.

Expended on account of Territorial Library from November 13th, to December 31st, 1863.

For printing book labels, circulars, and advertising,	\$21.50
For stationery,	8.50
For Librarian's salary, from Nov. 13th, to Dec. 31st.	78.33

Total, \$108.33

Books in Colorado Territorial Library, December 31st, 1863:

CONGRESSIONAL.		Vols.
Reports from Court of Claims,		
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Law reports, Vols. 5 to 10,	6
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Howard's Reports, Vols. 21, 22, 23, 24,	4

On motion,

The reports were received and referred as follows:

Treasurer's and Auditor's reports to the committee on expenditures.

Librarian's report to committee on Territorial Library.

Mr. Hallett moved that the Enrolling Clerk of the Council, in addition to his other duties, be instructed to act as Clerk to the committee on judiciary.

Carried,

On motion of Mr. Hallett,

The rules were suspended, and

C. B. No. 1 was taken up, read the 2nd time and referred to a committee of the whole.

Mr. Whitsitt moved that the Council go into a committee of the whole for the consideration of C. B. No. 1.

Carried.

On motion,

The committee rose and reported through their Chairman as follows:

The committee of the whole having had under consideration

C. B. No 1, a bill for an act to amend an act entitled "an act concerning practice in civil cases," respectfully report the same back to the Council with the following addition and amendment. viz :

Add the following section :

"This act shall take effect and be in force from and after its passage, and all laws and parts of laws inconsistent with this act are hereby repealed."

Strike out the word "white," in section 4, and recommend its passage.

R. O. BAILEY, Cl'n.

On motion of Mr. Loveland,

The report of the committee of the whole was received and adopted.

Mr. Whitsitt moved that

C B. No. 1 be considered engrossed, read 3rd time and put upon its final passage.

Carried.

C. B. No. 1 was taken up, read 3rd time and passed by the unanimous vote of the Council.

Title agreed to.

On motion of Mr. Hallett,

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

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TUESDAY, FEBRUARY 9th, 1864.

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

President in the chair.

Prayer by the chaplain.

Roll called.

Absent—Mr. Johnson.

Journal read and approved.

Mr. Widner offered the following resolution :

*Resolved*, That the regular hours for the convening of the Council shall be at 10 o'clock a. m. and 2 o'clock p. m., unless otherwise ordered.

On motion,

The resolution was adopted.

Mr. Hallett gave notice that he would, on to-morrow or some subsequent day, introduce a bill for an act to enable the Pacific Telegraph Company to construct lines of telegraph in this Territory and to protect the same.

Mr. Dominguez introduced

C. B. No. 2, "an act providing for an appropriation for printing the laws in the Spanish language."

Read first time and ordered to second reading.

Mr. Bailey introduced

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

Bill read first time and ordered to the second reading.

Mr. Widner gave notice that he would, on to-morrow or some subsequent day, introduce a bill for an act for the incorporation of a Territorial Board of Agriculture.

The President announced that he had referred the Governor's message to the following committees :

Territorial finances, to committee on Finance, Ways and Means.

Public Schools, to committee on Education.

Territorial cabinet and library, to committee on Territorial Library.

Militia to committee on Military Affairs.

Soldier's vote, to committee on Military Affairs.

Indian affairs, to committee on Federal Relations,

General incorporation law, to committee on Incorporations.

Mining interests, committee on Mining Interest.

Agriculture, to committee on Agriculture.

Emigration, recommended to be referred to a special committee.

Pacific Railroad, to committee on Incorporations.

Direct road to Salt Lake, to committee on Highways and Bridges.

Capitol buildings and Penitentiary, to committee on Expenditures.

Rights of water for irrigation, to committee on Agriculture.

Printing the laws in Spanish, to committee on Printing.

Federal Relations, to committee on Federal Relations.

Mr. Berry moved that a committee of three be appointed on emigration.

Carried.

The Chair appointed Messrs. Berry, Dominguez and Doyl as said committee.

On motion of Mr. Bailey,

C. J. R. No. 1 was taken up and ordered to be engrossed.

Mr. Loveland offered the following resolution :

*Resolved.* That the Secretary of this Council is hereby directed to furnish to the public printer of this Territory a copy of the proceedings of this House up to the present time and a copy of the

journal, daily, during the remainder of the session, in order that the same may be published for the use of the Council.

Mr. Hallett moved to lay the resolution on the table.

Carried.

Mr. Widner offered the following :

*Resolved*, That this Council order printed for its use, five hundred copies in English, and one hundred copies in Spanish, each, of the several reports of the Territorial officers.

The ayes and noes were called for.

Those voting in the affirmative were :

Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Jones, Loveland, Widner and Mr. President.

Those voting in the negative were :

Messrs. Hallett, Van Deren and Whitsitt.

Ayes—9.

Noes—3.

So the resolution was adopted.

Mr. Whitsitt moved that the Council adjourn until to-morrow at 10 o'clock a. m.

Lost.

The committee on enrolled and engrossed bills made the following report :

MR. PRESIDENT: Your committee on Enrolled and Engrossed bills have examined C. J. R. No. 1, and find the same correctly engrossed.

R. O. BAILEY, Ch'n.

On motion,

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

#### AFTERNOON SESSION.

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

President in the chair.

Quorum present.

Message from the House,

HOUSE OF REPRESENTATIVES,  
February 9th, 1861.

MR. PRESIDENT: I have the honor to inform your Honorable Body that the House has passed C. B. No. 1, a bill for an act to amend an act entitled "an act concerning practice in civil cases.

Your obedient servant,

B. B. STILES,

Chief Clerk of the House.

A committee from the House appeared and invited the Coun-

cil to participate with the House in the ceremony of raising the National banner in front of the House of Representatives, at 4 o'clock p. m.

On motion,

The invitation was accepted.

Mr. Dominguez asked leave of the Council to withdraw

C. B. No. 2, an act providing for an appropriation for printing the laws in the Spanish language, and substitute another bill in lieu thereof.

On motion,

Leave was granted, and

C. B. No. 2 was withdrawn.

Mr. Doyle moved that the Sergeant-at-Arms be directed to procure a map of the Territory for the use of the Council.

Motion adopted.

On motion,

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

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### WEDNESDAY, FEBRUARY 10, 1864.

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

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Johnson.

Journal read and approved.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February, 9th. 1864, }

MR. PRESIDENT: I am instructed by the House to inform your Honorable Body, that the House has passed House Joint Resolution, No. 2, approving the administration of Abraham Lincoln, President of the United States, and ask your concurrence therein.

Very Respectfully,

B. B. STILES,

Chief Clerk of the House.

In accordance with previous notice Mr. Whitsitt introduced

C. B. No. 4, An act amendatory of an act to Incorporate St. John's Church in the Wilderness.

Which was read first time by its title, and ordered to the second reading.



Mr. Berry gave notice that he would on to-morrow, or some subsequent day, introduce a bill for an act for the collection of debts in certain cases, and for the benefit of insolvent debtors.

Mr. Dominguez, in pursuance of a previous notice, introduced substitute to

C. B. No. 2, An act providing for an appropriation for printing the laws in the Spanish language.

Bill read first time by its title and ordered to the second reading.

Mr. Hallett gave the following notice :

I will on to-morrow, or some subsequent day, introduce a bill for an act concerning forcible entry and detainer, and unlawful detainer.

Also,

A bill for an act to amend an act entitled "An act concerning bills of exchange and promissory notes."

Previous notice having been given,

Mr. Hallett introduced the following bills :

C. B. No. 5, An act to amend an act entitled "An act regulating the mode of proceeding in replevin.

Also,

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

Both bills were read first time by their titles and ordered to the second reading.

Mr. Jones gave notice that he would on to-morrow, or some subsequent day, introduce a bill for an act to incorporate the "Old Rosey Mining, Fluming, Ground Sluicing and Hydraulic Company," in Park county, C. T.

Mr. Doyle, gave notice that he would on to-morrow, or some subsequent day introduce a bill for an act to locate the county seat of Huerfano county, and define boundary lines of said county.

C. J. R. No. 1, was taken up and referred to committee on military affairs.

H. J. R. No. 2, was taken up read first time and ordered to the second reading.

C. B. No. 3 was taken up, read second time by its title, and referred to the committee on counties.

On motion of Mr. Berry,

The Council adjourned until to-morrow at 2 o'clock p. m.

THURSDAY, FEBRUARY, 11, 1864.

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

President in the chair,

Roll called.

Absent—Messrs. Johnson, Hallett, and Van Deren.

Journal read and approved.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 11, 1864. }

MR. PRESIDENT: I am instructed to inform your honorable body that the House has passed the following bills, and respectfully request your concurrence therein:

H. B. No. 2, A bill defining the manner of sub-dividing sections, as established by United States surveys, in Colorado Territory.

H. B. No. 3, a bill for an act to legalize the records of Fremont County.

H. B. No. 5, a bill for an act to amend "an act concerning judgments and executions.

Very Respectfully,

B. B. STILES,  
Chief Clerk of the House.

The committee on Counties submitted the following report:

MR. PRESIDENT: The committee on Counties, to whom was referred C. B. No. 3, respectfully ask leave to report that, they have examined the same and report it back to the Council and recommend that the bill be passed, with the following amendment:

Strike out the two last lines in section one, and in lieu thereof insert the following:

*Provided*, That if a majority of the legal voters of said county, voting at any general election, shall hereafter at any such election, designate any place other than said Breckenridge, as the County Seat of said County, such place shall therefrom be and become the County Seat of said County."

R. O. BAILEY, Ch'n.

Messrs. Hallett and Van Deren appeared in their seats.

On motion,

The report was received.

The committee on Military Affairs made the following report:

MR. PRESIDENT: Your committee to whom was referred C. J. R. No. 1, beg leave to report that, they have examined the same, and report it back to the Council with the following additions thereto:

“And that the thanks of this Legislative Body are also tendered to the Colorado troops for their zeal in supporting the civil officers of this Territory and maintaining the honor of the National banner.

And that a copy of these resolutions be sent to Colonel Chivington, commanding the District, and the different newspapers of the Territory for publication, and the same be spread upon the journals of this Legislative Body, and recommend its passage,” all of which is respectfully submitted.

R. E. WHITSITT, Ch'n.

On motion,

The report was received.

Previous notice having been given, Mr. Berry introduced C. B. No. 7, an act for the collection of debts in certain cases, and for the benefit of insolvent debtors.

Mr. Doyle introduced

C. B. No. 8, a bill for an act to change the boundaries of Huerfano County, and re-locate its County Seat.

Mr. Esterday gave notice that he would, on to-morrow or some subsequent day, introduce a bill for an act to locate the County Seat of Costilla County.

Mr. Whitsitt gave notice that, on to-morrow or some subsequent day, he would introduce a bill for an act to enable soldiers to hold, either by discovery or purchase, mining claims and other property.

Also,

A bill for an act entitled “an act in relation to soldier's voting.

Mr. Loveland gave notice of the introduction of the following bills:

An act to incorporate the Denver Manufacturing and Milling Company.

An act amendatory of “an act to incorporate the Golden City and Arapahoe Ditch Company.”

Also,

An act explanatory of the charter of the Clear Creek and Guy Gulch Wagon Road Company.

On motion,

The following bills were taken up, read first time by their titles and ordered to their second reading:

C. B. No. 7, an act for the collection of debts in certain cases, and for the benefit of insolvent debtors.

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

H. B. No. 2, a bill defining the manner of subdividing sections, as established by United States surveys in Colorado Territory.

H. B. No. 3, An act to legalize the records of Fremont County.

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

C. B.'s Nos. 6 and 4 were taken up, read second time and referred to committee on Incorporations.

C. B.'s Nos. 2 and 5 were read second time, and,

On motion of Mr. Hallett,

C. B.'s Nos. 2, 3 and 5 were referred to Committee of the Whole.

On motion of Mr. Berry,

The Council resolved itself into a Committee of the Whole on general file.

Mr. Loveland in the Chair.

On motion of Mr. Mather,

The Committee of the Whole rose and reported as follows :

MR. PRELIDENT : The Committee of the Whole having had under consideration

C. B. No. 5, an act to amend an act entitled "an act regulating the mode of proceeding in replevin," beg leave to report that they have duly considered the provisions of the same, and report it back with the following amendment :

In third line of section three, insert after the word "hours" the words "exclusive of Sundays," and recommend that it do pass.

Also,

C. B. No. 3, "an act to locate the County Seat of Summit County and legalize certain acts therein named," and report the same back to the Council with the recommendation that the amendments recommended in the report of the committee on Counties, to whom the bill was referred be adopted, and recommend its passage.

Also,

C. B. No. 2, "an act providing for an appropriation for printing the laws in the Spanish language," and recommend that it be referred to a special committee.

Also,

C. J. R. No. 1, and report it back to the Council recommending the adoption of the amendments embodied in the report of the committee on Military Affairs.

W. A. H. LOVELAND. Ch'n.

On motion,

The report was received, and,

On motion of Mr. Loveland,

C. B. No. 2 was referred to a committee of four, consisting of Messrs. Loveland, Dominguez, Van Deren and Esterday.

Mr. Hallett moved the adoption of the amendments to C. B. No. 5, as reported by the Committee of the Whole. Carried.

On motion of Mr. Hallett,

C. B. No. 5 was considered engrossed, and ordered to the third reading.

On motion,

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

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FRIDAY, FEBRUARY 12th, 1864.

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

President in the chair.

Roll called.

Absent—Messrs. Johnson and Whitsitt.

Journal read and approved.

Mr. Whitsitt appeared in his seat.

Committee on Territorial Library, made the following report.

MR. PRESIDENT.—Your committee to whom was referred the Report of the Territorial Librarian, beg leave to report that they have examined the same, and would recommend that it be approved,

C. DOMINGUEZ, Ch'n.

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

A bill, to extend the jurisdiction of Probate Judges and Justices of the Peace.

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

A bill for an act entitled an act, to incorporate the United States Trust and Banking Company of Colorado.

Previous notice having been given.

Mr. Esterday introduced.

C. B. No. 9, an act to locate the County Seat of Costilla County.

Read first time and ordered,

C. B. No. 7, H. B. No. 5, C. B. No. 8 and H. B. No. 2.

Were taken up, read 2d. time, and referred as follows:

C. B. No. 7 and H. B. No. 5, to Committee on Judiciary.

C. B. No. 8, to Committee on Counties.

H. B. No. 2, to Committee on Agriculture.

The report of the committee of the whole, was taken up, and,

On motion, of Mr. Hallett.

The balance of the report was adopted.

On motion of Mr. Hallett,

The rules were suspended and,

C. B. No. 5, was taken up, considered engrossed, read third time, and passed by the following vote.

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Easterday, Hallett, Jones, Loveland, VanDeren, Whitsitt, Widner, Mr. President.

Noes—0.

Title agreed to.

Mr. Hallett moved that the Council go into a committee of the whole.

Carried.

Mr. Hallett in the chair.

On motion,

The committee arose and reported through their chairman, as follows :

The committee of the whole, respectfully report that they have considered,

H. J. R. No. 2, and recommend that the same be amended by substituting the following resolution, introduced by Mr. Whitsitt, instead thereof.

The representatives of the people of the Territory of Colorado in General Assembly convened, believing that the present war against secession, and rebellion, has been prosecuted with signal ability, and a patriotic devotion to the cause of the Republic, and that the war should be further prosecuted until the rightful supremacy of our Flag shall be established throughout all the States and Territories, and until the just rule of our National Constitution and laws, shall be universally recognized and obeyed throughout the whole country, and believing further that the National Executive has discharged the arduous duties imposed upon him, in the perilous crisis through which the nation is passing, with fidelity to the nation, integrity of purpose and ability as a ruler, which entitles him to the gratitude of a free people, and proclaim his fitness for the high position which he occupies, therefore, as a just expression of our views.

Be it.

*Resolved*, By the Council and House of Representatives of Colorado Territory.

1st. That we recognize in Abraham Lincoln, President of the United States, an able ruler, a just and honest President, and a worthy successor of the immortal Washington.

2d. That we cordially endorse the Administration of Pres

dent Lincoln, and heartily recommend him for re-election to the Presidency.

3d. That the Secretary of the Territory be requested to forward a copy of these resolutions to President Lincoln, the President of the Senate, and the Speaker of the House of Representatives.

On motion.

The report was received and adopted.

On motion of Mr. Hallett.

The rules were suspended, and substitute to,

H. J. R. No. 2. was taken up, read first, second and third times, considered engrossed, and passed unanimously.

Title agreed to.

Mr. Whitsitt gave the following notice.

I will on to-morrow or some subsequent day introduce a bill to Incorporate the Colorado and Denver Artesian Well Company.

Committee on expenditures reported as follows :

MR. PRESIDENT.—Your committee to whom was referred the report of the Territorial Treasurer, and Auditor would respectfully submit the following report.

After a careful and thorough examination of the above reports, we respectfully recommend their approval by the Council with the suggestions therein contained.

AMOS WIDNER, Ch'n.

On motion.

The report was received.

The committee on Highways and Bridges, made the following report:

MR. PRESIDENT:—Your committee on Highways and Bridges beg leave to report, that they have carefully examined that part of Governor John Evans' Message relative to Highways and Bridges, delivered to the Legislative Assembly of Colorado Territory in Joint session, Wednesday February 3d. 1864, and do approve of the same, and recommend that this House do give their cordial support to the recommendations therein contained,

W. A. H. LOVELAND, Ch'n

R. O. BAILEY,

J. B. DOYLE.

The Committee on Incorporations to whom was referred, C. B. No. 4. An act amendatory of an act, to Incorporate St. John's church in the Wilderness, and

## C. B. No. 6.

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

Reported, through their chairman, Mr. Whitsitt, that they had examined the same, and recommend their passage without amendment.

On motion.

Council adjourned until this Afternoon at 2 o'clock.

## AFTERNOON SESSION.

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

President in the chair.

Quorum present.

The Committee on Judiciary, through their chairman, Mr. Hallett, made the following report :

The Committee on Judiciary, to whom was referred,

C. B. No. 7, report that they have considered the same, and recommend that it be amended by inserting after the word "imprisonment" in the eighth line from the bottom of section 36, the following :

"And the compensation to which the jailor shall be entitled, for boarding such debtor, at the same rate that may then be paid by the County, for boarding County prisoners."

Also.

By striking out the word "four" in the fourth line from the top of section 38, and inserting therein the word "three."

And that the bill thus amended, be passed.

The committee report further, that they have considered,

H. B. No. 5 An act to amend an act entitled an act, concerning judgments and executions.

And recommend that the same be amended as follows :

Strike out all of section 1, after the word "six" in the fifth line from the top of said section.

Strike out all of section two, after the word "section" in the sixth line from the top of said section.

Add the following :

Sec. 5. "If any debtor shall be engaged in removing his or her property from this Territory, such property shall not be exempt from levy and sale, under execution or attachment,

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

And your committee further recommend that the bill thus amended be passed.



On motion,

The report was received.

The committee on enrolled and engrossed bills, made the following report:

MR. PRESIDENT:—Your committee on enrolled and engrossed bills, have examined C. B. No. 3, and find the same to be correctly engrossed.

R. O. BAILEY, Ch'n.

On motion of Mr. Bailey,

C. B. No. 3, was taken up, read third time and passed by the following vote:

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Jones, Loveland, VanDeren, Widner, and Mr. President, 11.

Absent—Mr. Whitsitt.

Title agreed to.

On motion of Mr. Dominguez,

The Council went into a Committee of the Whole.

Mr. Berry in the chair.

On motion of Mr. Hallett.

The committee rose, and reported through their chairman as follows:

The Committee of the Whole, having had under consideration, H. B. No. 5, and C. B. No. 7, report the same back to the Council, with the amendments offered in the report of the Judiciary Committee, to whom the bill was referred, and recommend the adoption of the same and their passage.

Also,

C. B. No. 6, and report the same back to the Council, with the following amendment:

Strike out all of section 4, and recommend its passage.

On motion of Mr. Hallett,

The report was received, and

On motion of Mr. Berry,

The amendments offered by the Committee of the Whole, were adopted.

Message from the House:

HOUSE OF REPRESENTATIVES, }  
February, 12th, 1864, }

MR. PRESIDENT:—I am instructed to inform your honorable body that the House has passed,

H. B. No. 7, a bill for an act to legalize a certain assessment in Fremont County,

And respectfully ask your concurrence therein.

Very Respectfully,

L. I. ROBINSON,

Asst. Clerk of the House.

On motion of Mr. Widner.

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

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SATURDAY, FEBRUARY 13, 1864.

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

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent.—Mr. Johnson.

Journal read and approved.

The following report was made by the committee on enrolling and engrossing:

The committee on engrossed and enrolled bills beg leave to report that they have examined,

C. B. No. 6, C. B. No. 7, and H. B. No. 5, and find the same correctly engrossed.

R. O. BAILEY, Ch'n.

Committee on Agriculture reported as follows:

MR. PRESIDENT: Your committee to whom was referred H. B. No. 2, after carefully examining the same, return it to the Council, with the recommendation that it pass.

H. E. ESTERDAY, Ch'n.

The committee on Counties to whom was referred,

C. B. No. 8, an act to change the boundaries of Huerfano County and locate its County Seat, have had the same under consideration, and respectfully report the same back to the Council with the following amendment; add to section 3, "Provided.—That if a majority of the legal voters of said County voting at any general election, shall designate any place other than said Huerfano Post Office, as the County Seat of said County, such place shall therefrom be and become the County Seat of said County," and recommend its passage.

R. O. BAILEY, Ch'n.

Previous notice having been given, Mr. Jones introduced,

C. B. No. 10, an act to incorporate the "Old Rosey" Mining, Fluming, Ground Sluicing and Hydraulic Company,

Mr. Loveland introduced,

C. B. No. 11, an act explanatory of the Charter of the Clear Creek and Guy Gulch Wagon Road Company,

C. B. No. 12, an act amendatory of an act to incorporate the Golden City and Arapahoe Ditch.

C. B. No. 13, an act to incorporate the Denver Manufacturing and Milling Company.

Mr. Whitsitt introduced,

C. B. No. 14, an act to incorporate the Colorado and Denver Artesian Well Company.

Mr. Van Doren introduced,

C. B. No. 15, an act to incorporate the United States Trust and Banking Company of Colorado.

All of which bills, and,

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

Were read 1st time by their titles and ordered to their second reading.

Mr Loveland gave notice that on Monday next or some subsequent day, he would introduce,

A bill for an act granting to Francis Smith, the right to erect and maintain a Bridge across the South Platte River.

Mr. Jones gave notice that on Monday next or some subsequent day, he would introduce,

A bill for an act to incorporate the Beaver Creek Ditch, and Fluming Company in Park County, C. T.

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

A bill prohibiting the buying or selling of any persons in this Territory, and particularly in Conejos and Costilla Counties.

Mr. Hallett gave notice of,

A bill for an act to exclude Traitors and Alien Enemies from Courts of Justice in this Territory in Civil Cases.

Also,

A bill for an act to repeal an act entitled "an act to provide for stay of procedure on foreign indebtedness, approved Nov. 5th 1861."

C. B. No. 9 was taken up, read second time and referred to the committee on Counties.

On motion of Mr Loveland,

C. B. No. 7 was taken up, and read a third time by its title, and re-committed to committee of the whole.

H. B. No. 5, was taken up, read third time, and,

On motion of Mr. Hallett, referred back to committee on engrossing, to be re-engrossed.

C. B. No. 6, was taken up, read a third time, and,

On motion of Mr. Loveland, re-committed to committee of the whole.

The President announced the reception of an invitation to the members of the Council, to attend a meeting of the friends of the Bible Cause at the Presbyterian Church in this city, on Sunday next at 7 o'clock p. m.

On motion of Mr. Berry, the invitation was accepted.

Mr. Van Deren moved to adjourn until Monday next, at 10 o'clock a. m.

The ayes and noes were called for, and these voting in the affirmative were,

Messrs, Berry, Doyle, Loveland, Van Deren, Whitsitt and Widner.

Those voting in the negative were,

Messrs Bailey, Dominguez, Esterday, Halle tt, Jones and Mr. President.

Ayes 6,  
Noes 6.

So the motion to adjourn was lost.

On motion of Mr. Van Deren,

The Council went into Committee of the Whole,  
Mr. Van Deren in the chair.

On motion of Mr. Mather,

The committee rose and reported as follows.

The Committee of the Whole, having considered,

C. B. No. 7, an act for the collection of debts in certain cases and for the benefit of insolvent debtors, have amended the same by striking out all of section 36 after the word "prisoners" in the 9th line from the bottom of said section, and report the same back to the Council, and recommend that it pass as amended.

Also,

C. J. R. No. 1, and report the same back without amendment and recommend its passage.

Also

C. B. No. 4, an act to amend an act entitled "an act to incorporate St. John's Church in the Wilderness," without amendment and recommend it do pass.

Also,

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

And recommend its passage, by the adoption of the following additional section thereto,

SEC. 5. In constructing and building of said Telegraph wires, it shall be the duty of said Telegraph Company under the provisions of this act, in order to the enjoyment of the privileges

granted by this act, to establish an office, and to receive and transmit messages to and from Golden City in the County of Jefferson, on the line of said Telegraph.

Also,

H. B. No. 2, a bill for an act defining the manner of subdividing sections as established by United States survey in Colorado Territory, and report the same back to the Council with the recommendation that it be referred to a special committee.

Report received.

Mr Widner asked leave of absence until Tuesday next.

Granted.

On motion of Mr. Hallett,

The Council adjourned until Monday the 15th inst., at 10 o'clock a. m.

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MONDAY, FEBRUARY 15, 1864.

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

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Johnson, Widner, Loveland and Whitsitt.

The committee to whom was referred that part of the Governor's message relating to emigration, made the following report:

MR. PRESIDENT: Your committee to whom was referred that portion of the Governor's message in relation to emigration, beg leave to report that, having had the matter under consideration, and while cordially endorsing the views and sentiments therein contained, would recommend the wide circulation of the message itself, as one of the best methods of securing the desired result, but are of the opinion that any legislation on this subject at the present time, would be inexpedient and impracticable, owing to the exhausted state of the finances of our Territory.

R. BERRY, Ch'n.

J. B. DOYLE,

C. DOMINGUEZ.

On motion.

The report was received.

Previous notice having been given, Mr. Jones introduced

C. B. No. 16, an act to incorporate the Beaver Creek Ditch and Fluming Company, in Park County, C. T.

Mr. Hallett introduced  
C. B. No. 17, a bill for an act to exclude traitors and alien enemies from Courts of Justice in this Territory, in civil cases.

Also,

C. B. No. 18, an act concerning forcible entry and detainer, and unlawful detainer, all of which bills were

Read first time by their titles and ordered to the second reading.

The following bills were taken up, read second time by their titles, and referred as follows :

C. B. No. 10, to committee on Mining Interests.

C. B's Nos. 12, 13, 14 and 15, to committee on Incorporations.

C. B. No. 11, to committee on Highways and Bridges.

H. B. No. 7, to committee on Expenditures.

Mr. Bailey, from committee on Engrossing and Enrolling, reported

H. B. No. 5 back to the Council, with the recommendation that it be re-committed to committee of the Whole House.

Report received, and the bill was so committed.

On motion of Mr. Hallett,

The report of the Committee of the Whole, relating to C. B. No. 7 was adopted, and,

On motion of Mr. Dominguez,

The bill was made the special order for next Thursday.

On motion of Mr. Berry,

The report of the Committee of the Whole on

C. J. R. No. 1 was adopted.

On motion of Mr. Esterday,

H. B. No. 2 was taken up and referred to a special committee consisting of

Messrs. Esterday, Widner, Jones and Deminguez.

Messrs. Loveland and Widner appeared in their seats.

Mr. Esterday moved the adoption of the report of the committee of the Whole in regard to C. B. No. 6.

Mr. Hallett moved to lay the motion on the table.

The ayes and noes being demanded, the vote was as follows :

Ayes—Messrs. Berry, Hallett, Widner and Mr. President—4.

Noes—Messrs. Bailey, Doyle, Dominguez, Esterday, Jones, Loveland and Van Deren—7.

Lost.

Mr. Berry moved to amend the amendment as follows :

“*Provided*, That the citizens of Golden City shall furnish at their own expense, an operator for said office.”

The ayes and noes were called for.

Ayes—Messrs. Berry, Hallett and Mr. President—3.

Noes—Messrs. Bailey, Doyle, Dominguez, Esterday, Jones, Loveland, Van Deren and Widner—8.

Ayes—3.

Noes—8.

So the amendment to the amendment was lost.

On motion to adopt the report of the Committee of the Whole, on C. B. No. 6, the vote was as follows :

Ayes—Messrs. Bailey, Doyle, Dominguez, Esterday, Jones, Loveland, Van Deren and Widner.

Noes—Messrs. Berry, Hallett and Mr. President.

Ayes—8.

Noes—3.

Report adopted.

Mr. Loveland moved that the bill be considered engrossed, read third time and put upon its passage.

Mr. Hallet moved that the bill be indefinitely postponed.

The ayes and noes were called for, and there were :

Ayes—Messrs. Bailey, Berry, Hallett, Van Deren and Mr. President.

Noes—Messrs. Doyle, Dominguez, Esterday, Jones, Loveland and Mr. Widner.

Ayes—5.

Noes—6.

The motion to indefinitely postpone was lost.

On motion of Mr. Loveland,

The rules were suspended, and

C. B. No. 6 was read third time and passed as follows :

Ayes—Messrs. Bailey, Doyle, Dominguez, Esterday, Jones, Loveland, Widner and Van Deren.

Noes—Messrs. Berry, Hallett and Mr. President.

Ayes—8.

Noes—3.

Title agreed to by the following vote :

Ayes—Messrs. Bailey, Doyle, Dominguez, Esterday, Jones, Loveland, Van Deren, Widner and Mr. President.

Noes—Messrs. Berry and Hallett.

Ayes—9.

Noes—2.

On motion,

C. B. No. 4 was taken up, read third time and passed unanimously.

Title agreed to.

The committee on Engrossed bills, through their Chairman, Mr. Bailey, reported C. J. R. No. 1 correctly engrossed.

On motion of Mr. Berry,

C. J. R. No. 1 was read third time and passed unanimously.

On motion of Mr. Berry,

The Council went into Committee of the Whole,  
 Mr. Berry in the Chair.—  
 After some time spent therein, the committee rose, and,  
 On motion,  
 Were allowed until this afternoon to report,  
 On motion,  
 The Council adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

Council met at 2 o'clock p. m., pursuant to adjournment.  
 President in the chair.  
 Quorum present.

The following message was received from the House :

HOUSE OF REPRESENTATIVES,  
 February 15th, 1864.

MR. PRESIDENT: I am instructed to inform the Council that the House has passed the following bills, and respectfully ask your concurrence therein :

H. J. R. No. 3, a bill in relation to Territorial boundaries.

H. B. No. 9, a bill for an act to amend an act entitled "an act to define county boundaries, and to locate County Seats in Colorado Territory."

H. B. No. 12, a bill for an act to incorporate the Dona Emelia Town Company.

Also,

They have concurred and passed

C. B. No. 3 with the amendment, by inserting after the word "official," in section two, the word "acts," a bill for an act to locate the County Seat of Summit County, and legalize certain acts therein named.

Also,

They have concurred and passed

C. S. to H. J. R. No. 2, endorsing the Administration of Abraham Lincoln, President of the United States.

Your obedient servant,

B. B. STILES,

Chief Clerk of the House.

The Committee of the Whole, through their Chairman, Mr. Berry, made the following report :

The Committee of the Whole having had under consideration H. B. No. 5, an act to amend an act entitled "an act concerning judgments and executions, would report the same back to



the Council with the recommendation that it pass, with the following amendments:

Strike out all of section one, after the word "six," in the 3rd line from the bottom of said section.

Strike out all of section two, after the word "section," in the third line from the bottom of said section, and

Add the following:

SEC. 5. That section "thirty-four" of said act be, and the same is hereby amended as follows:

Strike out the word "three," in the second line from the bottom of the fourth subdivision of said section, and insert the word "one" instead thereof.

SEC. 6. If any debtor shall be engaged in removing his or her property from this Territory, such property shall not be exempt from levy and sale under execution or attachment, *Provided*, That nothing in this act contained shall be held to authorize the levying upon and selling the necessary wearing apparel or beds and bedding of any debtor, or of the family of any debtor under any execution or attachment.

Also,

C. B. No. 8, an act to change the boundaries of Huerfano County and re-locate its County Seat, and report the same back with the recommendation that the bill be passed with the following amendment:

Add to section three, *Provided*, That if a majority of the legal voters of said County, voting at any general election, shall designate any place other than said Huerfano Post-Office, as the County Seat of said County, such place shall, therefrom, be and become the County Seat of said County.

On motion of Mr. Loveland,

The report was received, and,

On motion of Mr. Hallett,

It was adopted.

On motion,

H. B. No. 5 was taken up, read third time, and passed as amended, by the following vote:

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Jones, Loveland, Van Deren, Widner and Mr. President.

Ayes—11.

Noes—0.

Absent—Messrs. Johnson and Whitsitt.

Title agreed to.

Mr. Esterday moved the amendments to

C. B. No. 8 be adopted.

Carried.

On motion of Mr. Berry,

The bill was ordered engrossed for third reading.

On motion of Mr. Bailey,

The Council concurred in the amendment offered by the House to

C. B. No. 3, and the bill was ordered enrolled.

The committee on Highways and Bridges reported as follows

MR. PRESIDENT: Your committee to whom was referred

C. B. No. 11, beg leave respectfully to report that they have examined the same and recommend its passage without amendment.

W. A. H. LOVELAND, Ch'n.

On motion,

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

MONDAY, FEBRUARY 16th, 1864.

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

President in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Berry and Johnson.

Journal read and approved.

Committee on finances submitted the following report:

MR. PRESIDENT:—Your committee on finances, to whom was referred that portion of the Governor's Message relating to Territorial finances, respectfully submit, that they cordially unite with His Excellency, in expressions of congratulation on the fact of the prosperous condition of the finances of the Territory. The facts that the receipts of the Treasury, have been equal to all the demands for expenses on account of the local government is very gratifying.

The recommendations of the Auditor are worthy of careful consideration.

In view of the fact, however, that all bills for revenue, originate in the other branch of the Legislature, your committee do not deem it incumbent upon them to make any recommendations of a financial character, or inaugurate any scheme of revenue.

All of which is respectfully submitted.

J. B. DOYLE, Ch'n.

On motion of Mr. Loveland,  
The report was received.

The following reports were received from standing committees:  
The committee on enrolled and engrossed bills to whom was referred.

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

Have examined the same, and find it correctly engrossed,  
R. O. BAILEY, Ch'n.

The committee on Counties to whom was referred C. B. No. 9, an act to locate the County seat of Costilla County.

Having had the same under consideration, respectfully report it back without amendment and recommend that it do pass.

R. O. BAILEY, Ch'n.

MR. PRESIDENT: Your committee on Incorporations to whom was referred C. B. No. 15,

A bill for an act, to incorporate the United States Trust and Banking Company of Colorado, have considered the same and recommend that the same be indefinitely postponed.

R. E. WITSETT, Ch'n.

R. O. BAILEY.

The following bills were read first time by their titles and ordered to their second reading.

H. B. No. 9, a bill for an act to amend entitled an act, an act to define county boundaries, and to locate County seats in Colorado Territory.

H. B. No. 12, an act to incorporate the Dona Emelia Town Company.

H. J. R. No. 3, Relative to Territorial Boundaries.

C. B. No. 16, was read 2d. time by its title and referred to Committee on Mining Interests.

Council bills, Nos. 17 and 18, were read second time by their titles and,

On motion of Mr. Loveland,

Were referred to Committee of the whole.

Council Bills Nos. 9 and 11, were taken up and,

On motion, were referred to, Committee of the Whole.

C. B. No. 8, was taken up, read third time by its title and passed as follows:

Ayes—Messrs. Bailey, Doyle, Dominguez, Esterday, Hallett, Jones, Loveland, VanDeren, Whitsitt, Widner, and Mr. President.

Absent—Mr. Berry.

Title agreed to.

On motion.

The Council adjourned until 2 o'clock, p. m.

AFTERNOON SESSION.

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

President in the chair.

Quorum present.

The following memorials were presented to the Council and,  
On motion.

Were received, and referred to

Committee on Judiciary.

Memorial from his Hon. Allen A. Bradford, presented by Mr. Hallett, as follows:

I desire to call your attention to certain defects in our statute.

1st. There is no law on our statute books, "concerning marriage."

There should certainly be a statute regulating marriage, designating *what officers or Clergymen* may solemnize marriages, and providing for marriage license and for recording the same.

2d. By reference to act concerning Licenses, 1st. Session Laws, Sec. 21, Page 72, you will perceive that in the 3d. line the phrase "by indictment, by summons," occurs; now this ought to be rendered intelligible.

3d. In the second Session Laws, Page 79, is an act amendatory of the License Law, Sec. 2, which reads as follows:

"This act shall extend to, and include all theatres, circuses, shows, etc."

Now there is *no law specially requiring* theatres, circuses and shows to have license. The law should be so amended as to remove the ambiguity.

4th. First session Laws, Page 274, Sec. 39 of said act concerning judgments and executions, requires garnishees to be summoned to "appear forthwith, before said Court or Justice, and that said Court or Justice shall examine, etc."

Now a District Judge, *is not a Court only when the Court is in session*, and cannot as such examine the garnishee forthwith, unless it is in term time. The law should be amended.

Sec. 5th. We have great difficulty in the 3rd. District, for the reason that there are no County Attorneys in the different Counties of said District, and only in Pueblo County *are there Lawyers* to hold the office.

Now I suggest that the Legislature provide for having District Attorneys, at least for the Third District, to be appointed by the Governor with advice and consent of Council to prose-

cute for "the people" in the District Court, with such compensation or fees as may be thought reasonable.

Memorial from His Hon. Charles Lee Armour, presented by Mr. VanDeren as follows:

To the Honorable the Council and House of Representatives of the Territory of Colorado:

As a number of foreign corporations are being formed under the general incorporation laws of several of the States, I would respectfully recommend that the 4th section of the Practice act, be so amended as to distinctly include in its provisions said corporations.

I would also suggest the passage of an act providing that on the trial of actions of trespass, before a Justice of the Peace, that if the party defendant shall plead title to the property, the suit shall not be dismissed except by consent of the parties, and that upon either party filing a bond within the time, fixed by the law, the justice shall transmit the papers in said cause to the Clerk of the District Court of the County in which the suit was commenced.

I would further recommend that the act concerning "Injunctions" be so amended, that a motion to dissolve an injunction may be made in vacation, and that in the absence of a judge from the Territory, or during illness, which will unfit him for the discharge of his duties, the other Judges shall have jurisdiction in hearing application for, and in allowing such writs.

I would further recommend such change in the Revenue Law that the stock of Ditch and other Companies and that taxes be collected as they are on other property now assessed.

The following reports were received from standing committees:

The committee on Mining Interests to whom was referred C. B. No. 10, an act to Incorporate the "Old Rosey" Mining, Fluming, Ground Sluicing and Hydraulic Company, having considered the same, report it back, and recommend the bill be passed.

Also,

C. B. No. 16, an act to incorporate the Beaver Creek Ditch and Fluming Company, in Park County, C. T.

And recommend that the bill pass with the following amendments:

Strike out the word "say" in line 24, section one, and all of line 25, in the same section, and insert in lieu thereof, the words the "beginning."

A. J. VAN DEREN, Ch'n.

Your committee on incorporations, having, C. B. No. 14, under consideration, respectfully recommend that the same be amended as follows :

In section 2, amend by striking out the word "exclusive," in the second line of said section.

Also,

Amend by striking out "such well " or wells in the 9th. and 10th, lines from the top of said section 6, and insert, "any point within the city of Denver, to which water may be conducted by said Company," and further recommend to add the following section :

Sec. 12. This act may be repealed, altered or modified by the Legislature of this Territory at any time hereafter.

R. E. WHITSITT, Ch'n.

A. J. VAN DEREN,

R. O. BAILEY.

Mr. Widner gave notice of the introduction of a Bill legalizing the entry of the Golden City town site.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }  
February, 16th, 1864, }

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

H. B. No. 4, a bill for an act to amend an act entitled an act regulating the mode of proceedings in attachment in certain cases,

H. B. No. 8, a bill for an act authorizing the Board of Directors of School District No. 1, in Jefferson County, to levy a tax.

H. B. No. 11, a bill for an act to suppress Gambling and Gambling Houses, and respectfully ask your concurrence therein,

Very Respectfully, Your Ob't. Serv't.

B. B. STILES,

Chief Clerk of the House.

On motion of Mr. Bailey,  
The Council went into the Committee of the Whole on general file.

Mr. Bailey in the chair.

On motion,

The committee rose, and reported through their chairman as follows :

The Committee of the Whole, having considered Council bills Nos. 10, 11, 17 and 18, report the same back to the Council without amendment, and recommend their passage.

Also,

C. B. No. 16, which they have amended by striking out the word "exclusive" wherever it occurs in the bill.

Also,

By striking out the word "say" in section 1, 24th line.

Also,

Amend by striking out all of 25th line in section 1, and insert the words "the beginning."

And report the same back and recommend its passage, as amended.

Also,

C. B. No. 15, and report the same back to the Council and recommend that it be referred to a special committee of three to be appointed by the chair.

On motion,

The report was received.

Mr. VanDeren moved that the report of the Committee of the Whole on

C. B. No. 15, be adopted.

Mr. Hallett moved to lay the motion on the table.

The motion to lay on table was lost as follows:

Ayes—Messrs. Bailey, Doyle, Esterday, Hallett and Whitsitt.

Noes—Messrs. Dominguez, Jones, Loveland, VanDeren, Widner and Mr. President.

Ayes—5.

Noes—6.

Motion to adopt the report of the committee on C. B. No. 15, was carried by the following vote:

Ayes—Messrs. Dominguez, Esterday, Jones, Loveland, Van Deren, Widner and Mr. President.

Noes—Messrs. Bailey, Doyle, Hallett, and Whitsitt.

Ayes—7.

Noes—4.

The chair appointed Messrs. Van Deren, Hallett, and Jones as such committee.

On motion,

The report of the Committee of the Whole on Council Bills Nos. 9, 10, 11, 13, 17, and 18, were adopted and the bills ordered engrossed,

On motion,

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

WEDNESDAY, FEBRUARY 17th, 1864.

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

President in the chair.

Roll called.

Absent—Mr. Johnson.

Journal read and approved.

The following reports were received from standing committees:

MR. PRESIDENT: Your committee to whom was referred

H. B. No. 7, an act to legalize a certain assessment of property in Fremont County, have had the same under consideration, and report it back to the Council with the recommendation that it pass.

AMOS WIDNER, Ch'n.

Mr. Bailey, from committee on engrossed and enrolled bills, reported

C. B. No. 9, an act to locate the County Seat of Costilla County, and

C. B. No. 10, an act to incorporate Old Rosey Mining, Fluming, Ground Sluicing and Hydraulicing Company correctly engrossed.

R. O. BAILEY, Ch'n.

In accordance with previous notice, Mr. Whitsitt introduced C. B. No. 19, an act to enable soldiers in the United States service to acquire and hold mining claims.

Mr. Hallett gave notice that he would, on to-morrow or some subsequent day, introduce a bill for an act to amend an act entitled "an act concerning injunctions."

Also,

A bill for an act to amend an act entitled "an act regulating the fees of officers, jurors and witnesses."

H. B.'s. Nos. 4, 8 and 11, and C. B. No. 19 were read first time by their titles and ordered to the second reading.

H. J. R. No. 3 was taken up, read second time, and referred to committee on Federal Relations.

Also,

H. B. No. 9, read second time and referred to committee on Counties.

Also,

H. B. No. 12, read second time and referred to committee on Incorporations.

C. B. No. 9 was read third time by its title, and upon the question of its passage,



The ayes and noes were called for :

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Jones, Loveland, Van Deren, Widner and Mr. President.

Ayes—11.

Noes—0.

Absent—Mr. Whitsitt.

C. B. No. 19 was taken up, read third time, and upon the question "shall the bill pass," the vote was as follows :

Ayes—Messrs. Bailey, Doyle, Dominguez, Esterday, Jones, Loveland, Van Deren, Widner and Mr. President.

Noes—Messrs. Berry, Hallett and Whitsitt.

Ayes—9.

Noes—3.

Bill passed and title agreed to.

On motion of Mr. Van Deren,

Council adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

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

President in the chair.

Quorum present.

The following reports were received from standing committees :

MR. PRESIDENT: Your committee on Counties, to whom was referred

H. B. No. 9, a bill for an act to amend an act entitled "an act to define County boundaries and locate County Seats in Colorado Territory have had the same under consideration, and report it back to the Council and recommend its passage.

R. O. BAILEY, Ch'n.

Mr. Bailey, from committee on Enrolled and Engrossed bills, reported

C. B. No. 16, an act to incorporate the Beaver Creek Ditch and Fluming Company, in Park County, C. T.

Also,

C. B. No. 11, an act explanatory of the charter of the Clear Creek and Guy Gulch Wagon Road Company as correctly engrossed.

R. O. BAILEY, Ch'n.

MR. PRESIDENT: The committee on Incorporations having had under consideration

H. B. No. 12, an act to incorporate the Dona Emelia Town Company, report the same back with the recommendation that it do pass.

R. E. WHITSITT, Ch'n.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
February 17, 1864. }

MR. PRESIDENT: I have the honor to inform your Honorable Body that the House has passed

H. B. No. 14, an act to incorporate the Swan River and Delaware Flats Flaming Company.

Also,

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

Also,

They have concurred in and passed

C. B. No. 4, an act amendatory of "an act to incorporate St. Johns Church in the Wilderness" without amendment.

Also,

H. B. No. 13, an act for the protection of sheep, and respectfully ask your concurrence therein.

Very respectfully,

L. L. ROBINSON,

Ass't. Clerk of the House.

Mr. Berry, from committee on Federal Relations, reported that they had considered

H. J. R. No. 3, relating to Territorial boundaries, and recommended its passage.

R. BERRY, Ch'n.

Reports received.

Mr. Berry offered the following resolution :

*Resolved*, That the committee on Expenditures be instructed to prepare such amendments to the revenue law as, in their opinion, will facilitate the collection of revenue in this Territory, and to report the same.

Adopted.

On motion of Mr. Hallett,

The Council resolved itself into the Committee of the Whole, Mr. Hallett in the chair.

On motion,

Committee rose and reported through their chairman as follows :

The Committee of the Whole respectfully report that they have considered

H. B. No. 7, an act to legalize a certain assessment of property in Fremont County, and report the same back to the Council with the recommendation that it be referred to the committee on Counties.

Also,

C. B. No. 14, and report the same back with the recommendation that it be amended by striking out the words "by the petit jury," in the 12th line from the top of section 11.

Also,

By inserting the amendments proposed by the committee on Incorporations, to whom the bill was referred, and recommend its passage as amended.

Also,

C. B. No. 13, and report the same back with the recommendation that it be amended by striking out the word "twenty" wherever it occurs in the bill, and insert the word "ten" in lieu thereof.

Also,

By substituting for section three the following:

SEC. 3. "That the privileges hereby granted shall not interfere with the rights of other parties, acquired and held prior to the passage of this act, nor interfere with the rights of farmers to use the water of said stream for the purposes of irrigation."

Also,

By adding the following to section 13:

"That said company shall commence the erection of said buildings within the next six months, and have the same in complete running order within two years from the date of the passage of this act, otherwise this act shall be null and void," and recommend that the bill pass as amended.

Also,

H. B's. Nos. 9 and 12, and H. J. R. No. 3, and report the same back to the Council without amendment and recommend their passage.

Respectfully submitted,

MOSES HALLETT, Ch'n.

On motion of Mr. Loveland,

The report was received.

On motion,

Report of committee on

C. B. No. 7 was adopted, and the bill referred to committee on Counties.

C. B. No. 14 was take up, and,

On motion,

The report of the Committee of the Whole adopted, and,

On motion of Mr. Loveland,

The bill was ordered engrossed for third reading.

C. B. No. 13 taken up, and,

On motion,

The amendments thereto, reported by Committee of the Whole, were adopted.

Mr. Hallett moved the following additional amendment to the bill :

Strike out the word "exclusive" in 2nd line of section two, which was lost by the following vote :

Ayes—Messrs. Berry, Hallett and Whitsitt.

Noes—Messrs. Bailey, Doyle, Dominguez, Esterday, Jones, Loveland, Van Deren, Widner and Mr. President.

Ayes—3.

Noes—9.

Mr. Loveland moved the bill be ordered engrossed for third reading.

Carried.

On motion,

H. B.'s Nos. 9 and 12, and C. J. R. No. 3 were ordered to the third reading.

On motion of Mr. Berry,

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

#### THURSDAY, FEBRUARY, 18, 1864.

Council met pursuant to adjournment.

President in the chair,

Prayer by the Chaplain.

Roll called.

Absent—Mr. Johnson,

Mr. Esterday asked leave to present a memorial from citizens of Pueblo county, asking for extension of the charter granted to J. B. Doyle, to erect and maintain a bridge across the Arkansas river, etc.

On motion,

Leave was granted and the memorial read and referred to Committee on Highways and Bridges,

The special committee appointed for the consideration of

C. B. No. 2, An act providing for an appropriation for printing the laws in the Spanish language, reported as follows :

MR. PRESIDENT: The committee to whom was referred C. B. No. 2, beg leave to report that they have had the same under consideration, and have prepared a substitute for the same, which is respectfully submitted for the action of the Council.

W. A. H. LOVELAND, Chairman.

On motion,

The report was received.

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

*Resolved*, That the Committee on Agriculture be instructed to report a bill for an act regulating the rates of toll to be changed by millers for grinding wheat and other cereal.

The committee on engrossed and enrolled bills reported that they had examined,

C. B. No. 17, An act to exclude traitors and alien enemies from courts of justice in this Territory, and find the same correctly engrossed.

R. O. BAILEY, Ch'n.

On motion,

The report was received.

Mr. Hallett gave notice of the introduction of a bill for an act to incorporate the Colorado Seminary.

In accordance with previous notice Mr. Widner introduced C. B. No. 20, An act to legalize and confirm the entry of the town site of Golden City, and,

Mr. Hallett introduced,

C. B. No. 21, A bill for an act to amend an act entitled "An act concerning Injunctions. Approved Nov. 5th, 1861.

Both of which bills, and

H. B. No. 6, An act creating a lien in favor of mechanics and others in certain cases,

H. B. No. 13, An act for the protection of sheep,

H. B. No. 14, An act to incorporate the Swan River and Delaware Flats Fluming Company,

Were read first time by their titles and laid over under the rules.

The following bills were read second time and referred as follows:

C. B. No. 19, to committee on Military Affairs,

H. B. No. 4, to committee on Judiciary.

H. B. No's. 8 and 11 to Committee of the Whole.

C. B. No. 7, having been made by a previous motion the special order for to-day, was taken up.

Mr. Dominguez moved that the bill be printed,

The ayes and noes were called for.

Ayes—Messrs. Dominguez, Esterday, Jones, Loveland, Whitsitt and Widner.

Noes—Messrs. Bailey, Berry, Doyle, Hallett, VanDeren, and Mr. President.

Ayes—6.

Noes—6.

So the motion to print the bill was lost.

On motion of Mr. Hallett,

The following amendment to the bill, offered in report of committee of the Whole, was adopted:

Strike out all of Section 36, after the word "prisoners" in the ninth line from the bottom of said section, and,

The Secretary was instructed to strike out as amended.

Mr. Widner moved to further amend as follows.

Amend by striking out all of that part of Section 1st, after the word "them" in the 15th line from the top, to the words "is or an" in 25th line of same section.

After some discussion the motion to adopt the amendments offered by Mr. Widner, was lost as follows:

Ayes—Messrs. Bailey, Dominguez, Jones, and Widner.

Noes—Messrs. Berry, Doyle, Esterday, Hallett, Loveland, VanDeren, Whitsitt, and Mr. President.

Ayes—4.

Noes—8.

On motion of Mr. Esterday,

The bill was read third and upon the question of its passage the ayes and noes being called for, the vote was as follows:

Ayes—Messrs. Bailey, Berry, Dominguez, Doyle, Esterday, Hallett, Loveland, VanDeren, Whitsitt, and Mr. President.

Noes—Messrs. Jones and Widner.

Ayes 9,

Noes 2.

So the bill passed and title agreed to.

On motion.

Council adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

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

President in the chair.

Quorum present.

On motion,

C. B. No. 17 was taken up, read third time by its title, and passed unanimously.

Title agreed to.

H. J. R. No. 3, was read third time by its title, and put upon its final passage.

Ayes—11.

Noes—1.

Those voting in the affirmative were,

Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Jones, Lovelad, Van Deren, Whitsitt, and Widner.

Mr. President voted in the negative.

Bill passed and title agreed to.

H. B. No. 9, was taken up, read third time and passed unanimously.

C. B. No. 16, An act to incorporate the Beaver Creek Ditch and Fluming Company, in Park county, C. T.,

Was read third time and on the question of its passage,

The ayes and noes being culled for there were,

Ayes—11.

Noes— 1.

Those voting in the affirmative were,

Messrs. Bailey, Doyle, Dominguez, Esterday, Hallett, Jones, Loveland, Van Deren, Whitsitt, Widner, and Mr. President.

Noes—Mr. Berry.

Bill passed and title agreed to.

H. B. No. 12, was taken up and put upon its final passage.

Bill passed and title agreed to by the unanimous vote of the Council.

Message from the House:

HOUSE OF REPRESENTATIVES,)

February 18, 1864. )

MR. PRESIDENT: I am instructed to inform the Council that the House has passed H. J. R. No. 5, authorizing the appointment of agents for the encouragement of immigration, and respectfully ask your concurrence therein.

Also,

That they have concurred in Council amendments to H. B. No. 5.

Very respectfully,

B. B. STILES,

Chief Clerk of the House.

C. B. No. 11, was taken up and,

On motion of Mr. Whitsitt,

It was re-committed to a special committee of three.

The Chair appointed as such committee.

Messrs. Whitsitt, Loveland, and Bailey,

Mr. Widner, offered the following:

*Resolved*, That the special committee to whom was referred C. B. No. 2, "An act providing for an appropriation for printing the laws in the Spanish language," be requested to lay before the Council any and all bids or propositions by them received for translating and publishing the same.

On motion of Mr. Loveland,

The Council went into secret session.

The Council having resumed business,

On motion of Mr. Esterday,

Council Substitute to C. B. No. 2, An act providing for printing the laws in the Spanish language, was taken up and read for information.

Mr. Van Deren moved the adoption of the substitute.

Carried.

The following reports were received from Standing Committees.

MR. PRESIDENT: Your committee on Counties to whom was referred,

H. B. No. 7, A bill for an act to legalize a certain assessment of property in Fremont county, report that they have examined said bill and respectfully recommend that the bill herewith returned be adopted as a substitute.

R. O. BAILEY, Ch'n.

Substitute adopted with the report.

The committee on Engrossed bills reported that they had examined,

C. B. No. 18. An act concerning forcible entry and detainer and unlawful detainer, and find the same correctly engrossed.

R. O. BAILEY, Ch'n.

The President announced and read an invitation to the Council, to attend and join in a celebration by Denver Council of the Union League of America, of the anniversary of the birthday of the Father of his Country.

On motion of Mr. Whitsitt,

The invitation was unanimously and cordially accepted.

On motion of Mr. Berry,

The Council went into committee of the whole.

Mr. Berry in the chair.

On motion,

The Committee rose, and,

On motion.

Were allowed until to-morrow to report.

On motion,

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

### FRIDAY, FEBRUARY, 19, 1864.

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

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent Messrs. Johnson, Hallett and Van Deren.

Journal of yesterday read and approved.

Mr. Whitsitt asked and obtained leave to present a Memorial from His Honor Charles Lee Armour, Associate Justice, Supreme Court, Second District, which was read, and

On motion of Mr. Hallett,

Referred to committee on Highways and Bridges.

Leave being granted



Mr. Dominguez read a petition from citizens of the southern part of the Territory, asking for the printing of the laws of the territory in Spanish.

Received and referred to committee on Printing.

The following reports were received from standing committees :

MR. PRESIDENT:—Your committee on Engrossed and Enrolled bills, beg leave, respectfully, to report that they have examined the following bills and find the same correctly enrolled :

C. B. No. 1., a bill for an act entitled “an act concerning practice in civil cases,”

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

C. B. No. 4, an act amendatory of “an act to incorporate St. John’s Church in the Wilderness, and for other purposes,”

Also,

C. S. to H. J. R. No. 2, endorsing the administration of Abraham Lincoln, President of the United States,

R. O. BAILEY, Ch’m.

Messrs. Hallett and Van Deren appeared in their seats.

Committee on Military Affairs reported that they had had under consideration

C. B. No. 19, “an act to enable soldiers in the United States service to acquire and hold mining claims.”

And report the same back without amendment and recommend its passage.

R. E. WHITSITT, Ch’m.

Mr. Van Deren, from special committee, reported as follows :

MR. PRESIDENT: A majority of the special committee, to whom was referred

C. B. No. 15, “an act to Incorporate the United States Trust and Banking Company of Colorado,”

Report that they have considered the same, and respectfully recommend that the bill, herewith returned, be adopted as a substitute therefor.

A. J. VAN DEREN, Ch’m.

The following was offered by Mr. Hallett :

MR. PRESIDENT:—The undersigned, a minority of the special committee, to whom was referred

C. B. No. 15, a bill for “an act to incorporate the United States Trust and Banking Company,”

Is of the opinion that the currency issued by the Federal government, known as Treasury Notes, is sufficient to supply the people of this territory and the country at large with a circulating medium, and that no persons should be authorized to issue bank notes of any description to be circulated as money in this Territory. It would be far better to prohibit the circulation of all paper currency in this Territory, except that which is issued by authority of the laws of Congress, than to authorize private corporations to fill the territory with worthless currency.

There are many objections to the original bill, as also to the substitute reported by the majority of your committee, which you will not fail to perceive upon examination of the same.

I beg leave to suggest that the original bill, and the substitute should be indefinitely postponed.

MOSES HALLETT.

Mr. Whitsitt moved the adoption of the minority report.

Mr. Loveland moved to lay the motion on the table.

The President decided both motions out of order.

Mr. Hallett gave notice of the introduction of a bill for "an act to authorize Clerks of Courts of Record, Probate Judges and Justices of the Peace in this Territory to issue subpoenas to witnesses to appear before the Register and Receiver of the Land Office.

Previous notice having been given, by leave of the Council, Mr. Hallett introduced

C. B. No. 22, "an act to Incorporate Colorado Seminary."

Which, together with

H. J. R. No. 5, were read first time by their titles, and ordered to their second reading.

The following bills were read second time and referred:

H. B. No. 13, "An act for the protection of Sheep," to Committee on Agriculture.

C. B. No. 21, to Judiciary Committee.

H. B. No. 14, "An act to Incorporate the Swan River and Delaware Flats Fluming Company," to Committee on Incorporations.

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

On motion of Mr. Jones,

Referred to a special committee of three.

The chair appointed as such committee

Messrs. Jones, Hallett and Berry.

Mr. Berry from Committee of the Whole, made the following report:

MR. PRESIDENT:—The Committee of the Whole, having had under consideration

H. B. No. 8, a bill for "an act authorizing the Board of Directors of School District No. 1, in Jefferson County, to levy a tax."

Report the same back with the recommendation that it pass,  
Also,

H. B. No. 11, a bill for "an act to suppress gambling and gambling houses,"

And recommend that Section 5 be amended by the addition of the following: "And if any such Marshal, Sheriff, Policeman, Constable, or Justice of the Peace shall know of such gambling house being kept, and shall neglect or refuse to inform the proper officers, so that the keeper or keepers thereof shall not be dealt with by law, such offices shall be declared vacant by the County Commissioners, and other officers shall be appointed by them, to serve until the next election."

Also,

Amend by substituting the following section for Section 7:

Section 7.—One half of the fines collected under this act shall go to the officer or person making the complaint, and the remainder to the County, to be used for the support of Common Schools.

And recommend that it pass as amended.

Also,

C. S. to C. B. No. 2, "an act providing for an appropriation for printing the laws in the Spanish language,"

And recommend the following amendments:

Insert in Section 1, after the word "dollar," the words "or so much thereof as may be necessary."

Substitute for Section 2, the following:

Section 2.—That the Secretary of Colorado Territory shall be and is hereby authorized and empowered to receive proposals for translating the laws of this Territory, of a general nature, together with such laws of a general nature as have been, or shall be, passed at the present session of the Legislative Assembly, into the Spanish language, and for printing the same in that language, and further, to contract with some person or persons to print the laws of this Territory, as aforesaid, in the Spanish language, and to bind one hundred and fifty copies of the same, in book form, with pasteboard covers; *Provided*, That such contracts shall be let to the lowest responsible bidder, and; *Provided further*, That the Secretary of the Territory shall take from the person or persons to whom he may let such contracts, good security for the performance of the work in a skillful, correct and workmanlike manner.

Also

Amend by striking out Sec. 5, and inserting, in lieu thereof, the following:

Section 5.—That the Secretary of the Territory shall proceed to discharge the duties imposed upon him by this act, as soon as the work can be done.

And recommend its passage as amended.

Respectfully submitted,  
R. BERRY, Ch'm.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES,  
February 19th, 1864.

MR. PRESIDENT :—I am instructed to return to, and inform the Council, that the House has passed

C. J. R. No. 1, approving of the conduct of the Commandant of this District, and of the Colorado Troops, with the following amendments :

In the second clause of the Resolution, strike out the word "Banner," and insert the word "Flag."

Also,

Strike out the last clause of said Resolution, and insert the following :

*Resolved*, That a copy of these Resolutions be sent to Col. J. M. Chivington, Commanding this District, with the request that the same be read to his command, and that the Secretary of this Territory be requested to forward a copy of the same to Col. J. H. Ford, to be read in like manner, and also that a copy be furnished to the different Newspapers of the Territory for publication.

And ask your concurrence therein.

Your obedient servant,

B. B. STILES,  
Chief Clerk of the House.

On motion,

Report of the Committee of the Whole was received and adopted.

H. B. No. 8

Was taken up, and,

On motion of Mr. Van Deren,

Was read third time by its title and put upon its final passage, and passed unanimously.

Title agreed to.

On motion of Mr. Esterday,

The amendments, offered by the Committee of the Whole to H. B. No 11,

Were adopted, and the bill read a third time and passed unanimously.

Title agreed to.

On motion.

C. B. No. 2

Was taken up, and the report of the Committee of the Whole thereon was adopted and

Bill ordered engrossed.

C. B. No. 18

Was read third time by its title and passed unanimously.

Title agreed to.

On motion of Mr. Hallett,

The Council adjourned until 2 o'clock, p. m.

#### AFTERNOON SESSION.

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

President in the chair.

Quorum present.

Judiciary Committee reported as follows;

MR. PRESIDENT.—The Judiciary Committee to whom was reserred

C. B. No. 21, a bill for an act to amend "an act concerning injunctions, approved Nov. 5th, 1861,"

Report the bill back and recommend that it be passed.

MOSES HALLETT, Ch'm.

Mr. Hallett moved that the Council do now go into the Committee of the Whole.

Carried.

Mr. Hallett in the Chair.

On motion of Mr. Loveland.

The Committee arose, and

On motion of Mr. Whitsitt,

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

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#### SATURDAY, FEBRUARY 20, 1864.

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

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Johnson and Van Deren.

Journal of yesterday read and approved.

The various standing committees offered the following reports:

MR. PRESIDENT: Your committee on Printing, to whom was referred the petition of citizens of Costilla County, praying to have the laws of the Territory printed in Spanish, beg leave to report that they have examined the same, and recommend that it be received and kept on file,

C. DOMINGUEZ, Ch'n.

MR. PRESIDENT: Your committee on Agriculture, to whom was referred

H. B. No. 13, an act for the protection of sheep, beg leave respectfully to report, that they have had the same under consideration, and recommend its passage without amendment.

H. E. ESTERDAY, Ch'n.

MR. PRESIDENT: Your committee on Judiciary, to whom was referred

H. B. No. 4, a bill for an act to amend an act entitled "an act regulating the mode of proceedings in attachments in District Courts, report that they have examined the same, and recommend that section one, of the same, be so amended as to read as follows:

SEC. 1. That section eight, of an act entitled "an act regulating the mode of proceedings in attachments in the District Courts," approved October 29th, 1861, shall be, and the same is hereby amended as follows:

Add, immediately after the word "quashed," in the last line of said section, the following: "And the property attached shall be restored to the possession of the defendant, and the garnishees, if any, shall be discharged, but the writ of attachment, in cases commenced by attachment, shall, nevertheless, stand as a summons, and the cause shall proceed to trial and judgment as if originally commenced by summons.

In all cases of attachment in aid of a suit at law, quashing the attachment shall not effect the suit otherwise than to discharge the property attached and the garnishees; and that the bill thus amended be passed.

MOSES HALLETT, Ch'n.

Mr. Whitsitt, from the committee on Incorporations, reported that they had duly considered the provisions of

H. B. No. 14, an act to incorporate the Swan River and Delaware Flats Fluming Company, and recommend the passage of the same with the following amendment:

Strike out the figure "six" in fourth line from the bottom of the thirteenth section, and insert instead thereof the figure "eight," so that it shall read "1868."

R. E. WHITSITT, Ch'n.

Mr. Loveland, from special committee, to whom was referred C. B. No. 11, an act explanatory of the charter of the Clear Creek and Guy Gulch Wagon Road Company, reported that they had carefully examined the same, and recommend it do pass without amendment.

W. A. H. LOVELAND, Ch'n.  
R. O. BAILEY.

Mr. Whitsitt, from special committee, to whom was referred C. B. No. 11, an act explanatory of the charter of the Clear Creek and Guy Gulch Wagon Road Company, offered the following minority report :

That the charter, through and by a compliance on their part with the provisions of an act entitled "an act to enable Road, Ditch, Manufacturing and other Companies to become bodies corporate, their opinion is, the only charter this company should have, or be granted them for the following reason :

The charter granted to the Golden Gate and Gregory Road Company by the former session of the Legislature, and in the opinion of your committee, granting this act to the Clear Creek and Guy Gulch Wagon Road Company, which they ask, would be infringing on the rights of the former charter, and would only more complicate the rights of the parties hereto interested, and could not, by granting this charter, as asked, confer any rights by such enactments. Your committee cannot see how we could grant this corporation the right to erect a toll gate on the road of the Golden Gate and Gregory Road Company, and respectfully refer the Council to section six, (6) of the session laws of 1862, page 46, wherein it is stated that no Company shall have a right-of-way of any other Company, already acquired.

R. E. WHITSITT.

Mr. Bailey, from committee on Enrolled and Engrossed bills, reported that they had examined

C. B. No. 13, an act to incorporate the Denver Manufacturing and Milling Company,

Also,

C. B. No. 14, an act to incorporate the Colorado and Denver Artesian Well Company,

Also,

C. B. No. 2, an act providing for an appropriation for printing the laws in the Spanish language, and find the same correctly engrossed.

R. O. BAILEY, Ch'n.

Reports received.

In accordance with previous notice, Mr. Hallett introduced C. B. No. 23, a bill for an act to authorize Clerks of Courts of Record, Probate Judges and Justices of the Peace, to issue subpoenas to witnesses to appear before the Register and Receiver of the Land Office, and

Mr. Widner introduced

C. B. No. 24, an act to incorporate the Colorado Territorial Agricultural Society.

Both bills read first time by their titles and ordered to their second reading.

C. B. No. 22 and H. J. R. No. 5 were read second time and referred :

C. B. No. 22 to committee on Incorporations.

H. J. R. No. 5 to committee on Federal Relations,

Mr. Van Deren appeared in his seat.

Mr. Hallett, Chairman of the Committee of the Whole, of yesterday, made the following report :

MR. PRESIDENT: The Committee of the Whole respectfully report that they have considered

C. B. No. 21, and recommend that it be passed without amendment.

Also,

C. B. No. 20, and recommend that it be amended by adding

SEC. 5. That the Probate Judge shall receive, as compensation for his services, in making and executing deeds, as provided in this act, the sum of fifty cents for each deed executed by him, and in all cases where more than one lot or parcel of ground shall be conveyed in and by such deed, the sum of twenty-five cents for each additional lot after the first so conveyed, and that the bill be passed as amended.

Also,

C. B. No. 19, and recommended that section one thereof be so amended as to read as follows :

SEC. 1. That all citizens of this Territory, now engaged in the military or naval service of the United States, or who may hereafter enter said service, shall, during the time such persons are engaged in such service, and for a year thereafter have and enjoy the same right to acquire and hold claims for agricultural, mining and other purposes, as citizens of this Territory who may not be in such service ; and in the absence of any such person, so engaged in such service, any such claim or claims may be acquired and held by the agent of such person, in the same manner as if such person were personally present, and that the bill as amended be passed.

Also,



C. B. No. 15 and the substitute therefor, and recommend that the same be indefinitely postponed.

Also,

H. B. No. 7 and the Council substitute therefor, and recommend the adoption of the substitute and its passage.

Respectfully submitted,

MOSES HALLETT, Ch'n.

On motion of Mr. Whitsitt,

The report was received.

On motion, of Mr. Hallett.

The report of Committee of the Whole on

C. B. No. 21 was adopted, and the bill ordered engrossed for third reading.

Mr. Berry moved that the report of Committee of the Whole on

C. B. No. 20 be adopted,

Carried.

Mr. Van Deren moved that the bill be ordered engrossed for third reading.

Carried,

Message from the House :

HOUSE OF REPRESENTATIVES,

February 20, 1864.

MR. PRESIDENT: I am instructed to inform your Honorable Body that the House has passed

H. B. No. 34, an act to enable the Superintendent of Common Schools of El Paso County to apply the school fund of said County to the use of schools in the several Districts thereof, and respectfully ask your concurrence therein.

Very Respectfully,

L. J. ROBINSON,

Asst. Clerk of the House.

Mr. Van Deren moved that

C. B. No. 15, an act to incorporate the United States Trust and Barking Company of Colorado, be made the special order for Thursday next.

After some discussion,

The ayes and noes being called for, there were :

Ayes—4.

Noes—8.

Those voting in the affirmative, were :

Mess. Jones, Loveland, Van Deren and Mr. President.

Those voting in the negative :

Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Whitsitt and Widner.

Lost.

On motion,

The report of the Committee of the Whole on the bill was adopted, and further action on the same indefinitely postponed.

Mr. Whitsitt moved the adoption of the report of the Committee of the Whole on

C. B. No. 2.

Carried unanimously.

On motion,

Council substitute to

H. B. No. 7 was adopted, and,

On motion of Mr. Hallett,

The bill was ordered engrossed.

C. B. No. 21 was taken up, read third time, and passed unanimously and title agreed to.

C. B. No. 14 was taken up, read third time, and on the question of its passage,

The ayes and noes were had as follows :

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Jones, Loveland, Van Deren, Whitsitt, Widner and Mr. President.

Ayes—12.

Noes—0.

Mr. Hallett moved to amend the title by striking out the words "Colorado and" before the word Denver.

Carried, and

Title agreed to as amended.

On motion.

C. B. No. 13 was read third time and put upon its final passage.

The ayes and noes being had on the question, "shall the bill pass?"

There were .

Ayes—9.

Noes—3.

Those voting in the affirmative, were :

Messrs. Bailey, Doyle, Dominguez, Esterday, Jones, Loveland, Whitsitt, Widner and Mr. President.

Those voting no, were :

Messrs. Berry, Hallett and Van Deren.

So the bill passed and title agreed to.

Mr. Van Deren asked and obtained leave of absence until this p. m.

On motion,

C. B. No. 2 was read third time by its title and passed, as follows :

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday,

Hallett, Jones, Loveland, Whitsitt, Widner and Mr. President  
Ayes—11.

Noes—0.

Absent—Mr. Van Deren.

Mr. Berry moved that House amendments to  
C. J. R. No. 1 be adopted.

Mr. Whitsitt moved that the Council do now take a recess of  
ten minutes.

Carried.

The Council being called to order, the question recurred upon  
the adoption of the House amendments to

C. J. R. No. 1, which, after some debate, were  
Adopted.

Mr. Esterday moved that the Council adjourn until Tuesday  
next, 23d inst., at 10 o'clock a. m.

Carried, as follows :

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday  
and Loveland.

Noes—Messrs. Hallett, Jones, Whitsitt, Widner and Mr.  
President.

Ayes—5.

Noes—6.

So the motion to adjourn prevailed.

## TUESDAY, FEBRUARY 23d, 1864.

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

President in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Johnson, Hallett and Van Deren.

By leave, Mr. Widner presented and read a petition from  
citizens of Weld County, asking for the enactment of a law for  
the protection of stock.

Received and referred to the committee on Agriculture.

The following reports were received from standing commit-  
tees :

Mr. Bailey, from committee on engrossed and enrolled bills,  
reported that they had examined,

C. B. No. 19, an act to enable soldiers in the United States  
service to acquire and hold mining claims.

Also,

C. B. No 20, an act to legalize and confirm the entry of the  
Town Site of Golden City.

Also,

Council Substitute to H. B. No. 7, an act to legalize assessments of property for revenue purposes in certain cases, and find the same correctly engrossed.

R. O. BAILEY, Ch'n.

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

MR. PRESIDENT:—Your committee having C. B. No. 22, an act to incorporate the Colorado Seminary, under consideration, beg leave to report the same back without amendment, and recommend its passage.

R. E. WHITSITT, Ch'n.

Mr. Hallett appeared in his seat.

Previous notice having been given, by leave,

Mr. Loveland introduced

C. B. No. 25, an act granting to Francis Smith, the right to erect and maintain a bridge across the waters of the South Platte River.

Mr. Hallett introduced,

C. B. No. 26, an act concerning bills of exchange, promissory notes and negotiable instruments.

Both bills read first time by their titles and ordered to the second reading.

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

A bill for an act concerning Licenses.

Mr. Esterday gave notice of a bill for an act to regulate Territorial Roads.

Mr. Berry gave notice of the introduction of

A bill for an act for an appropriation in favor of Lake County.

H. B. No. 34, an act to enable the Superintendent of Common Schools of El Paso County to apply the school funds of said County, to the use of schools in the several districts therein,

Was taken up, read first time by its title and ordered to second reading.

Council bills No's, 23 and 24, were read second time and referred as follows:

C. B. No. 23, to Committee of the Whole.

C. B. No. 24, to committee on agriculture.

C. B. No. 20, an act to legalize and confirm the entry of the Town site of Golden City,

Was taken up, read third time by its title and passed by the following vote:

Ayes—Messrs. Berry, Doyle, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner and Mr. President.

Ayes—10.

Nces—0.

Absent—Messrs. Bailey, Johnson and Van Deren.

Title agreed to.

C. B. No. 19, an act to enable soldiers in the United States service to acquire and hold mining claims,

Was taken up, read third time and on the question of its passage, the ayes and noes being had, there were,

Ayes—10.

Noes—0.

Ayes—Messrs. Berry, Doyle, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner, and Mr. President.

Absent—Messrs. Bailey, Johnson and Van Deren.

Mr. Hallett moved to amend the title by striking out the word "mining" in the same.

Carried.

Council Substitute to H. B. No. 7, an act to legalize assessments of property for revenue purposes in certain cases,

Was read the third time by its title and passed as follows:

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner and Mr. President.

Ayes—11.

Noes—0.

Absent—Messrs. Johnson and Van Deren.

Title agreed to.

On motion of Mr. Hallett,

The Council went into the Committee of the Whole.

Mr. Whitsitt, in the chair.

After sometime spent therein,

On motion of Mr. Mather,

Committee rose and asked leave to sit again this afternoon.

Granted.

On motion of Mr. Loveland,

Council adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

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

President in the chair.

Quorum present.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }  
February, 23rd, 1864, }

MR. PRESIDENT:—I am instructed by the House to inform the Council, that they have passed,

H. B. No. 15, "an act concerning marks and brands."

Also,

H. B. No. 24, an act to amend an act entitled "an act to authorize the appointment of County Commissioners in special cases."

Also,

They have concurred in and passed.

C. B. No. 5, a bill for "an act to amend an act entitled an act regulating the mode of proceeding in replevin, with the following amendments, to-wit:

Add at the end of section 6, "or shall recover a judgment for the value of the property, or so much thereof as he may prove himself entitled, at his election."

Also,

Add at the end of section 11:

And when the case has been announced in the Justice of the Peace or Probate Courts, and it shall appear, upon the return of the writ, that the defendent has not been personally served, and no appearance be entered for him, the Justice or Probate Court, shall continue the case ten days, and immediately cause a notice to be posted in three of the most public places in the neighborhood of said justice, as in cases (or as near as may be) of attachment against non-resident defendants before Justices of the Peace; and the concurrence of your Honorable body is respectfully requested therein.

Also,

The House has concurred in and passed,

C. B. No. 9, a bill for an act to locate the County seat of Costilla County.

Also,

That the House disagrees to Council amendment to section 5, H. B. No. 11,

A bill for an act to suppress Gambling and Gambling houses. And concurs in the substitute to section 7.

Your obedient servant,

B. B. STILES,

Chief Clerk of the House.

Mr. Hallett moved that the Council do now resolve itself into the Committee of the Whole.

Carried.

Mr. Whitsitt in the chair.

On motion of Mr. Berry,

The Committee rose and reported through their chairman as follows:

MR. PRESIDENT: The Committee of the Whole having under consideration.

C. B. No. 22, an act to Incorporate the Colorado Seminary. Report the same back without amendment and recommend its passage.

Also,

C. B. No. 23, and report the same back without amendment, and recommend that it pass.

Also,

H. B. No. 13, an act for the protection of sheep, with the following amendment :

Add section 4. No herd or flock of sheep numbering more than twenty, shall be kept or pastured, for more than one week within the limits of the city of Denver or Golden City, or any town or village in either of the Counties of Costilla or Huerfano, or either or any of them, or within two miles of either of said cities, towns or villages, and any owner or keeper of sheep, or other persons, who shall violate the provisions of this section shall be fined for the use of the County in which such violation shall take place, the sum of twenty-five dollars for each and every day that any such herd shall be kept or pastured in violation hereof, to be recovered by action instituted by any person who shall feel himself agrieved, in the name of the people of the Territory of Colorado, and in any Court of competent jurisdiction, and recommend that it pass as amended.

Also,

H. B. No. 4, an act to amend an act entitled "an act regulating the mode of proceedings in attachments in certain cases," and recommend the adoption of the amendments reported by the committee on judiciary, to whom the bill was referred, and that it pass so amended ;

Also,

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

And recommend its passage, with the following amendment :  
Strike out the figure "six" in fourth line from the bottom of the thirteenth section, and insert instead thereof, the figure "8," so that it shall read 1868.

Also,

C. B. No. 11, an act explanatory of the Charter of the Clear Creek and Guy Gulch Wagon Road Company.

And recommend its passage without amendment.

Respectfully Submitted,

R. E. WHITSITT, Ch'n.

On motion of Mr. Loveland,

The report was received.

On motion of Mr. Berry,

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

WEDNESDAY, FEBRUARY 24th, 1864.

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

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent.—Messrs. Johnson, and Whitsitt.

Journal read and approved.

The following reports received from standing committees :

MR. PRESIDENT: Your committee to whom was referred,

H. J. R. No. 5, "Authorizing the appointment of agents for the encouragment of Immigration," beg leave to report that they have had the same under consideration and would recommend that the same be passed.

R. BERRY, Ch'n.

MR. PRESIDENT: Your committee on Agriculture to, whom was referred the petition of citizens of Weld county, have had the same under consideration, and would respectfully state that there are several bills before the Legislature which will cover their grievances, and decline taking any further action in the case at present.

Also,

C. B. No. 24, An act to incorporate the Colorado Territorial Agricultural Society, and recommend its passage without amendment. Respectfully submitted,

H. E. ESTERDAY, Ch'n.

Mr. Whitsitt appeared in his seat.

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

A bill for an act to incorporate the Arkansas, Pueblo, and Fontaine-qui-Bouille Ditch Company;

Also,

A bill granting a charter to Charles Autorbee to maintain a ferry on the Arkansas river.

Mr. Esterday, from committee on Agriculture, reported that they had considered,

H. B. No. 2, A bill defining the manner of sub-dividing sections as established by United States Survey in Colorado Territory, and recommend that the same be passed.

H. E. ESTERDAY, Ch'n.

Report received.

Mr. Loveland gave notice of the introduction of a bill for an act amendatory of an act to extend the time of the Pueblo Town Company charter.



In accordance with previous notice and by leave, Mr. Esterday introduced,

C. B. No. 27, An act to amend an act entitled "An act to establish and regulate Territorial roads.

Also,

C. B. No. 28, An act concerning Probate Courts and Justices of the Peace.

Mr. Whitsitt, in accordance with a previous notice, introduced,

C. B. No. 29, An act concerning Licenses.

The above bills, and

H. B. No. 15, An act concerning Marks and Brands.

H. B. No. 24, An act to amend an act entitled "An act to authorize the appointment of county commissioners in special cases.

Were read first time by their titles and ordered to their second reading.

C. B.'s Nos. 25 and 26, and H. B. No. 34, were read second time and referred:

C. B. No. 25, to committee on Highways and Bridges;

C. B. No. 26, to committee on Judiciary, and

H. B. No. 34, to committee on Education.

Mr. Hallett moved that the report of the committee of the Whole, of yesterday, be taken up.

Carried.

On motion of Mr. Hallett,

The report of the committee on

C. B. No. 22, was adopted, the bill considered engrossed, and ordered to its third reading.

On motion,

The amendments reported by committee of the whole to

H. B. No. 13, were adopted and the bill ordered to third reading.

H. B. No. 4, was taken up, the report of the committee of the whole thereon was considered, and the following amendment to the amendment reported by them, (offered by Mr. Hallett) was adopted:

Insert in eighth line of section one, as amended after the words 'shall be,' the words "released from such attachment and."

Mr. Hallett moved to further amend the bill by adding to section two the following: "Or that the defendant is a foreign corporation."

Adopted, and the bill was ordered to its third reading.

H. B. No. 14, was taken up.

Mr. Whitsitt moved that the report of the committee of the whole thereon be adopted, and the same be ordered to its third reading.

Carried.

C. B. No. 11 was taken up, and  
On motion of Mr. Loveland,  
Ordered to its third reading.

C. B. No. 23, was taken up, and  
On motion of Mr. Hallett,  
Was ordered engrossed.

Bills on third reading:

C. B. No. 11, was read third time and put upon its final passage.

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Jones, Loveland, Van Deren, Widner, and Mr. President.

Noes—Messrs. Hallett, and Whitsitt.

Ayes—10.

Noes—2.

Bill passed and title agreed to.

H. B. No. 14 was put upon its passage.

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Jones, Loveland, Van Deren, Whitsitt, Widner, and Mr. President.—Ayes 12.

Noes—0.

Title agreed to.

H. B. No. 4, was read third time and passed unanimously.

Title agreed to.

H. B. No. 13, An act for the protection of Sheep.

Vote on its final passage:

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Jones, Loveland, Van Deren, Whitsitt, Widner, and Mr. President.—Ayes 12.

Noes—0.

The following amendment to the title offered by Mr. Hallett, was adopted:

Insert after the word "sheep," the words "and to prohibit pasturing the same in certain localities."

C. B. No. 22, passed unanimously and,

Title agreed to.

The following message was received from His Excellency the Governor:

EXECUTIVE DEPARTMENT, C. T., }  
DENVER, Feb. 12, 1864. }

To the Hon. C. W. Mather, President of the Council:

SIR:—I have the honor to inform the Council that I have approved and signed the following Joint Resolution and Bills, certified to have originated therein, viz:

Joint Resolution, approving of the administration of President Lincoln, and recommending his re-election;

An act to amend an act concerning Practice in Civil Cases;  
 An act to locate the county seat of Summit county, and to  
 legalize certain acts therein named;  
 An act amendatory of an act to Incorporate St. John's Church  
 in the Wilderness, and for other purposes.

Very respectfully your obedient servant.

JOHN EVANS,  
 Governor of Colorado.

H. B. No. 11, An act for the suppression of Gambling and  
 Gambling Houses, was taken up, and  
 On motion of Mr. Hallett,  
 The Council receded from its amendments to Section five  
 therein,

On motion,

C. B. No. 5, with amendments thereto reported from the  
 House was referred to the Judiciary committee.

On motion of Mr. Hallett,

Council adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

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

President in the chair.

Quorum present.

Message from the House:

HOUSE OF REPRESENTATIVES, }  
 February 24, 1864. }

MR. PRESIDENT: I am instructed to inform the Council that  
 the House has passed the following bills:

H. B. No. 18, A bill for an act concerning Roads and High-  
 ways.

H. B. No. 29, A bill for an act to increase the capital stock  
 and extend the privileges of the Jefferson County Irrigating  
 Ditch Company.

H. B. No. 31, A bill for an act for the protection of farmers  
 from the depredations of stock in Douglas, Weld, and Arapa-  
 hoe counties,

And the concurrence of your Honorable body is most respect-  
 fully requested therein.

Also,

The House has concurred and passed without amendment,

C. B. No. 17, A bill for an act to exclude Traitors and Alien  
 enemies from the courts of Justice in this Territory in civil cases.

Your ob't serv't,

B. B. STILES,  
 Chief Clerk of the House.

Mr. Bailey from committee on Engrossed and Enrolled bills, reported,

C. B. No. 23, correctly engrossed.

R. O. BAILEY, Ch'n.

The report was received.

The Judiciary Committee to whom was referred C. B. No. 5, and the amendments thereto adopted by the House, reported, through their chairman, Mr. Hallett, that they had considered the same and recommend that the Council disagree to the proposed amendment to Section six of said bill, and that the Council concur in the amendments to Section seven.

Also,

That they had considered C. B. No. 26, and recommend that the same be amended as follows: Insert after the word "that," in the first line of section thirteen, the following: "Sections four, five, six, and seven, of;" strike out the word "is" in the last line of said section, and insert the words "are" instead thereof.

MOSES HALLETT, Ch'n.

On motion,

The report was received and that part of the same relating to C. B. No. 5, was adopted.

Mr. Jones offered the following:

*Resolved*, That the committee on Printing, are hereby instructed to inquire whether there was any provision made to have the report of the Territorial Superintendant of Common Schools printed, and if so, why such printing is not done.

Adopted.

On motion of Mr. Bailey,

Council went into Committee of the Whole.

Mr. Widner is the Chair.

On motion,

The Committee rose and reported through their Chairman as follows:

MR. PRESIDENT: The Committee of the Whole having had under consideration,

H. B. No. 2, report the same back to the Council with the following amendment:

Amend Section one by adding:

"*Provided*, That all fractional quarter sections shall be so divided as to give to occupants of any part thereof, the quantity of land which shall be held to appertain to such part at any United States Land Office in this Territory,"

And recommend the passage of the same so amended:

Also,

H. J. R. No. 5, and recommend that it pass without amendment,

Also,

C. B. No. 24, and recommend the adoption of the following amendments thereto:

Strike out the words, "citizens of the United States," in sixth line of section five; also strike out Section seven, and recommend its passage.

Also,

C. B. No. 26, and recommend the adoption of the amendments reported by the Judiciary Committee, to whom the bill was referred, thereon.

Respectfully submitted,

AMOS WIDNER, Ch'n.

On motion the report was received.

On motion,

The report of the Committee of the Whole, was adopted, and,

H. J. R. No. 5, and H. B. No. 2, were ordered to their third reading.

C. B's. Nos. 24 and 26 were ordered engrossed.

Mr. Van Deren gave the following notice:

I will on to-morrow or some subsequent day introduce a bill for an act to amend an act, entitled "An act concerning Jurors, Approved, Nov. 5, 1861."

On motion of Mr. Van Deren,

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

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THURSDAY, FEBRUARY, 25, 1864.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Hallett, Johnson, and Whitsitt.

On motion of Mr. Bailey,

Mr. Hallett was excused until to-morrow.

Journal of yesterday read and approved.

Mr. Whitsitt appeared in his seat.

Mr. Bailey from enrolled and engrossed bills reported as follows:

MR. PRESIDENT: Your committee have examined  
C. B. No. 24, "an act to Incorporate the Colorado Territorial  
Agricultural Society,"

And find the same correctly engrossed.

Also, that they have examined

C. B. No. 17, "an act to exclude traitors and alien enemies  
from courts of justice in this territory, in civil cases;"

Also,

C. B. No. 9, "an act to locate the county seat of Costilla  
county;"

Also.

C. J. R. No. 1,

And find the same correctly enrolled.

R. O. BAILEY, Ch'n.

Mr. Dominguez, from Committee on Printing, submitted the  
following report :

MR. PRESIDENT: Your committee, to whom was entrusted  
the matter of ascertaining the reasons why the Report of the  
Superintendent of Public Schools has not been printed, beg  
leave to report that they have seen the Public Printer on the  
subject, and, according to his statement, he has been waiting  
to hear from Gilpin county, in order to fill up the blank of said  
county, which occurs in a table of said report, which he expects  
to get in a day or two, when the Report will be printed and  
distributed.

C. DOMINGUEZ, Ch'm.

Mr. Loveland, from committee on Highways and Bridges, to  
whom was referred

C. B. No. 25, "an act granting to Francis Smith the right to  
erect and maintain a bridge across the waters of the South  
Platte river,"

Reported that they had considered the same, and recommend  
that it pass without amendment.

W. A. H. LOVELAND, Chairman.

J. B. DOYLE,

R. O. BAILEY.

Reports received.

In accordance with previous notice, and leave being granted,  
Mr. Van Deren introduced

C. B. No. 30, a bill for an act to amend an act entitled "an  
act concerning jurors," approved Nov. 5th, 1861.

The following bills were read first time by their titles, and  
ordered to their second reading :

H. B. No. 31, "a bill for an act to increase the capital stock, and extend the privileges of the Jefferson County Irrigating Ditch Company;"

H. B. No. 18, "a bill for an act concerning Roads and Highways;"

H. B. No. 29, a bill for "an act for the protection of Farmers from the depredations of stock, in Douglas, Weld and Arapahoe counties," and

C. B. No. 30, and act to amend "an act concerning jurors," approved Nov. 5th, 1861.

C. B's. Nos. 27, 28 and 29

Were read second time and.

On motion,

Referred to Committee of the Whole.

H. B. No. 15, and H. B. No. 24

Were read second time and referred:

H. B. No. 15 to committee on agriculture, and

H. B. No. 24, to committee on counties.

H. J. R. No. 5, was taken up, read third time, and, on the question of its passage,

The ayes and noes were taken, and there were:

Ayes—7.

Noes—4.

Those voting in the affirmative were:

Messrs. Berry, Dominguez, Esterday, Jones, Loveland, Van Deren and Whitsitt.

Those voting in the negative were,

Messrs. Bailey, Doyle, Widner and Mr. President.

Absent—Mr. Hallett.

Bill passed and title agreed to.

H. B. No. 2, was read third time and put upon its final passage.

The vote on its passage was follows:

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Jones, Loveland, Van Deren, Whitsitt, Widner and Mr. President.

Noes—0.

Ayes—11.

Absent—Mr. Hallett.

Bill passed and title agreed to.

C. B. No. 23 was taken up, read third time by its title, and passed by the same vote.

Title agreed to.

Leave being granted, Mr. Whitsitt submitted the following report, which was received:

MR. PRESIDENT:—Your committee on Incorporations have had under consideration

C. B. No. 12, an act amendatory of "an act to Incorporate the Golden City and Arapahoe Ditch,"

And report the same back to the Council without recommendation.

R. E. WHITSITT, Ch'm.

On motion,

C. B. No. 24 was taken up and read for information.

Mr. Bailey moved a reconsideration of the vote by which Section 7 of the bill was stricken out.

Carried by the following vote :

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Jones, Loveland, Van Deren and Widner.

Noes—Mr. Whitsitt and Mr. President.

Ayes—9.

Noes—2.

Absent—Mr. Hallett.

Mr. Bailey, moved that Sec. 7, which was stricken out, be reinserted in the bill.

Carried.

On motion of Mr. Loveland,

The bill was re-committed to the Committee of the Whole.

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

The ayes and noes were called for and there were :

Ayes—6.

Noes—5.

Those voting in the affirmative were

Messrs. Doyle, Dominguez, Loveland, Van Deren, Whitsitt and Mr. President.

Those voting no were

Messrs. Bailey, Berry, Esterday, Jones and Widner.

Motion prevailed and

The Council adjourned until 2 o'clock, p. m.

#### AFTERNOON SESSION.

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

President in the chair.

Quorum present.

Mr. Bailey, from committee on engrossed bills, reported

C. B. No. 26, "an act concerning bills of exchange, promissory notes and negotiable instruments,"

Correctly engrossed.

R. O. BAILEY, Ch'm.

Report received.



Mr. Bailey moved that the Council do now resolve itself into the Committee of the Whole.

Carried.

Mr. Bailey in the chair.

After sometime spent therein the Committee arose, and

On motion,

Were allowed until to-morrow to report.

On motion of Mr. Berry,

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

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FRIDAY, FEBRUARY, 26, 1864.

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

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent Messrs. Johnson, Van Deren and Whitsitt.

Journal of yesterday read and approved.

The following message was received from the House :

HOUSE OF REPRESENTATIVES,  
February 25, 1864.

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

H. S. to C. B. No. 8, a bill for an act to amend an act entitled "an act to define County boundaries and locate County Seats in Colorado Territory,

Also,

H. B. No. 25, an act to regulate irrigation, and the concurrence of your Honorable Body therein is respectfully requested.

Your obedient servant,

B. B. STILES,

Chief Clerk of the House.

Reports from standing committees :

Mr. Esterday, from committee on Agriculture, to whom was referred

II, B. No. 15, reported the same back without amendment, and recommend its passage.

H. E. ESTERDAY, Ch'n.

MR. PRESIDENT: Your committee on Counties, to whom was referred

II, B. No. 24, an act to amend an act entitled "an act to authorize the appointment of County Commissioners in sepcial

cases," beg leave to report that they have examined the same, and recommend its passage.

R. O. BAILEY, Ch'n.

The special committee, to whom was referred

H. B. No. 6, "an act creating a lien in favor of mechanics and others, in certain cases," reported through their Chairman, Mr. Jones, that they had considered the same, and offered a substitute in place thereof, and recommend that it pass.

LEWIS JONES, Ch'n.

Reports received.

Previous notice having been given,

By leave, Mr. Esterday introduced

C. B. No. 31, a bill for an act to operate a ferry on the Arkansas river,

Also,

C. B. No. 32, an act to incorporate the Arkansas, Pueblo and Fountain-qui Bouille Ditch Company, and also announced, that on to-morrow, or some subsequent day, he would introduce

A bill for an act to incorporate the Trinidad Town Company.

In accordance with previous notice, Mr. Hallett introduced

C. B. No. 33, an act to amend an act entitled "an act regulating the fees of officers, jurors and witnesses," approved Nov. 8th, 1861.

The above bills, and

H. B. No. 25, an act to regulate irrigation, and

H. S. to C. B. No. 8, a bill for an an act to amend an act entitled "an act to define County boundaries and locate County Seats in Colorado Territory," were

Read first time by their titles and ordered to their second reading.

C. B. No. 30, H. B. No. 18, H. B. No. 29 and H. B. No. 31 were read second time and referred :

C. B. No. 30 to committee on Judiciary.

H. B. No. 18 to committee on Highways and Bridges.

H. B. No. 29 to committee on Agriculture, and

H. B. No. 31 to committee on Incorporations.

On motion,

The report of the Committee of the Whole of yesterday was received, and the following was their report :

MR. PRESIDENT: The Committee of the Whole having considered

C. B. No. 27, "a bill for an act to establish and regulate Territorial Roads," report the same back to the Council, and recommend that it do pass,

Also,

C. B. No. 28, a bill for an act concerning Probate Courts and Justices of the Peace, and report it back to the Council with the recommendation that it be made the special order for tomorrow, at 11 o'clock a. m.,

Also,

C. B. No. 29, an act concerning licenses, and recommend that it be amended by striking out the word "assessor" whenever it occurs in the bill, and inserting instead thereof the words "County Clerk," and that it pass so amended.

Also,

C. B. No. 25, an act granting to Francis Smith the right to erect and maintain a bridge across the waters of the South Platte river, and recommend that it be referred to the committee on Highways and Bridges, and

Also,

C. B. No. 24, an act to incorporate the Colorado Territorial Agricultural Society, and report the same back to the Council with the recommendation that it pass.

Respectfully submitted,

R. O. BAILEY, Ch'n.

On motion of Mr Loveland,

The report of the Committee of the Whole was adopted, and C. B. No. 27 was considered engrossed and ordered to its third reading.

C. B. No. 28 was made the special order for 11 o'clock a. m.

C. B. No. 29 was ordered engrossed.

C. B. No. 25 referred to committee on Highways and Bridges.

C. B. No. 24 was taken up, and,

On motion,

The following amendment offered by Mr. Widner:

Insert "of agriculture" after the word "encouragement," in third line, section two, in the bill, was adopted and the bill ordered engrossed.

C. B. No. 28 was taken up, and read for information.

After some consideration of the same,

Mr. Loveland moved that it be referred to a special committee, consisting of Messrs. Hallett, Esterday and Bailey.

Carried,

And the bill was so referred.

C. B.'s Nos. 26 and 27 were taken up, read third time, and passed by the following vote:

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Jones, Loveland, Widner and Mr. President.

Ayes—10.

Noes—0.

Absent—Messrs. Van Deren and Whitsitt.

Titles agreed to.

On motion of Mr. Loveland,

Council adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

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

President in the chair.

Quorum present.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }  
February, 26th, 1864, }

MR. PRESIDENT: I am instructed to inform the President of the Council, that in the proceedings of the House, this a. m., among other things done, the following motion was made and adopted, viz:

"That when a message in writing is sent to this House by the Council, that it be received and sent up to the Speaker, to be read by him or the Clerk.

I have the honor to be,

Yours, very truly,

B. B. STILES,

Chief Clerk of the House.

HOUSE OF REPRESENTATIVES,  
February 26th, 1864.

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

H. B. No. 20, a bill for an act entitled an act to prevent Felons from defending persons in the Courts of this Territory.

Also,

H. B. No. 37, a bill for an act securing to James Miller of Gilpin County, certain rights,

Also,

H. B. No. 42, a bill for an act entitled an act to authorize the County Commissioners of Gilpin County, to pay certain jurors fees.

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

Also,

They have concurred in and passed,

C. B. No. 20, "a bill for an act to legalize and confirm the entry of the town site of Golden City;

Also,

C. B. No. 21, a bill for an act to amend an act entitled "an act concerning injunctions," Approved Nov. 5th, 1861, without amendment.

Your obedient servant,

B. B. STILES,  
Chief Clerk of the House.

Mr. Loveland from Committee on Highways and Bridges submitted the following report :

MR. PRESIDENT:—Your committee to whom was referred, C. B. No. 25, "an act granting to Francis Smith the right to erect and maintain a bridge across the waters of the South Platte River."

Ask leave to report that they have considered the provisions of the same, and recommend the following amendments thereto, to-wit :

Strike out all of section 1, after the word "river" in last line of said section, and insert the words "eight miles;"

Also,

Strike out all of section 2, after the word "namely," in tenth line of said section, and insert instead thereof,

"For each wagon drawn by two animals, one dollar and fifty cents; for each additional two animals, twenty-five cents; for every carriage drawn by one animal, fifty cents; for every beast of burden with its burden, twenty-five cents; for every horse or mule with its rider, ten cents; for each head of loose stock, five cents and for each head of sheep or hogs, one cent."

W. A. H. LOVELAND, Ch'n.

Report received.

Mr. Berry moved that the Council go into Committee of the Whole.

Carried.

Mr. Widner in the chair.

After sometime spent therein.

On motion,

Committee rose, and reported through their chairman,

That they had considered,

C. B. No. 12, "an act amendatory of an act to Incorporate the Golden City and Arapahoe Ditch."

And report it back to the Council with the recommendation that it be indefinitely postponed.

Also,

H. B. No. 15, and report the same back without amendment, and recommended its passage.

Also,

H. B. No. 24, and report it back to the Council with a like recommendation.

Also,

H. B. No. 6, and report the same back to the Council with the recommendation that it be amended as follows :

Strike out all after the enacting clause, and adopt the report of the special committee, to whom the bill was referred, and recommend its passage thus amended.

Also,

C. B. No. 25, and report the same back, with the recommendation that the report of the committee on Highways and Bridges, to whom the bill was referred, be adopted and that it pass as amended.

Respectfully submitted,  
AMOS WIDNER, Ch'n.

The following message was received from His Excellency, the Governor :

EXECUTIVE DEPARTMENT, C. T., }  
DENVER, March 26, 1864. }

*To the Hon. Charles W. Mather, President of the Council :*

SIR:—I have the honor to inform the Council, that I have this day approved and signed the following resolution and law, which are certified to have originated therein, viz :

Joint Resolution, approving the conduct of the Commandant of this District, and the Colorado soldiers.

An act to locate the County seat of Costilla County.

Very Respectfully,

Your obedient servant,

JNO. EVANS,

Governor of Colorado.

Mr. Whitsitt offered the following :

*Resolved*, That no bill of a private nature shall be considered or acted upon by the Council, except those which are now before the Council, for ten days from this date.

Mr. Loveland moved to indefinitely postpone the resolution.  
Withdrawn.

Mr. Bailey moved that it be postponed until five days prior to the close of the session.

The ayes and noes were called for,

Ayes—7,

Noes—4.

Those voting in the affirmative were,

Messrs. Bailey, Doyle, Dominguez, Esterday, Loveland, Widner and Mr. President.

Those voting in the negative were,

Messrs. Berry, Hallett, Jones and Whitsitt.

So the motion to postpone was adopted.

Mr. Bailey moved that the report of the Committee of the Whole be taken up and considered.

Carried,

On motion,

The report was adopted, and

H. B. No. 6, with the amendment thereto.

H. B. No. 15, and H. B. No. 24, were ordered to their third reading.

Mr. Loveland moved the adoption of the report of the Committee of the Whole on C. B. No. 25.

The ayes and noes were called for, and had as follows :

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Jones, Loveland, Widner and Mr. President.

Noes—Messrs. Hallett, and Whitsitt.

Report adopted.

Mr. Hallett moved to further amend the bill by striking out the word "exclusive" wherever it occurs in the bill.

Mr. Loveland moved to lay the motion on the table.

Carried as follows :

Ayes—Messrs. Bailey, Doyle, Dominguez, Esterday, Jones, Loveland, Widner and Mr. President.

Noes—Messrs. Berry, Hallett and Whitsitt.

Ayes—8.

Noes—3.

Mr. Whitsitt moved that the bill be indefinitely postponed.

The ayes and noes being called for, were had as follows :

Ayes—Messrs. Hallett and Whitsitt.

Noes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Jones, Loveland, Widner and Mr. President.

Ayes—2.

Noes—9.

So the motion to indefinitely postpone,

Lost.

On motion,

The bill was ordered engrossed for third reading.

On motion,

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

SATURDAY, FEBRUARY 27, 1864.

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

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Hallett, Johnson, Van Deren and Whitsitt.

On motion of Mr. Berry,

Mr. Whitsitt was excused.

Mr. Loveland presented and read the following communication from the Rev. B. C. Dennis :

DENVER, C. T., Feb. 27, 1864.

*To the Honorable, the President and members of the Legislative Council of Colorado Territory :*

Circumstances compel me now to tender to you my resignation as Chaplain of your Honorable Body, thankful for favors shown, and asking your acceptance of the resignation.

I am, respectfully,

B. C. DENNIS.

On motion,

The resignation was accepted.

Reports from standing committees :

Mr. Jones, from committee on Education, reported that they had considered

H. B. No. 34, and recommend that it pass without amendment.

Respectfully,

LEWIS JONES, Ch'n.

MR. PRESIDENT: The committee on Engrossed Bills have examined

C. B. No. 29, an act concerning licenses.

C. B. No. 25, an act granting to Francis Smith the right to erect and maintain a bridge across the waters of the South Platte river, and

C. B. No. 24, an act to incorporate the Colorado Territorial Agricultural Society, and find the same correctly engrossed.

R. O. BAILEY, Ch'n.

Messrs. Hallett and Whitsitt appeared and took their seats.

MR. PRESIDENT: Your committee on Agriculture beg leave respectfully to report that they have had under consideration

H. B. No. 29, and offer the following amendments thereto :



Amend section one by providing, that no damage shall be recoverable between the 15th day of November and the 15th day of March.

Respectfully submitted,

H. E. ESTERDAY, Ch'n.

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

H. B. No. 31, a bill for an act to increase the capital stock and extend the privileges of the Jefferson County Irrigating Ditch Company, respectfully report that they have had the same under consideration, and report it back to the Council without recommendation.

R. E. WHITSITT, Ch'n.

Mr. Hallett, from the special committee, to whom was referred

C. B. No. 28, a bill for an act concerning Probate Courts and Justices of the Peace, respectfully report that they have considered the same and recommend that the bill, herewith returned, be adopted as a substitute therefor.

MOSES HALLETT, Ch'n.

Reports received.

Mr. Berry offered the following preamble and resolution:

WHEREAS, By a message from the House, yesterday, the 26th inst., the Council is informed that when a message in writing is sent to the House by the Council, that it be received and sent up to the Speaker, to be read by him or the Clerk, and,

WHEREAS, The said resolution being in direct violation of the joint rules of both Houses, therefore be it

*Resolved, by the Council,* That the Secretary of this Council be instructed to read, or cause to be read, all messages from this Body to the House, as prescribed by section one of said joint rules, until the same be altered or amended by joint action of both Houses.

Not adopted.

Mr. Loveland gave notice that on Monday next, or some subsequent day, he would introduce a bill for an act granting privileges to float cord wood down Bear Creek River.

Bills on first reading:

H. B. No. 42, an act entitled "an act to authorize the County Commissioners of Gilpin County to pay certain juror's fees."

H. B. No. 37, an act securing unto James Miller, of Gilpin County, certain rights.

H. B. No. 20, an act entitled "an act to prevent felons from defending persons in the Courts of this Territory," were

Read first time by their titles and laid over under the rules.

Bills on second reading :

C. B.'s, Nos. 31, 32 and 33, and H. B. No. 25 and H. S. to C. B. No. 8, were read second time and referred :

C. B. No. 32 and H. B. No. 25 to committee on Agriculture;

C. B. No. 31, to committee on Incorporations;

C. B. No. 33 and H. S. to C. B. No. 8, to Committee of the Whole.

Bills on third reading :

H. B. No. 15, an act concerning marks and brands.

Vote on its final passage :

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner and Mr. President—11.

Noes—0.

Absent—Messrs. Johnson and Van Deren.

Title agreed to.

H. B. No. 24, an act to amend an act entitled "an act to authorize the appointment of County Commissioners in special cases,"

Passed by the same vote and title agreed to.

C. B. No. 24, an act to incorporate the Colorado Territorial Agricultural Society.

Also

Passed by the same vote and title agreed to.

C. B. No. 25, an act granting to Francis Smith the right to erect and maintain a bridge across the waters of the South Platte River.

Vote on its passage :

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Jones, Loveland, Widner and Mr. President.

Noes—Messrs. Hallett and Whitsitt.

Ayes—9.

Noes—2.

Bill passed and title agreed to.

C. B. No. 29, an act concerning licenses.

Vote on its final passage :

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner and Mr. President.

Ayes—11.

Noes—0.

Absent—Messrs. Johnson and Van Deren,

Bill passed and title agreed to.

C. S. to H. B. No. 6 was taken up.

Mr. Hallett moved a reconsideration of the vote by which the report of the Committee of the Whole on the bill was adopted.

Carried.

On motion of Mr. Berry,

The substitute reported by the special committee, to whom the bill was referred, was adopted, and the same was read third time and put upon its final passage.

The ayes and noes being had, the vote was as follows :

Ayes—Messrs. Bailey, Berry, Doyle, Dominguez, Esterday, Hallett, Jones, Whitsitt, Widner and Mr. President.

Noes—Mr. Loveland.

Ayes—10.

Noes—1.

Bill passed and title agreed to.

The Sergeant-at-Arms announced a message from the House of Representatives, which was received and read by the President, as follows :

HOUSE OF REPRESENTATIVES,  
February 27th, 1864.

MR. PRESIDENT: I am instructed to inform the Council that the House has passed the following bills, to wit :

H. B. No. 16, a bill for an act relating to marriages.

H. B. No. 35, a bill for an act entitled "an act providing for the collection of the revenue," and the concurrence of your Honorable Body therein is respectfully requested.

Your obedient servant,

B. B. STILES,

Chief Clerk of the House.

Mr. Hallett moved that, hereafter, in receiving messages from the House, the joint rule relating thereto, adopted by the Council and House, be adhered to.

Carried.

Mr. Hallett moved that the Council do now resolve itself into the Committee of the Whole.

Carried.

Mr. Hallett in the Chair.

After some time spent therein,

On motion of Mr. Mather,

The committee rose, and asked leave to sit again.

Mr. Loveland asked leave of absence until Monday next, 29th inst., at 10 o'clock a. m.

Mr. Whitsitt moved that he be excused until that time.

Mr. Widner moved to lay Mr. Whitsitt's motion on the table.

Lost, and

Mr. Loveland was excused.

On motion of Mr. Esterday,  
The Council adjourned until 2 o'clock, p. m.

AFTERNOON SESSION.

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

President in the chair.

Roll called.

Absent—Messrs. Berry, Doyle, Esterday, Hallett, Loveland,  
Van Deren, and Whitsitt.

The Sergeant-at-Arms was dispatched after the absentees.

Messrs. Berry, Doyle, Esterday, Hallett, and Whitstitt, ap-  
peared in their seats.

On motion of Mr. Bailey,

Further proceedings under the call was dispensed with.

Message from the House:

HOUSE OF REPRESENTATIVES, }  
February 27, 1864. }

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

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

Strike out Section five, and add the following in its place:—  
“That all fines [and penalties] incurred by the provisions of  
this act, shall be paid into the county treasury, where the offense  
was committed, for the use of Common Schools of the Terri-  
tory of Colorado.”

And the concurrence of your Honorable body is respectfully  
requested therein;

Also,

They have amended Council amendments to H. B. No. 13,  
section four, as follows, to-wit:

Add at the end of said Section,

*Provided*, That this act shall not be construed to prevent the  
owner of such sheep, from herding or pasturing the same on  
the land of such owner;”

And with this amendment to said bill, the House concurs,  
and most respectfully ask you concurrence therein;

Also,

They concur in the amendment to the title of said bill, as  
amended by the Council;

Also,

The House concurs in Council amendment to H. B. No. 2,

Also,

The House recedes from its amendment to C. B. No. 5, in Section six of said bill.

Said bills are herewith transmitted.

Your ob't serv't,

B. B. STILES,  
Chief Clerk of the House.

On motion, of Mr. Hallett.

The Council concurred in the amendment adopted by the House to

H. B. No. 13.

Mr. Widner moved that the Council concur in House amendment to

C. B. No. 6.

Carried.

Mr. Whitsitt moved that the Council go into Committee of the Whole.

Carried.

Mr. Whitsitt in the Chair.

After some time spent therein,

On motion of Mr. Hallett,

Committee rose and reported through their chairman that they had considered,

Substitute to C. B. No. 28, a bill for "an act concerning Probate Courts and Justices of the Peace in certain Counties,"

And recommend its adoption and passage.

Also,

H. B. No. 31, a bill for "an act to increase the Capital Stock and extend the privileges of the Jefferson County Irrigating Ditch Company," and report the same back with the recommendation that it be made the special order for Monday next,

Also

C. B. No. 33, an act to amend an act entitled "an act regulating the fees of Officers, Jurors and Witnesses," approved, Nov. 8th 1861, and recommended that the same be referred to a special committee;

Also,

H. B. No. 29, a bill for "an act for the protection of Farmers from the Depredations of Stock in Douglas, Weld and Arapahoe Counties," and report the same back with the recommendation that it also be referred to a special committee.

Respectfully Submitted,

R. E. WHITSITT, Ch'n.

On motion of Mr. Bailey,  
The report was received, and  
On motion,

Was adopted, and  
C. B. No. 28, was ordered engrossed for third reading.  
H. B. No. 31, made the special order for Monday.

The Chair appointed as special committee for the consideration of C. B. No. 33;

Messrs. Berry, Bailey and Jones.

As a special committee for the consideration of H. B. No. 29,  
Messrs. Widner, Hallett and Dominguez.

The Chairman of the Committee of the Whole of this a. m. made the following report:

MR. PRESIDENT: The Committee of the Whole having had under consideration,

H. S. to C. B. No. 8, a bill for an act to amend an act entitled "an act to define County Boundaries and to locate County Seats in Colorado Territory," and recommend that the same be referred to the committee on Counties;

Also,

H. B. No. 34, a bill for "an act to enable the Superintendent of Common Schools for El Paso County to apply the School Fund of said County, to the use of Schools in the several Districts therein," and recommend that it be amended by adding:

SEC. 2. That the Superintendent of Schools in the County of Park, shall be, and he is hereby authorized to pay over the School Fund derived from the assessment of the year 1863, in like manner, as provided in Sec. one of this act respecting the Superintendent of El Paso County, and that it pass, so amended.

Respectfully submitted,  
MOSES HALLETT, Ch'm.

On motion,

The report was received and adopted.

Mr. Widner moved that

H. S. to C. B. No. 8, be made the special order for Tuesday next.

Carried.

Mr. Bailey from committee on enrolled bills reported that they had examined

C. B. No. 20, and C. B. No. 21, and find the same correctly enrolled.

R. O. BAILEY, Ch'm.

Report received.

On motion,

Council adjourned until Monday, 29th inst., at 10 o'clock a. m.

MONDAY, FEBRUARY 29th, 1864.

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

President in the chair.

Absent—Messrs. Doyle, Hallett, Johnson, Loveland and Van Deren.

On motion of Mr. Esterday,

Mr. Doyle was excused.

Journal of Saturday read and approved.

Mr. Hallett appeared in his seat.

Mr. Whitsitt, from committee on Incorporations, to whom was referred

C. B. No. No. 31, a bill for "an act to operate a Ferry on the Arkansas river,"

Beg leave to report the same back to the Council without recommendation.

R. E. WHITSITT, Ch'n.

Mr. Whitsitt moved that the Council do now proceed to the election of a Chaplain, to fill the vacancy occasioned by the resignation of Rev. B. C. Dennis.

Carried.

Mr. Bailey nominated Mr. Willard.

Rev. Mr. Willard, having received the unanimous vote of the members present, was declared duly elected.

By common consent of the Council, Mr. Hallett, without previous notice, introduced

C. B. No. 34, a bill for "an act to incorporate the Philadelphia and Colorado Gold and Silver mining company," which, together with

H. B. No. 16, a bill for "an act relating to marriages," and

H. B. No. 35, an act to amend an act entitled "an act providing for the collection of the revenue,"

Were read first time by their titles and laid over under the rules.

H. B's. Nos. 20, 37 and 42.

Were read second time and referred:

H. B's Nos. 20 and 42, to Committee of the Whole, and

H. B. No. 37, to committee on Incorporations.

H. B. No. 31, was taken up and

On motion of Mr. Whitsitt,

Was laid over for consideration this p. m.

On motion of Mr. Widner,

H. B. No. 34,

Was made the special order for to-morrow.

On motion of Mr. Hallett,

Council adjourned until 2 o'clock p. m.

## AFTERNOON SESSION.

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

President in the chair.

Quorum present.

The following communication was received from His Excellency the Governor :

EXECUTIVE DEPARTMENT, C. T., }  
DENVER, Feb. 27, 1864. }

*The Hon. C. W. Mather, President of the Council :*

Sir: I herewith return to the Council a bill for "an act to exclude traitors and alien enemies from courts of justice in this territory, in civil cases," with my objections to the same. The object of the bill, and its provisions, meet my hearty approval, but the following clause, found on the second page, beginning at the fifteenth line from the top, is liable to a construction of its meaning which is in conflict with the evident intention of the bill, viz :

"Nor will I, hereafter, in any manner, aid, encourage, countenance or assist any person or persons in acts of rebellion against the Government of the United States, or the so-called Confederate States, or any of them, in their rebellion against the Government of the United States;" which is to require him to swear that he will not encourage or assist any person or persons *in acts of rebellion against the so-called Confederate States*, or any of them, in their rebellion against the Government of the United States," or that he will not encourage any acts of rebellion against the rebel authority.

This is, undoubtedly, not the intention of the Legislature, and some may doubt the correctness of this construction of the language of the bill, yet the form of an oath should be so clear that no two interpretations can be placed upon it. I hope that the phraseology referred to may be changed, so that all will understand it alike.

Very respectfully your obedient servant,

JOHN EVANS,  
Governor of Colorado.

Mr. Whitsitt moved that the above communication be made the special order for to-morrow at 10 o'clock, a. m.

Carried.

Reports from standing committees :

Mr. Whitsitt, from committee on Incorporations, reported that they had considered



H. B. No. 37, "an act securing unto Jas. Miller, of Gilpin county, certain rights,"

And recommend that the same do pass.

R. E. WHITSITT, Ch'm.

MR. PRESIDENT: The committee on Engrossed Bills have examined

C. B. No. 28, a bill for an act concerning Probate Courts and Justices of the Peace,"

And find the same correctly engrossed.

R. O. BAILEY, Ch'n.

MR. PRESIDENT: Your committee on Agriculture, to whom was referred

H. B. No. 18, "an act concerning Roads and Highways,"

Beg, most respectfully, to report that they have had the same under consideration and recommend that it pass, with the following amendment:

Strike out, in first line of Sec. one, the words "which are now used as such or."

Respectfully,

H. E. ESTERDAY, Ch'n.

Mr. Bailey, from committee on enrolled bills, reported that they had examined

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

Also,

C. B. No. 5, an act to amend "an act regulating the mode of proceeding in replevin,"

And find the same correctly enrolled.

R. O. BAILEY, Ch'n.

The committee on military affairs, to whom was referred that portion of the Governor's Message concerning the militia, reported that they had considered the same; also, "an act to organize the Militia of Colorado Territory," approved August 14th, 1862, and whil we do not believe that any further legislation is necessary for the organization of the militia of this Territory, we do believe that the laws already enacted, should be more rigidly enforced, so as to secure a more efficient and reliable organization than at present exists; and we would recommend that the Commander-in-Chief of this Territory take such action as may best accomplish the desired object according to the law already enacted. All of which is respectfully submitted.

R. O. BAILEY,

Mr. Widner gave notice of the introduction of a bill for an act to incorporate the Boulder Valley and Black Hawk Wagon Road Company.

H. B. No. 31, was taken up for consideration, and

On motion of Mr. Whitsitt,

Was made the special order for to-morrow.

The following message was received from the House :

HOUSE OF REPRESENTATIVES,  
February 20, 1864.

MR. PRESIDENT:—I am instructed to inform your Honorable Body, that the House has passed the following bills, and the concurrence of the Council is respectfully requested therein; to-wit:

H. B. No. 39, "a bill for an act entitled an act amendatory and explanatory of an act concerning Lode claims."

Also,

H. B. No. 44, an act to divide the Territory of Colorado into Judicial Districts, and to provide for the holding of Courts in the same."

Also,

H. B. No. 46, "an act to rescind that part of the Cash Creek Park Ditch Company Charter, that includes Clear Creek;"

Also,

H. B. No. 48, an act to confirm the appointment of W. S. Walker as Superintendant of Public Schools and for other purposes:"

Also,

The House has concurred in and passed.

C. S. to H. B. No. 7, "an act to legalize assessments of property for revenue purposes in certain cases;"

Also,

They have concurred in and passed,

C. B. No. 19, "an act to enable soldiers in the United States service to acquire and hold (mining and other) claims," and have amended the title by inserting the words "mining and other," between "hold" and "claim," and your concurrence therein is respectfully requested.

Also,

They have passed without amendment,

C. B. No. 22, "a bill for an act to Incorporate the Colorado Seminary," said bills herewith transmitted.

I have the honor to be,

Yours, very truly,

B. B. STILES,

Chief Clerk of the House.

Mr. Berry moved that the Council do now go into the Committee of the Whole.

Carried.

Mr. Berry in the chair.

On motion of Mr. Whitsitt,

The committee rose and asked leave to sit again.

Mr. Berry moved that,

H. B. No. 44, "an act to divide the Territory of Colorado into Judicial Districts, and to provide for the holding of Courts in the same,"

Be taken up for consideration.

Carried.

On motion of Mr. Whitsitt,

The rules were suspended and the bill read first and second time by its title, and referred to

Committee of the Whole by the following vote:

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Jones, and Whitsitt.

Noes—Messrs. Widner and Mr. President.

On motion of Mr. Berry,

Council went into Committee of the Whole.

Mr. Berry in the chair.

After some time spent therein,

On motion of Mr. Mather,

The committee rose and reported through their chairman as follows:

The Committee of the Whole having had under consideration.

H. B. No. 44, "an act to divide the Territory of Colorado into Judicial Districts, and to provide for the holding of Courts in the same."

Report the same back to the Council, with the following amendments, to-wit:

Insert "San Luis" in the blank where it occurs in section 7, and in same section, add the following:

"*Provided*, That the next term of Court in Conejos County shall be held on the first Monday in April next by the Hon. Allen A. Bradford," and further recommend that the bill be made the special order for to-morrow at 3 o'clock p. m.

Also,

H. B. No. 42, "an act entitled an act to authorize the County Commissioners of Gilpin County to pay certain Jurors fees,"

And report the same back without amendment and recommend its passage.

Also,

H. B. No. 37, "an act securing unto James Miller of Gilpin County, certain rights, with a like recommendation;

Also,

H. B. No. 18, "an act concerning Roads and Highways,"

And report the same back and recommend that it be referred to the committee on Highways and Bridges;

Also,

C. B. No. 31, and report the same back with the recommendation that,

Sec. 2. Be amended so as to read "two" instead of "ten" in the last line of said section.

Also,

Strike out the words "for every footman, twenty cents" in the fourth line from the bottom of same section, and insert instead thereof the words "ten cents;"

Also,

Add the following :

Sec. 5. If any persons hereby incorporated shall not build and complete a bridge within three years from the date of the passage of this act, their right to construct the same, shall be forfeited, and nothing in this act contained, shall be held or construed to prohibit any person or persons from fording the said Arkansas River, at any point thereon whenever they may desire to do so; and report the same back with the recommendation that it pass so amended.

Also,

H. B. No. 20, an act entitled an act, to prevent Felons from defending persons in Courts of Justice of this Territory,"

And recommend its passage without amendment.

Respectfully Submitted,

R. BERRY, Ch'n.

On motion,

The report was received and,

On motion of Mr. Bailey, it was adopted.

H. B. No. 42, H. B. No. 37 and H. B. No. 20,

Were ordered to their third reading.

C. B. No. 31, was ordered engrossed

On motion,

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

TUESDAY, MARCH, 1st, 1864.

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

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent.—Messrs. Doyle, Johnson and Van Deren.

Journal of yesterday read and approved.

The communication of His Excellency, the Governor, being the special order for 10 a. m., was taken up, and,

On motion of Mr. Bailey,

It was made the special order for this afternoon, at 6 o'clock.

Reports from standing committees:

MR. PRESIDENT: The committee on Engrossed bills have examined

C. B. No. 31, an act granting the right to operate a ferry on the Arkansas River, and find the same correctly engrossed.

R. O. BAILEY, Ch'n.

MR. PRESIDENT: Your committee, to whom was referred

C. B. No. 32, have had the same under consideration, and beg leave to report the same back to the Council with the following amendment:

Insert after the word "years," in section four, "forfeit all rights and privileges herein contained.

Respectfully,

H. E. ESTERDAY, Ch'n.

MR. PRESIDENT: Your committee, to whom was referred

H. B. No. 25, an act concerning irrigation, beg respectfully to report that, they have had the same under consideration, and recommend its passage with the following amendments, to wit:

In section 1, strike out the whole of the first and second lines and part of the third line to the figures "1862," inclusive.

Insert in the third line, before the word "any," the words "that the occupiers of;" also, in same line, insert between the words "land" and "within" the words "under cultivation prior to the first day of January, 1864."

In section sixteen, strike out in the second line the words "wasting or," also, the words in the same line, "an inordinate quantity of." Insert in second line, between the words "Districts" and "or" the words "for other than the cultivation of cereals;" also, in the third line, between the words "neglect" and "to" the words "to shut off the entrance of said water into his or their ditch, when it is not actually necessary for use or."

In section nineteen, also insert in fourth line, between the words "place" and "and" the words "as near the boundary of said counties as is practicable, or they may agree upon."

Very respectfully,

H. E. ESTERDAY, Ch'n.

In accordance with previous notice, and leave being granted, Mr. Whitsitt introduced

C. B. No. 35, a bill for an act to amend an act entitled "an act to incorporate the City of Denver."

Mr. Widner introduced

C. B. No. 36, an act to incorporate the Boulder Valley and Black Hawk Wagon Road Company.

Mr. Hallett introduced

C. B. No. 37, a bill for an act relating to the sufficiency of the security on official bonds and for other purposes.

Also,

C. B. No. 38, a bill for an act further to amend "an act concerning practice in civil cases.

Mr. Hallett gave the following notice :

I will, on to-morrow or some subsequent day, introduce a bill for an act prescribing rules and regulations for the execution of trusts in cases of entry of the town sites under act of Congress;

Also,

A bill for an act to amend an act entitled "an act concerning criminal jurisprudence," approved Nov. 5th, 1861;

Also,

A bill for an act to amend an act entitled "an act concerning wills, executors and administrators," approved Nov. 8th, 1861.

Bills on first reading :

C. B.'s Nos. 35, 36, 37 and 38, and H. B. No. 39, an act entitled an amendatory and explanatory of "an act concerning lode claims;"

H. B. No. 48, an act to confirm the appointment of W. S. Walker as Superintendent of Public Schools and for other purposes," were

Read first time, and laid over under the rules.

C. B. No. 34 and H. B.'s Nos. 35 and 16 were read second time and referred :

C. B. No. 34, to Committee of the Whole;

H. B. No. 35, to committee on Finance, Ways and Means.

Mr. Hallett moved that H. B. No. 16, an act relating to marriages, be referred to a special committee, and that Mr. Berry be appointed Chairman of said committee.

Carried, and

The Chair appointed Messrs. Hallett and Jones to assist Mr. Berry in his consideration of the same.

Under the head of Special Orders,

H. B.'s Nos. 31 and 34 were taken up for consideration.

Mr. Berry moved to amend section two, of H. B. No. 34, as follows :

Strike out "Superintendent of Schools in the County of Park" and insert "Superintendents of Schools in all the Counties in Colorado Territory ;"

Also,

Strike out "he is" in third line of said section, and insert "they are."

The President decided that, in its present state, amendments were out of order.

Mr. Hallett, moved that the bill be read third time and put upon its final passage.

Carried.

Vote on its final passage :

Ayes—Messrs. Bailey, Dominguez, Esterday, Jones, Loveland, Whitsitt, and Mr. President.

Noes—Messrs. Berry, Hallett, and Widner.

Ayes—7.

Noes—2.

Bill passed.

Mr. Loveland moved that the title be amended by inserting the word "Park," after the "El Paso."

Carried, and the title agreed to as amended.

H. B. No. 31, was taken up and read for information.

Mr. Whitsitt offered the following amendment which was adopted :

Add Section five, "This act may be modified, altered, or repealed by any subsequent Legislature of this Territory."

Mr. Hallett, moved to amend by striking out the words, "if in their power to grant such request," in the fourth and fifth lines from the bottom of Section three, and insert "sufficient water in their said ditch not designed to be used for the purpose of irrigating the soil," instead thereof.

Adopted.

The bill was then read third time, and passed by the following vote :

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett-Jones, Loveland, Whitsitt, Widner, and Mr. President.

Ayes—10.

Noes—0.

Absent—Messrs. Doyle, and Van Deren.

Title agreed to.

C. B. No. 31, and H. B. No. 42, were read third time and passed by the same vote.

C. B. No. 28, taken up for consideration, and,

On motion of Mr. Loveland,

Re-committed to Committee of the Whole.

H. B. No. 37, was read third time and the question being upon its passage, the following was the vote :

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner, and Mr. President.

Ayes—10.

Noes—0.

Bill passed and title agreed to.

H. B. No. 20, was taken up for consideration.

Mr. Widner, moved to strike out the words "defend others," in Section one, third line, and insert instead thereof, the word "practice."

Carried.

The bill was then read third time, and passed unanimously.

On motion of Mr. Widner,

The title was amended so as to read as follows :

"An act to prevent Felons from practicing in the Courts of this Territory."

Mr. Widner, gave notice of the introduction of a bill for

"An act amendatory of an act concerning Justices of the Peace."

On motion,

The Council concurred in House amendments to C. B. No. 19.

Mr. Bailey moved that the Council do now adjourn until 2 o'clock, p. m.

Carried.

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#### AFTERNOON SESSION.

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

President in the chair.

A quorum not being present,

Mr. Widner moved to adjourn until to-morrow at 10 o'clock a. m.

Mr. Hallett moved a call of the House.

The President decided that the motion to adjourn took precedence.

Mr. Hallett appealed from the decision of the chair.

A quorum appearing,

Mr. Widner withdrew his motion.

The message from his Excellency, the Governor, being the special order for 2 o'clock, was taken up for consideration.

Mr. Hallett moved that the bill mentioned in the communi-



ation be amended by striking out the words "against the Government of the United States or," in the seventeenth and eighteenth lines from the top of second page, and insert the word "nor;"

Also,

Strike out, in the nineteenth line from the top of second page, and insert "nor" in lieu thereof, and that it be considered a new bill and put upon its passage

Carried.

And the amendments were adopted.

On motion of Mr. Berry,

The bill was read first time by its title, rules suspended, considered engrossed, read second and third times, and put upon its passage.

Vote on its final passage :

Ayes—Messrs. Berry, Dominguez, Esterday, Hallett, Jones, Whitsitt, Widner and Mr. President.

Noes—Mr. Bailey.

Ayes—8.

Noes—1.

Absent—Messrs. Doyle, Loveland and Van Deren.

Bill passed and title agreed to.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }  
 March, 1st, 1864, }

MR. PRESIDENT: I am instructed to inform your Honorable Body that the House has passed

C. B. No. 18, "an act concerning forcible entry and detainer and unlawful detainer," with the following amendments :

"Sec. 19 In all cases of a tenancy from year to year, between persons in this territory, three months notice to quit shall be deemed sufficient to terminate the same; a six months tenancy may be terminated by a notice of one month; and ten days notice to quit shall be sufficient to terminate a monthly tenancy."

"Sec. 20. This act shall take effect and be in force, from and after the passage thereof,"

And with these amendments, they concur, and your concurrence therein is respectfully requested.

Also, they have passed

H. B. No. 3; "an act for the protection of farmers in certain localities." and the concurrence of the Council is respectfully requested therein.

Also, they have concurred and passed, without amendment,

C. B. No. 16, "an act to incorporate the Beaver Creek Ditch and Fluming Company in Park county, C. T.

Your obedient servant,

B. B. STILES,

Chief Clerk of the House.

On motion of Mr. Hallett,  
The Council concurred in House amendments to C. B. No. 18

The special committee, to whom was referred

H. B. No. 29, "an act for the protection of farmers from the depredations of stock in Douglas, Weld and Arapahoe counties,"

Beg leave, respectfully, to report the same back to the Council, with the following amendments :

"Sec. 5. That no person owning or having charge of any of the animals named in Section first of this act, shall be permitted to herd or graze the same, on any grass or meadow lands, owned claimed or occupied by any resident of this Territory."

"Sec. 6. That no person, being a non resident of this territory, shall be permitted to herd or graze any of the animals named in section first of this act, within one mile of any farm or ranch owned or occupied by a resident of this territory."

"Sec. 7. That if any person or persons shall so herd or graze his or her animals contrary to the provisions of section 5 of this act, he, she or they shall forfeit and pay twenty-five cents per day, for every animal which shall be continued to be so herded, until such animals shall be removed, which sum shall be recovered in an action for debt, in the name of any person who shall feel aggrieved thereby."

"Sec. 8. Nothing shall be so construed in this act as to prohibit emigrants or freighters camping, over night, along any of the highways, or persons residing in the territory, moving with their stock, from one section of the territory to another, *provided*, that such emigrants, freighters, or persons moving, shall conform to the provisions of section first of this act, and be liable to all damages as expressed in sections 2, 3 and 4 of this act.

Respectfully submitted,

AMOS WIDNER, Ch'n.

Report received.

H. B. No. 44, having been made the special order for 3 o'clock, p. m., was taken up for consideration.

Mr. Whitsitt, moved a call of the House.

Carried.

The roll being called, there were

Absent—Messrs. Doyle, Loveland and Van Deren.

Owing to indisposition,

On motion of Mr. Whitsitt,  
Messrs. Doyle and Van Deren were excused.  
The Sergeant-at-arms was dispatched after Mr. Loveland.  
Mr. Loveland appeared in his seat, and

On motion,  
Further proceedings, under the call, were dispensed with.  
H. B. No. 44, being under consideration,

Mr. Bailey moved to amend the bill by striking out the word  
"April," in last line of section six, and insert instead thereof  
the word "July."

Adopted.

Mr. Widner moved to amend by striking out the words  
"Larimer and Boulder," in third and fourth lines of section 8,  
and insert the word "and" between the words "Weld" and  
"Douglas."

Carried.

Mr. Hallett moved to further amend by adding the following:  
"Sec. 26. The county of Larimer is hereby attached to the  
county of Boulder for judicial purposes, and there shall be held  
one term of court in each year; commencing on the first Tues-  
day in October, in each year, at Boulder City, in the County of  
Boulder."

Adopted.

Mr. Whitsitt moved that the bill, as amended, be read third  
time and put upon its passage.

Vote on its final passage:

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Jones,  
Whitsitt and Mr. President.

Noes—Messrs. Hallett, Loveland and Widner.

Ayes—7.

Noes—3.

Absent—Messrs. Doyle and Van Deren.

Bill passed and title agreed to.

Mr. Whitsitt moved that the Council do now resolve itself  
into the Committee of the Whole.

Carried.

Mr. Whitsitt in the chair.

After sometime spent therein,

On motion,

The Committee arose, and

On motion of Mr. Esterday,

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

And recommended the passage of the bill as amended.  
Respectfully submitted,

R. BERRY,

Chairman, Special Committee.

WEDNESDAY, MARCH, 2nd, 1864.

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

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent— Messrs. Berry, Doyle, Johnson and Van Deren.

Journal read and approved.

Mr. Berry appeared in his seat.

By leave, Mr. Widner presented a petition from citizens of Weld County, remonstrating against the annexation of said County to that of Boulder.

Petition received, read and referred to committee on Counties.

Reports from Standing Committees :

MR. PRESIDENT: Your committee to whom was referred, C. B. No. 33, "an act to amend an act entitled an act regulating the fees of officers, jurors and witnesses," Approved Nov. 8th, 1861,

Having had the same under consideration, would recommend the following amendments:

"That Sheriffs receive for serving summons by reading, seventy-five cents instead of, "one dollar," and for serving by written copy, one dollar and fifty cents, as provided in the bill,

Also,

For serving other writs in civil cases, not enumerated in the bill, seventy-five cents, instead of one dollar,

Also,

For levying execution or attachment, two dollars, instead of two dollars and fifty cents.

Also,

For executing and acknowledging deeds of real estate, three dollars, instead of five dollars,

Also,

For *Scire Facias*, seventy-five cents, instead of one dollar,

That the following be inserted after the words "cause on change of venue, three dollars, (in the clause relating to fees of County Attorney) for all Judgments obtained otherwise than upon indictments, five dollars,"

Also,

To strike out the words "in all civil cases, a docket fee of ten dollars," where they occur in said clause relating to fees of County Attorney.

And recommend the passage of the bill as amended.

Respectfully submitted,

R. BERRY,

Ch'm. Special Committee.

MR. PRESIDENT:—The committee on judiciary to whom was referred,

C. B. No. 30, "a bill for an act to amend an act, entitled an act concerning jurors," Approved Nov. 5th, 1861.

Have examined the same, and recommend that the same be passed with the following amendments: Add,

Sec. 2. That hereafter, petit juries summoned in the Counties of Arapahoe and Gilpin, in this Territory, shall be summoned to appear on the eighth day of the term of Court, instead of the first day of such term, as now provided by law, and the first week of each term of the District Court in said Counties shall be devoted to the transaction of such business as may be transacted without a jury.

Respectfully,

MOSES HALLETT, Ch'n.

Report received.

By common consent of the Council, and without previous notice,

Mr. Bailey introduced,

C. B. No. 40, "an act to incorporate the Denver Ditch and Water Company,"

Mr. Whitsitt introduced,

C. B. No. 41, "an act to enlarge the powers of the County Commissioners of Arapahoe County," and

Mr. Loveland introduced,

C. B. No. 42, "an act to amend an act entitled an act to incorporate the Bank of Colorado,"

In pursuance to previous notice, and by leave,

Mr. Widner introduced,

C. B. No. 43, "a bill for an act to amend an act entitled an act concerning Justices of the Peace, and Constables,"

All of which bills, and

H. B. No. 36, "an act for the protection of Farmers in certain localities."

Were read first time by their titles, and laid over under the rules.

Mr. Hallett gave notice that he would on to-morrow or some subsequent day introduce a bill for

An act to amend the election laws of this Territory.

Bills on second reading:

C. B. No. 38, C. B. No. 35, C. B. No. 36, C. B. No. 37, H. B. No. 39 H. B. No. 46 and H. B. No. 48.

Were read second time and referred as follows:

C. B. No. 35, C. B. No. 36, C. B. No. 38, and H. B. No. 46, to Committee of the Whole,

H. B. No. 39, to committee on mining interests,

C. B. No. 37, to judiciary committee, and  
H. B. No. 48, to committee on education.

The chairman of the Committee of the Whole of yesterday made the following report:

**MR. PRESIDENT:** The Committee of the Whole having had under consideration,

C. B. No. 32, "an act to incorporate the Arkansas, Pueblo and Fountain-qui-Bouille Ditch Company,"

And report the same back without amendment and recommend its passage;

Also,  
C. B. No. 34, "an act to incorporate the Philadelphia and Colorado, Gold and Silver Mfning Company,"

And report it back to the Council, with the recommendation that it be referred to a special committee;

Also,

C. B. No. 28, "a bill for an act concerning Probate Courts and Justices of the Peace, in certain Counties,"

And recommend the adoption of the following amendment:  
Insert in Section 1st, after the word "Summit," "Boulder, Weld and Larimer,"

And recommend its passage;

Also,

H. B. No. 25, "an act to regulate irrigation,"

And recommend that the same, with the amendments reported by the committee on Agriculture, to whom the bill was referred, be referred to a special committee;

Also,

H. B. No. 29, "a bill for an act for the protection of Farmers from the depredations of stock, in Douglas, Weld and Arapahoe Counties,"

And recommend that the same be laid over for future consideration.

R. E. WHITSITT, Ch'n.

On motion,  
The report was received and adopted.

On motion of Mr. Hallett,

C. B. No. 28, and C. B. No. 32, were considered engrossed and ordered to their third reading.

The chair appointed as special committee for the consideration of C. B. No. 34,

Messrs. Jones, Loveland and Berry, and

As special committee for the consideration of H. B. No. 25,  
Messrs. Hallett, Esterday and Bailey.

On motion of Mr. Bailey,

H. B. No. 29, was made the special order for to-morrow at 11 o'clock a. m.

The following message was received from the House :

HOUSE OF REPRESENTATIVES,  
March 2nd, 1864.

MR. PRESIDENT :—I have the honor to inform your Honorable body, that the House has passed the following bills, to-wit :

H. B. No. 26, "an act entitled an act to amend an act to enable Road, Ditch, Manufacturing and other Companies to become bodies corporate."

H. B. No. 38, "an act to amend an act to organize the Treasury Department;" and you are most respectfully requested to concur therein.

Also,

They have concurred in and passed, without amendment;

C. B. No. 24, "an act to incorporate the Colorado Territorial Agricultural Society."

Also,

C. B. No. 39, an act to exclude traitors and alien enemies from Courts of Justice, in this Territory in civil cases;"

Also,

They have concurred in Council amendments to

Sec. 3. H. B. No. 31, and they have amended the amendment of the Council to Sec. 5, of said bill as follows, to-wit :

Strike out in 5th Sec. 2nd line, the word "repealed," and transpose the word "or" between the words "modified and altered," and your concurrence therein is respectfully requested ;

Also,

They have concurred in Council amendments to H. B's. Nos. 34 and 20 ;

Also,

The House has passed the following Joint Resolutions, to-wit :

H. J. R. No. 6, "For compensation to Fred J. Stanton for services on Publication of the Statutes of the Legislative Assembly."

H. J. No. 7, "for the payment of Fred J. Ebert for constructing maps of Colorado Territory," and your concurrence therein is respectfully requested.

They have also, concurred in Council amendments to

H. B. No. 44, an act to divide the Territory of Colorado into Judicial Districts, and to provide for the holding of Courts in the same.

Your obedient servant,

B. B. STILES,  
Chief Clerk of the House.

C. B. No. 28, and C. B. No. 32, were read third time and the question being upon their passage, the ayes and noes were had as follows:

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner and Mr. President.

Noes—none.

Absent—Messrs. Doyle and Van Deren.

Bills passed and titles agreed to.

On motion of Mr. Bailey,

Council adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

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

President in the chair.

Quorum present.

Mr. Widner moved that the Council do now go into the Committee of the Whole.

Carried.

Mr. Widner in the Chair.

After some time spent therein,

The Committee rose, and reported through their Chairman as follows:

MR. PRESIDENT: The Committee of the Whole having had under consideration

H. B. No. 46, and C. B. No. 33, report the same back to the Council without amendment and recommend their passage.

Also,

C. B. No. 33, an act to amend an act entitled "an act regulating the fees of officers, jurors and witnesses," Approved Nov. 8th, 1864,

And recommend the adoption of the amendments reported by the Special Committee, to whom was referred, and that it pass so amended,

Also,

C. B. No. 30, an act to amend an act entitled "an act concerning Jurors," Approved Nov. 5th, 1861.

And report the same back to the Council, that the amendment reported by the Judiciary Committee to whom the bill was referred, be adopted and that so amended, it do pass.

Also,

C. B. No. 35, "an act to amend an act to incorporate the City of Denver;"

And report it back to the Council, with the following amendments:

Add Sec. 30. That so much of the act entitled "an act to incorporate the City of Denver, approved Nov. 7th, 1861, as



authorizes the City Council to license Gambling Houses and Bawdy Housés, in Sec. 21, of said act, is hereby repealed."

Add to Sec. 12, "and the City Treasurer, upon warrants drawn in such manner as the City Council shall direct, shall pay the same over to such owner or owners."

And that it pass so amended ;

Also,

C. B. No. 36, "an act to incorporate the Boulder Valley and Black Hawk Wagon Road Company."

And report the same back to the Council, and recommend its passage with the following amendments :

In third line, Section 6, strike out all of said line ;

Also,

Strike out the words "through neglect of said Company" after the word "travel" in 17th line, of same section.

Respectfully submitted,  
AMOS WIDNER, Ch'n.

On motion,

The report was received and after some consideration of the same it was adopted, and

H. B. No. 46, was ordered to its third reading.

Council bills No's. 30, 35, 36 and 33.

Were ordered engrossed for third reading.

C. B. No. 38,

On motion of Mr. Hallett,

Was considered engrossed and ordered to its third reading.

By consent, Mr. Whitsitt introduced,

C. B. No. 44, "an act for the protection of Roads."

Mr. Berry gave notice that he would on to-morrow or some subsequent day, introduce a bill for,

An act to repeal the charter of the Tarryall and Arkansas River Wagon Road Company.

Mr. Loveland from committee on Highways and Bridges, to whom was referred,

H. B. No. 18, "an act concerning Highways."

Reported that they had considered the same and recommended the following amendments :

In Sec. 5, second line, strike out the word "shall," and insert the word "may," in lieu thereof ;

Also,

In fourth line of Sec. 10, strike out the word "September" and instead thereof insert the word "October ;"

And further recommend that it pass so amended,

W. A. H. LOVELAND, Ch'n.

Report received,

On motion of Mr. Whitsitt,  
The Council adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, MARCH 3, 1864.

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

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Bailey, Esterday, Hallett, and Johnson.

Journal of yesterday read and approved.

Messrs. Bailey, Esterday and Hallett, appeared in their seats.

Reports from standing committees :

MR. PRESIDENT: Your Committee on Education to whom was referred,

H. B. No. 48, "An act to confirm the appointment of W. S. Walker as Superintendent of Public Schools, and for other purposes."

Respectfully report the same back to the Council with the following amendments, viz :

Add to Section one, "*Provided*, That this section shall apply to the official acts of the said Walker heretofore had and done, and shall not be held or construed to continue the said Walker in office."

SEC. 3. That the Governor by and with the advice and consent of the Legislative Council, shall during the present session of the Legislative Assembly, and biennially thereafter, appoint a Superintendent of Common Schools for this Territory, who shall hold his office for the term of two years, and until his successor shall be appointed and qualified, and who shall perform such duties, and receive such salary as is now, or may hereafter be provided by law ; *Provided*, That the term of office of the first appointed shall be held to have commenced on the day of the passage of this act.

Respectfully.

LEWIS JONES, Ch'n.

MR. PRESIDENT: Your committee on Incorporations having had under consideration,

H. B. No. 31, A bill for an act to increase the capital stock and extend the privileges of the Jefferson County Irrigating Ditch Company, with amendments thereto, report the same back

to the Council with the recommendation that the Council concur to all the amendments, except the change in Section five, and that the Council do not concur to said amendment to Section five.

All of which is respectfully submitted.

R. E. WHITSITT, Ch'n.

MR. PRESIDENT: The committee on Counties, to whom was referred

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

Beg leave to report, that they have examined the said substitute, and believe its provisions too ambiguous and impracticable, and recommend that the Council do not concur in said substitute.

R. O. BAILEY, Ch'n.

Mr. Bailey, from Committee on Engrossed Bills reported, C. B. No. 30, A bill for an act to amend an act entitled, "An act concerning Jurors, approved Nov. 5, 1861."

Also,

C. B. No. 36, An act to Incorporate the Boulder Valley and Black Hawk Wagon Road Company,  
To be correctly engrossed.

R. O. BAILEY, Ch'n.

MR. PRESIDENT: Your Committee on Mining Interests, to whom was referred,

H. B. No. 39, An act amendatory and explanatory of an act, entitled "An act concerning Lode Claims,"

Have considered the same and report it back to the Council with the recommendation that it pass,

R. BERRY, Ch'n, *pro tem.*

Report received.

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

A bill for an act to exempt soldiers from service by Publication in suits at Law.

In accordance with previous notice and by leave the following bills were introduced:

C. B. No. 45, An act to enable citizens of this Territory, in the Military of the United States service, to vote, by Mr. Whitsitt, and,

C. B. No. 46, An act to amend an act relating to Counties and County officers, by Mr. Hallett.

Which bills, and

C. B. No. 44, An act for the protection of Roads ;

H. B. No. 26, An act entitled "An act to amend an act to enable Roads, Ditch, Manufacturing, and other companies to become bodies corporate;"

H. B. No. 28, An act to amend an act to organize and establish the Treasury Department;

H. J. R. No. 6, For compensation to Fred J. Stanton, for services on publication of the statutes of the Legislative Assembly;

H. J. R. No. 7, For the payment of Fred J. Elbert, for constructing Maps of Colorado Territory ;

Were read first time, and laid over under the rules.

The following bills were read second time by their titles and referred :

C. B. No. 43, C. B. No. 41, and H. B. No. 36, to Committee of the Whole;

C. B. No. 40, and C. B. No. 42, to the Committee on Incorporations.

H. B. No. 29, having been made the special order for 11 a. m., to-day, was taken up and read for information.

Mr. Van Deren, moved that the enacting clause be stricken out.

The ayes and noes were called for and had as follows :

Ayes—Messrs. Esterday, Hallett, Jones, Loveland, and Van Deren.

Noes—Messrs. Bailey, Berry, Dominguez, Whitsitt, Widner, and Mr. President.

Ayes—5.

Noes—6.

So the motion to strike out was lost.

Mr. Widner, moved that the bill be re-referred to a special committee of three, to be appointed by the Chair, with instructions to amend the same, by making owners of stock liable for all damages done by the same, to any farms, and have such stock held for the payment of any such damages.

Carried, by the following vote :

Ayes—Messrs. Bailey, Berry, Dominguez, Jones, Loveland, Whitsitt, and Widner.

Noes—Messrs. Hallett, Van Deren and Mr. President.

Ayes—8.

Noes—3.

The President appointed as such committee, Messrs. Widner, Loveland, and Bailey.

The Sergeant-at-Arms announced a message from the House, which was received and read as follows :

HOUSE OF REPRESENTATIVES,  
March 3rd, 1864.

MR. PRESIDENT:—I have the honor to inform the Council, that the House has passed,

C. B. No. 2, "an act providing for an appropriation for printing the laws in the Spanish Language," with the following amendments, to-wit:

Add Sec. That the Secretary of the Territory, be also empowered to pay from this appropriation, for the translating and printing of five hundred copies of the Governor's message in Spanish, and for any and all other miscellaneous printing done during this third session of the Legislative Assembly, not allowed by the department;

They have also, amended the title of said bill, by adding; "and for other purposes," and with these amendments, they concur;

Also,

They have passed the following bills, to-wit:

H. B. No. 43, "a bill for an act concerning Weights and Measures;"

H. B. No. 49, "an act to incorporate the "Occidental" Gas Light Company,"

And the concurrence of your Honorable body therein, is respectfully requested.

Your obedient servant,

B. B. STILES,

Chief Clerk of the House.

On motion of Mr. Berry,

The Council adjourned until 2 o'clock, p. m.

AFTERNOON SESSION.

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

President in the chair.

Roll called,

Quorum present.

The following message was received from His Excellency the Governor:

EXECUTIVE DEPARTMENT, C. T., }  
DENVER, March 3, 1864. }

To the Hon. Charles W. Mather, President of the Council:

SIR:—I have the honor to inform the Council, that I have this day approved and signed the following bills, certified to have originated therein, viz:

"An act to amend an act entitled an act concerning Injunctions," approved, Nov. 5th, 1861;

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

"An act to lsgalize and confirm the entry of the town site of Golden City;

An act to amend an act entitled "an act regulating the mode of proceeding in replevin."

Very Respectfully,

Your obedient servant,

JNO. EVANS,

Governor of Colorado.

Council bill, No, 30, C. B. N. 36, C. B. No. 38, and H. B. No. 46, were read third time, and each passed by the following vote:

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Jones, Loveland, Van Deren, Whitsitt and Mr. President.

Ayes—10.

Noes—0.

Absent—Messrs. Doyle and Widner.

Mr. Van Deren asked leave to be excused from voting on H. B. No. 46.

Granted.

Titles agreed to.

On motion of Mr. Esterday,

C. B. No. 2, was taken up for consideration.

Mr. Berry moved that the Council do concur in House amendments thereto,

Mr. Esterday moved that the bill be made the special order for to-morrow, at 10 o'clock, a. m.

Carried.

Mr. Loveland moved that the Council do now go into the Committee of the Whole.

Carried.

Mr. Loveland in the chair.

After sometime spent therein,

On motion,

The Committee arose and reported, through their Chairman, that they had had under consideration

C. B. No. 41, "an act to enlarge the powers of the County Commissioners of Arapahoe County;"

And report the same back to the Council with the recommendation that they do pass;

Also,

C. B. No. 43, a bill for an act to amend an act entitled "an act concerning Justices of the Peace and Constables;"

Also,

H. B. No. 39, an act entitled "an act amendatory and explanatory of an act concerning lode claims,"

And report it back to the Council with the recommendation that the same be indefinitely postponed;

Also,

H. S. to C. B. No. 8, a bill for an act to amend an act entitled "an act to define county boundaries, and locate county seats in Colorado territory,"

And recommend the adoption of the report of the Committee on Counties, to whom the bill was referred, thereon;

Also,

H. B. No. 48, "an act to confirm the appointment of W. S. Walker as Superintendent of Public Schools, and for other purposes;"

And recommend that the amendments reported by the Committee on Education thereon, to whom the bill was referred, be adopted and that it pass so amended;

Also,

H. B. No. 18, a bill for "an act concerning Highways;"

And recommend that the report thereon, by the committee on Highways and Bridges, to whom the bill was referred, be adopted, and report it back to the Council without further recommendation.

Also,

H. B. No. 31, a bill for "an act to increase the capital stock, and extend the privileges, of the Jefferson county Irrigating, Ditch Company;" and the amendments adopted by the House thereto,

And recommend that the Council do concur in said amendments.

Respectfully submitted,

W. A. H. LOVELAND, Ch'm.

On motion,

The report was received, and

On motion of Mr. Esterday,

It was taken up for consideration.

On motion,

The report was adopted.

C. B. No. 41 was considered engrossed, and ordered to its third reading,

C. B. No. 43 was ordered engrossed;

C. B. No. 8 was laid over, for further consideration, until to-morrow.

On motion,

H. B. No. 36, was referred to a special committee consisting of

Messrs. Van Deren, Whitsitt and Dominguez.

Mr. Loveland, from committee on Finance, Ways and Means, to whom was referred

H. B. No. 35, an act to amend an act entitled "an act for the collection of the revenue;"

Reported that they had considered the provisions of the same and recommended it back to the Council without amendment.

W. A. H. LOVELAND, Ch'n, *pro tem.*

Mr. Bailey, from committee on Engrossed bills, reported

C. B. No. 35, an act to amend an act entitled "an act to incorporate the City of Denver,"

Correctly engrossed.

R. O. BAILEY, Ch'n.

Reports received.

On motion of Mr. Hallett,

C. B. No. 35 was read third time by its title,

And the question being upon its final passage, the ayes and noes were had as follows:

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Joues, Loveland, Van Deren, Whitsitt, Widner and Mr. President.

Ayes—11.

Noes—0.

Bill passed and title agreed to.

On motion of Mr Esterday,

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

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FRIDAY, MARCH 4th, 1864.

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

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent Messrs. Doyle, Hallett and Johnson.

Journal of yesterday read and approved.

Mr. Van Deren, from special committee, to whom was referred

H. B. No. 36, an act for the protection of farmers, in certain



localities, reported that they had considered the same, and recommended that further consideration of the same be indefinitely postponed.

A. J. VAN DEREN, Ch'm.

Mr. Loveland moved that the Chairman of the special committee, to whom was referred

H. B. No. 16, an act relating to marriages, be instructed to report thereon.

Carried, by the following vote:

Ayes—Messrs. Esterday, Loveland, Van Deren, Whitsitt, Widner and Mr. President.

Noes—Messrs. Bailey, Berry, Dominguez and Jones.

Ayes—6.

Noes—4.

The committee then reported as follows:

MR. PRESIDENT: Your committee, to whom was referred

H. B. No. 16, having had the same under consideration, beg leave to report it back to the Council with the recommendation that it be amended as follows:

Strike out all after the word "cause," in the eleventh line of section three, and that it pass so amended.

R. BERRY, Ch'n.

Mr. Hallett appeared in his seat.

Mr. Bailey, from committee on Engrossed and Enrolled bills, made the following report:

MR. PRESIDENT: The committee on Enrolling and Engrossing have examined

C. B. No. 16, an act to incorporate the Beaver Creek Ditch and Fluming Company, in Park County, C. T.;

C. B. No. 18, an act concerning forcible entry and detainer, and unlawful detainer:

C. B. No. 24, an act to incorporate the Colorado Territorial Agricultural Society;

C. B. No. 39, an act to exclude traitors and alien enemies from Courts of Justice in this Territory, in civil cases.

C. B. No. 19, an act to enable soldiers in the United States service to acquire and hold mining and other claims, and

C. B. No. 22, an act to incorporate the Colorado Seminary, and find the same correctly enrolled;

Also,

They have examined

C. B. No. 43, an act to amend an act entitled "an act concerning Justices of the Peace and Constables, and find the same correctly engrossed.

R. O. BAILEY, Ch'n.

Mr. Widner, from special committee, to whom was referred H. B. No. 29, an act for the protection of farmers from the depredations of stock in Douglas, Weld and Arapahoe Counties, reported a substitute therefor and recommended its passage.

AMOS WIDNER, Ch'n.

Reports received.

In accordance with previous notice, Mr. Whitsitt asked leave to introduce

C. B. No. 47, an act in reference to estrays,

Also,

C. B. No. 48, an act to exempt soldiers from service, by publication in suits at law.

Mr. Berry introduced

C. B. No. 50, an act to repeal an act entitled "an act to incorporate the Tarryall and Arkansas River Wagon Road Company."

Mr. Hallett introduced

C. B. No. 49, an act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled "an act for the relief of citizens of towns upon lands of the United States, under certain circumstances," all of which bills, and

H. B. No. 49, a bill for an act concerning weights and measures ;

H. B. No. 43, an act to incorporate the Occidental Gas Light Company of the City of Denver, and

C. J. R. No. 2, in relation to translation of laws in Spanish, (introduced by consent of the Council, by Mr. Whitsitt,) were read first time by their titles and ordered to their second reading.

On motion of Mr. Whitsitt,

The rules were suspended, and

C. J. R. No. 2 was read second time by its title and referred to the Committee of the Whole.

On motion of Mr. Hallett,

The rules were suspended, and

C. B. No. 49 was read second time and referred to Committee on Judiciary.

The following bills were read second time by their titles and referred :

C. B.'s Nos. 44, 45 and 46 and H. B. No. 46, to Committee of the Whole ;

H. B. No. 38, to Committee on Finance, Ways and Means ;

H. J. R. No. 6 and H. J. R. No. 7, to the same Committee.

On motion of Mr. Loveland,

The Council concurred in House amendments to C. B. No. 2  
Bills on third reading:

C. B. No. 41 and H. B. No. 48.

Vote on their final passage:

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett,  
Jones, Loveland, Van Deren, Whitsitt, Widner and Mr. Presi-  
dent.

Ayes—11.

Noes—0.

Bills passed and titles agreed to.

On motion of Mr. Berry,

C. B. No. 8 and H. S. therefor were taken up for considera-  
tion.

After some debate thereon,

On motion,

The Council refused to concur in the House substitute.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 4th, 1864. }

MR. PRESIDENT: I am instructed by the House to inform  
your Honorable Body that they have passed the following bills,  
to wit:

H. B. No. 54, an act amendatory of an act to incorporate the  
Apex and Gregory Wagon Road Company;

H. B. No. 64, a bill for an act to amend an act entitled "an  
act to establish and regulate Territorial roads;"

H. B. No. 69, an act supplementary to an act entitled "an act  
to divide the Territory of Colorado into Judicial Districts, and  
to provide for the holding of Courts in the same, and the con-  
currence of the Council is respectfully requested therein.

Yours, very truly,

B. B. STILES,

Chief Clerk of the House.

Mr. Bailey moved that the rules be suspended, and  
H. B. No. 69 be read the first and second times and referred.  
Lost, by the following vote:

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett,  
Jones and Whitsitt.

Noes—Messrs. Loveland, Dan Deren, Widner and Mr. Presi-  
dent.

Ayes—7.

Noes—4.

Mr. Widner moved that the bill be referred to a special com-  
mittee.

The ayes and noes being called for,

The vote was as follows:

Ayes—Messrs. Dominguez and Widner.

Noes—Messrs. Bailey, Berry, Esterday, Hallett, Jones, Loveland, Van Deren, Whitsitt and Mr. President.

Ayes—2.

Noes—9.

So the motion to refer was lost.

Mr. Widner moved that the Council do now go into Committee of the Whole.

Lost.

Mr. Van Deren moved that the vote by which the motion to suspend the rules for the consideration of

H. B. No. 69 was lost, be reconsidered.

Carried, by the following vote:

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Jones, Loveland, Van Deren, Whitsitt and Mr. President.

Noes—Mr. Widner.

Ayes—10.

Noes—1.

Mr. Hallett moved the suspension of the rules, and that the bill be read first time.

Carried.

And the bill was so read.

Mr. Berry moved that the rules be suspended and the bill read second and third times and put upon its final passage.

The ayes and noes being had, the following was the vote:

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Jones, Loveland and Whitsitt.

Noes—Messrs. Van Deren, Widner and Mr. President.

Ayes—8

Noes—3.

The bill was then read second time, whereupon,

Mr. Widner moved that the Council adjourn until 2' o'clock, p. m.

They ayes and noes were called for and had as follows:

Ayes—Mr. Van Deren.

Noes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner and Mr. President.

So the motion to adjourn did not prevail.

The bill was then read third time by its title,

And the question being upon its final passage, and the ayes and noes being called for, were had as follows:

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Jones and Whitsitt.

Noes—Messrs. Loveland, Van Deren and Mr. President.

Ayes—7.

Noes—3.

Excused, Mr. Widner.

Bill passed and title agreed to.

On motion of Mr. Bailey,

Council adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

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

President in the chair.

Quorum present.

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

HOUSE OF REPRESENTATIVES, }  
March, 4th, 1864, }

MR. PRESIDENT: I am instructed to inform your Honorable Body that the House has passed the following bills, to-wit :

H. B. No. 22, a bill for "an act to incorporate the City of Black Hawk ;

H. B. No. 27, a bill for "an act to incorporate the City of Central."

And your concurrence therein is respectfully requested.

Also, they have passed

C. B. No. 13, amended as follows, to-wit :

Add to Sec. 2: "*Provided*, The said corporation shall first obtain the right to erect their mills and manufactories from the City of Denver."

Also, by an additional section, as follows, to-wit :

"*Provided*, That nothing in this act contained shall vest in said company the right to prevent any person or persons, from deviating or using the waters of South Platte river for the purpose of irrigating the soil, or for supplying the City of Denver with water for irrigating and other purposes."

And with these amendments they concur, and ask your concurrence to said amendments.

Your ob't serv't,

B. B. STILES,  
Chief Clerk of the House.

Mr. Hallett, from committee on judiciary, to whom was referred

C. B. No. 49, a bill for "an act prescribing rules and regulations for the execution of the trust, arising under the act of Congress, entitled 'an act for the relief of citizens of towns upon lands of the United States, under certain circumstances,' "

Have examined the same, and recommend that it be passed without amendment.

Also,

C. B. No. 37, a bill for "an act relating to the sufficiency of the security on official bonds, and for other purposes,"

And recommend that it be passed.

MOSES HALLETT, Ch'm.

Mr. Loveland, from committee on finance, ways and means, to whom was referred

H. J. R. No. 6 and H. J. R. No. 7,

Have had the same under consideration, and report them back with recommendation that they do pass.

W. A. H. LOVELAND, Ch'm. *pro tem.*

On motion of Mr. Hallett,

The rules were suspended, and

H. B. No. 22, an act to incorporate the City of Black Hawk;"

H. B. No. 27, "an act to incorporate the City of Central;"

H. B. No. 64, a bill for an act to amend an act entitled "an act to establish and regulate territorial roads,"

Were read first and second times by their title and referred:

H. B. No. 22, and H. B. No. 27 to committee on incorporations;

H. B. No. 64, to committee on Highways and Bridges;

C. B. No. 13, with the amendments adopted thereon by the House, was referred to committee on incorporations.

Mr. Hallett moved that, as a tribute of respect to the memory of the Hon. J. B. Doyle, deceased, late a member of this Council, the Council do now adjourn until to-morrow at 10 o'clock, a. m.

Carried unanimously.

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SATURDAY, MARCH 5th, 1864.

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

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent— Messrs. Esterday, Johnson and Van Deren.

Journal of the preceding day read and approved,

Mr. Hallett arose in his seat, and after appropriate remarks, introduced the following Resolution:

*Resolved,* That this Council has heard with deep regret the announcement of the death of Hon. Joseph B. Doyle, a member of this Council from the County of Huerfano,

*Resolved,* That this Council tender its sympathy to the widow, family and relatives of the deceased, and as a testimonial of re-

spect[?] for his memory, the members and officers of this Council will wear the usual badge of mourning for thirty days.

*Resolved*, That these resolutions shall be spread upon the Journal, and a copy of the same forwarded to the family of the deceased.

*Resolved*, That this Council do now adjourn, to escort the remains of the deceased from the City.

On motion of Mr. Bailey,

The resolutions were unanimously adopted, and the Council adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

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

President in the chair.

Quorum present.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March, 5th, 1864.

MR. PRESIDENT:—I am instructed to inform your Honorable body, that the House has concurred in, and passed Council bill No. 11, "an act explanatory of the Charter of the Clear Creek and Guy Gulch Wagon Road Company;"

Also,

They have passed the following bills to-wit:

H. B. No. 41, "an act entitled an act to locate the Capital of Colorado Territory;

H. B. No. 47, "an act to authorize, and enable Robert W. Steel to sell and convey certain mining claims;"

H. J. R. and Preamble No. 8, "In relation to State Government," and your concurrence therein is respectfully requested.

Also,

They have concurred in Council amendments to H. B. No 48, an act to confirm the appointment of Wm. S. Walker as Superintendent of Public Schools, and for other purposes;"

Also,

The House insists upon its substitute for Council bill No. 8, "a bill for an act to define County boundaries, and locate County seats in Colorado Territory."

Your obedient servant,

B. B. STILES,  
Chief Clerk of the House.

Mr. Bailey from the committee on engrossed and enrolled bills, made the following report to-wit:

MR. PRESIDENT:—The committee on engrossed bills, have examined,

C. B. No. 33, an act to amend an act entitled "an act, regulating the fees of officers, jurors and witnesses," approved Nov. 18, 1861;

And find the same to be correctly engrossed.

R. O. BAILEY, Ch'n.

Mr. Hallett, gave notice that he would on Monday next or some subsequent day introduce a bill for an act to amend an act entitled "an act to apportion the Territory, of Colorado into Council and Representative Districts.

By leave of the Council,

Mr. Bailey, without previous notice, introduced,

C. J. R. No. 3, relating to compensation to Samuel Howe, Sheriff of Arapahoe County.

In accordance with previous notice,

Mr. Hallett introduced,

C. B. No. 51, "an act to amend an act, concerning Criminal Jurisprudence;"

Also,

C. B. No. 52, a bill for an act to amend an act, entitled an act regulating elections, approved Nov. 6th, 1861.

Which bills, and

C. J. R. No. 3,

H. B. No. 54, "an act amendatory of an act to incorporate the Apex and Gregory Wagon Road Company,"

H. B. No. 47, "an act to authorize and enable Robert W. Steel, to sell and convey certain mining claims."

H. J. R. No. 8, "Preamble and resolution relative to State Government,"

Were read first time by their titles, and ordered to the second reading.

H. B. No. 41, "an act entitled an act to re-locate the Capital of Colorado Territory,

Being read first time,

Mr. Loveland moved that further consideration of the same be indefinitely postponed.

Mr. Hallett moved that the motion be laid on the table.

The ayes and noes being called for, the question to lay the motion on the table, was lost by the following vote:

Ayes—Messrs. Bailey, Berry, Hallett and Mr. Whitsitt.

Noes.—Messrs. Dominguez, Esterday, Jones, Loveland and Mr. President.

Mr. Whitsitt moved a call of the house.

Carried.

The roll being call there were absent.

Messrs. Van Deren and Widner.



Mr. Van Deren, being unwell, was,  
On motion,  
Excused.

Mr. Loveland moved that Mr. Widner be excused,  
The ayes and noes being called for, there were:

Ayes—4.

Noes—5.

Those voting in the affirmative, were:

Messrs. Dominguez, Esterday, Loveland and Mr. President.

Those voting in the negative:

Messrs. Bailey, Berry, Hallett, Jones and Whitsitt.

So Mr. Widner was not excused.

Mr. Whitsitt moved that the Council do now adjourn  
until Monday next at 10 o'clock, a. m.

Lost as follows:

Ayes—Messrs. Bailey, Berry, Hallett, and Whitsitt.

Noes—Messrs. Dominguez, Esterday, Jones, Loveland and  
Mr. President.

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

Motion withdrawn.

Mr. Jones moved that,

H. B. No. 41, be made the special order for Monday next at  
2 o'clock p. m.

Carried unanimously.

The following bills were read second time by their titles and  
referred;

C. B. No. 50, to committee on Highways and Bridges.

C. B. No. 48, to committee on Judiciary.

C. B. No. 47, to committee on Agriculture.

H. B. No. 43, to committee on Incorporations, and

H. B. No. 49, to the Committee of the Whole.

C. B. No. 43, was taken up, read third time, and the question  
being upon its passage, the ayes and noes were had as follows:

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett,  
Jones, Loveland, Whitsitt, and Mr. President.

Ayes—9.

Noes—0.

Bill passed and title agreed to.

C. B. No. 33, being on its third reading,

Mr. Hallett moved that it be re-committed to the Committee  
of the Whole.

Carried.

The following message was received from His Excellency,  
the Governor.

EXECUTIVE DEPARTMENT, C. T., }  
DENVER, March 5, 1864. }

*To the Hon. Charles W. Mather, President of the Council:*

SIR:—I have the honor to inform the Council that I have this day, approved and signed the following bills, which are certified to have originated therein, viz:

An act to incorporate the Beaver Creek Ditch and Fluming Company, in Park Co. C. T.

An act to exclude traitors and alien enemies from Courts of Justice in this Territory, in civil cases.

An act to incorporate the Colorado Seminary;

An act to enable Soldiers in the United States Service to acquire and hold mining and other claims.

Very respectfully your obedient servant,

JOHN EVANS,

Governor of Colorado.

On motion of Mr. Loveland,

The Council went into the Committee of the Whole,

Mr. Loveland in the Chair.

After some time spent therein,

On motion of Mr. Mather,

The Committee rose and reported through their Chairman, that they had considered

C. J. R. No. 2, and report it back to the Council with the following amendment:

Add section two, as follows:

SEC. 2. That said joint committee be, and is hereby empowered to effect the purchase of said translation, without delay, and their action shall be final, and recommend that it do pass so amended,

Also,

H. J. R. No. 6, and report it back with the recommendation that it be made the special order for Tuesday next, at 2 o'clock p. m.;

Also,

H. J. R. No. 7, and report it back and recommend that it be referred to a special committee;

Also,

C. B. No. 46, and report it back to the Council without amendment and recommend its passage.

Respectfully submitted,

W. A. H. LOVELAND, Ch'n.

On motion,

The report was received and adopted on

C. J. R. No. 2, and the same was ordered engrossed for third reading, and on

C. B. No. 46 the report was adopted, bill considered engrossed and ordered to its third reading.

H. J. R. No. 6 was referred to a special committee of three, consisting of Messrs. Bailey, Berry and Esterday.

H. J. R. No. 7 was referred to a special committee, consisting of Messrs. Whitsitt, Berry and Esterday.

On motion of Mr. Hallett,

The Council adjourned until 7 o'clock this evening.

#### EVENING SESSION.

Council met at 7 o'clock p. m., pursuant to adjournment.

President in the chair.

Quorum present.

By consent of the Council,

Mr. Bailey, without previous notice, introduced

C. B. No. 53, and act to provide for re-copying the old records of Gilpin County, Colorado Territory.

On motion of Mr. Bailey,

The rules were suspended, the bill read first and second times and referred to Committee of the Whole.

Mr. Berry moved that the Council do now resolve itself into the Committee of the Whole.

Carried.

Mr. Berry in the chair.

After some time spent therein,

On motion,

Committee rose and reported through their Chairman that they had considered

C. B. No. 44, an act for the protection of roads;

C. B. No. 49, an act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled "an act for the relief of citizens of towns upon lands of the United States, under certain circumstances," and report the same back and recommend that favorable action be taken by the Council thereon;

Also,

H. B. No. 26, an act entitled "an act to enable Road, Ditch, Manufacturing and other Companies to become bodies corporate," and report it back with the recommendation that it be referred to a special committee;

Also,

C. B. No. 53, an act to provide for re-copying the old records

of Gilpin County, Colorado Territory, and report the same back for the favorable consideration of the Council, with the following amendment:

Add section 3. That copies of records, made as provided in this act, shall be certified by the County Clerk of said County of Gilpin, to be true and correct copies of the original records from which the same are taken, and when so certified, such copies shall be received in all courts of law and equity as evidence, in like manner as the records of which the same are copies, and such copies shall have the same force and effect in all courts as the original records;

Also,

C. B. No. 33, an act to amend an act entitled "an act regulating the fees of officers, jurors and witnesses," approved Nov. 8th, 1861, and report the same back to the Council with the following amendments, to wit:

Strike out all after the word "year," in the thirteenth line from the bottom of the third page from the end of the bill down to the words "for hearing," and recommend its passage so amended;

Also,

C. B. No. 45, an act to enable citizens of this Territory, in the military service of the United States, to vote, and report the same back with the recommendation that the following amendments be adopted thereon, viz:

Strike out the word "County" wherever it occurs in sections one, two and three, and third line of section eight;

Also,

Fifth line of section seven;

Also,

Strike out in fifth line of section seven the words "or *viva voce*," and that it pass so amended;

Also,

H. B. No. 35, an act to amend an act entitled "an act providing for the collection of the revenue," and report it back with the following amendments for the favorable consideration of the Council:

In section one, second line from the bottom, strike out the word "five" and insert instead thereof the word "two;"

In section nine, eighth line from the top, strike out the word "fifteenth" and insert the word "last," instead;

In section ten, tenth line from the top, strike out the word "fifteenth" and insert instead the word "last;"

Also,

Insert after the figures "1862," in fourth line of section twelve, "and an act supplemental to an act providing for the

collection of the revenue," approved Nov. 7th, 1861, approved Aug. 15th, 1862;

Also,

"An act to increase the revenue," approved Aug. 15th, 1862. Strike out the word "is," in last line of said section, and insert, instead thereof, the word "are."

Respectfully submitted,

ROBERT BERRY, Ch'n.

Report received.

On motion,

The Council adjourned until Monday next, at 10 o'clock a. m.

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MONDAY, MARCH 7th, 1864.

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

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Esterday, Hallett, Johnson, Loveland, Van Deren and Widner.

On motion of Mr. Whitsett,

The Sergeant-at-arms was dispatched after the absentees.

Messrs. Esterday and Hallett appeared in their seats.

On motion,

The call of the House was dispensed with.

Journal of Saturday read and approved.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
 March 7, 1864. }

MR. PRESIDENT: I am instructed to inform your Honorable Body that the House has passed the following bills, to-wit:

H. B. No. 52, a bill for an act amendatory to an act entitled "an act relating to Fencing;"

H. B. No. 57, "an act to Incorporate the Denver and Pacific Wagon Road Company;"

H. B. No. 59, a bill for an act to amend an act entitled "an act regulating Elections;"

H. B. No. 60, a bill for an act to amend an act entitled "an act to enable citizens of this Territory, in the military service of the United States, to vote;"

H. B. No. 61, "an act to legalize the acts of the Board of Directors of School District No. 5, Arapahoe County, in certain cases;"

H. B. No. 70, an act to revive and amend an act entitled "an act to incorporate the Ute Pass Wagon Road Company."

And your concurrence therein is respectfully requested;

Also,

They have passed, without amendment,

C. B. No. 14, "an act to Incorporate the Denver Artesian Well Company;"

Also,

C. B. No. 25, "an act granting to Francis Smith the right to erect and maintain a Bridge across the waters of the South Platte River;"

With the following amendments to-wit:

Insert "or persons" in the fifth line from the bottom of Section 4;

Add Sec. 7. "That said Company shall not obstruct any ford along said stream, within the limits of the corporate limits;"

Also, they have passed

C. B. No. 28, a bill for "an act concerning Probate Courts and Justices of the Peace, in certain cases;"

With the following amendments to-wit:

Add to 1st Section, "El Paso, Pueblo, Gilpin, Douglas, Clear Creek, Fremont and Jefferson;"

Insert, after 1861, on the seventh line of Sec. 2, the following: "And the several amendatory acts thereto;"

Insert, after the word "respectively," on the 6th line of Section 4, of said act, the following: "Except the County of Gilpin;"

Insert, after the word "act," on the 3d line of Section 5, the following: "Except the County of Gilpin:"

Also,

Insert "Except the County of Gilpin," after the word "act," on the 3d line of Section 7;

Strike out, after the word "act," on the 3d line of Section 8, the following: "shall be as now provided by law, for the transaction of business under this act;"

Insert "Except the County of Gilpin," after the word "act," on the 3d line of Section 15;

Add Section 15, "This act shall take effect, and be in force, from and after the passage thereof."

And with the amendments as above, to said bills, the House concurs, and respectfully asks that your Honorable Body concur in said amendments.

Your obedient servant,

B. B. STILES,  
Chief Clerk of the House.

## Reports of standing committees :

MR. PRESIDENT: Your committee on Agriculture, to whom was referred

C. B. No. 47, beg leave to report the same back with the recommendation that the same be indefinitely postponed.

Respectfully,

H. E. ESTERDAY, Ch'n.

MR. PRESIDENT: Your committee on Incorporations having had under consideration,

H. B. No. 43, "an act to incorporate the Occidental Gas Light Company of the City of Denver,"

Recommend the passage of the same, with the following amendments thereto :

Amend Section 2 by striking out the word "thirty," in third line, and inserting the word "twenty" instead thereof;

Also,

Strike out Section 6 and insert, in lieu thereof, the following: "The said Company shall have and possess the exclusive privilege, for the term of twenty years from the passage of this act, of furnishing, to the inhabitants and corporation of the City of Denver, Illuminating Gas for the purpose of light, and to facilitate their operations, said Company shall have the exclusive privilege and right to lay their pipes, tubes and fixtures, in or under the streets and alleys, with the consent of the City Council, of said City. *Provided*, That the said Company shall not charge more than four dollars for each thousand cubic feet of gas which may be used by said city, in lighting the streets and alleys thereof, and to the citizens who may wish to use the same;"

Strike out section 7, also, section 8;

Strike out sections 9 and 10, and, in lieu thereof, insert the following: "The corporation hereby created shall begin to erect and construct works for the purpose of manufacturing gas to be supplied to the City of Denver and the inhabitants thereof, within six months from the date of the passage of this act, and shall complete the same, so far as to supply gas to said City and the inhabitants thereof, within two years from the date of the passage of this act; and if said corporation shall fail to comply with the provisions of this section, the said corporation shall have no exclusive right to furnish gas as aforesaid. whatsoever and any and all exclusive privileges herein granted to said corporation, shall cease and determine;

Also,

H. B. No. 27, "an act to incorporate the City of Central,"

And recommend the passage of the same;

Also,

H. B. No. 22, "an act to incorporate the City of Black Hawk,"  
And recommend the passage of the same.

Also,

C. B. No. 42, an act to amend an act entitled "an act to incorporate the Bank of Colorado,"

And recommend the same be indefinitely postponed;

Also,

C. B. No. 13, "an act to incorporate the Denver Manufacturing and Milling Company," with amendments recommended by the House,

And report the same back with the recommendation that the Council concur thereto.

R. E. WHITSITT, Ch'n.

MR. PRESIDENT: The judiciary committee, to whom was referred

C. B. No. 48, have considered the same, and recommend that it be passed.

MOSES HALLETT, Ch'm.

MR. PRESIDENT: Your committee on enrolled and engrossed bills, have examined

C. B. No. 11, "an act explanatory of the charter of the Clear Creek and Guy Gulch Wagon Road Company," and

C. B. No. 2, "an act providing for appropriation for printing the laws in the Spanish language,"

And report the same to be correctly enrolled.

The committee have also examined

C. J. R. No. 2, "in relation to the translation of the laws into the Spanish language," and

C. B. No. 49, and

C. B. No. 53, "an act to provide for the re-copying of the old records of Gilpin county,"

And report the same to be correctly engrossed.

R. O. BAILEY, Ch'n.

In accordance with previous notice, and leave being granted, Mr. Hallett introduced

C. B. No. 54, a bill for an act to amend an act entitled "an act concerning Wills, Executors and Administrators," approved Nov. 8th, 1861, and

Mr. Whitsitt introduced

C. B. No. 55, "an act to empower the Commissioners of Arapaoe County to purchase the original records of said County," both bills, and



H. B. No. 57, "an act to incorporate the Denver and Pacific Wagon Road Company;"

H. B. No. 60, an act to amend an act entitled "an act to enable citizens of this Territory, in the military service of the United States, to vote;"

H. B. No. 59, an act to amend an act entitled "an act regulating elections;"

H. B. No. 61, "an act to legalize the acts of the Superintendent and Board of Directors of School District No. 5, in the County of Arapahoe, in certain cases;"

H. B. No. 52, an act amendatory to an act entitled "an act relating to fencing;"

H. B. No. 70, an act to revive and amend an act entitled "an act to incorporate the Ute Pass Wagon Road Company;"

Were read first time by their titles and laid over under the rules.

Following bills read second time and referred :

C. B. No. 51, to committee on judiciary;

H. B. No. 47, to committee on mining interests;

H. B. No. 54, to committee on incorporations;

C. J. R. No. 3, to committee on finance, ways and means;

C. B. No. 52 to committee on Elections, and

H. J. R. No. 8.

Mr. Whitsitt moved a suspension of the rules, and the resolution be read third time and put upon its final passage.

Motion lost, as follows :

Ayes—Messrs. Dominguez, Hallett, Jones, Whitsitt and Mr. President.

Noes—Messrs. Bailey, Berry and Esterday.

Ayes—5.

Noes—3.

The resolution was then referred to the Committee of the Whole.

On motion of Mr. Hallett, the rules were suspended, and

C. B.'s Nos. 54 and 55 were read second time by their titles and referred :

C. B. No. 54 to Judiciary Committee, and

C. B. No. 55 to Committee on Counties.

On motion of Mr. Hallett,

The report of Committee of the Whole of Saturday evening last was taken up and adopted ; also,

C. B. No. 44 was considered engrossed, and ordered to third reading ;

C. B. No. 49 was considered engrossed and ordered to third reading ;

C. B.'s Nos. 33 and 45 ordered engrossed ;

H. B. No. 26 was referred to Judiciary Committee.

Mr. Loveland appeared, and took his seat.

Bills on third reading :

C. B. No. 44.

Vote on its final passage :

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Jones, Loveland and Mr. President.

Ayes—8.

Noes—0.

Absent—Messrs. Van Deren, Whitsitt and Widner.

Bill passed and title agreed to.

Mr. Whitsitt appeared in his seat.

C. B.'s Nos. 46, 49 and 53 ;

Vote on their final passage :

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt and Mr. President.

Ayes—9.

Noes—0.

Bills passed and titles agreed to.

C. J. R. No. 2 ;

Vote on its final passage :

Ayes—Messrs. Bailey, Dominguez, (by common consent,) Esterday, Jones, Loveland, Whitsitt and Mr. President.

Noes—Messrs. Berry and Hallett.

Ayes—7.

Noes—2.

Resolution passed and title agreed to.

Mr. Bailey moved that the Council do concur in the House amendments to

C. B. No. 25.

Carried, by the following vote :

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Jones, Loveland and Mr. President.

Noes—Messrs. Hallett and Whitsitt.

Ayes—7.

Noes—2.

On motion of Mr. Esterday,

C. B. No. 8, and the amendments adopted by the House thereto, was referred to a special committee of Messrs. Hallett, Esterday and Dominguez.

On motion,

Council went into Committee of the Whole.

Mr. Berry in the Chair.

After some time spent therein,

The Committee rose, and time was granted Chairman to prepare his report.

On motion,

Council adjourned until 2 o'clock p. m.

## AFTERNOON SESSION.

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

President in the chair.

Quorum present.

H. B. No. 41, an act to re-locate the Capitol of Colorado Territory, having been made the special order for 2 o'clock, was taken up for consideration.

Mr. Loveland moved that the bill be indefinitely postponed.

Mr. Hallett moved a call of the House.

Carried, as follows :

Ayes—Messrs. Bailey, Berry, Hallett, Whitsitt and Mr. President.

Noes—Messrs. Dominguez, Esterday, Jones and Loveland.

Ayes—5.

Noes—4.

Absent—Messrs. Van Deren and Widner.

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

Mr. Hallett moved that the Sergeant-at-Arms be dispatched after the absentees.

Lost.

Mr. Hallett moved that the Sergeant-at-Arms be dispatched after Mr. Widner.

Carried, by the following vote :

Ayes—Messrs. Bailey, Berry, Hallett, Whitsitt and Mr. President.

Noes—Messrs. Dominguez, Esterday, Jones and Loveland.

Ayes—5.

Noes—4.

The Sergeant-at-Arms was instructed to proceed to bring Mr. Widner within the bar of the Council.

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

The ayes and noes were called for, and had as follows :

Ayes—Messrs. Dominguez, Esterday, Jones and Loveland.

Noes—Messrs. Bailey, Berry, Hallett, Whitsitt and Mr. President.

Ayes—4.

Noes—5.

Motion lost.

Mr. Dominguez moved to adjourn.

Lost.

Mr. Dominguez then moved that the Council adjourn until 7 o'clock this evening.

Motion lost, as follows :

Ayes—Messrs. Bailey, Dominguez and Mr. President.

Noes—Messrs. Berry, Esterday, Hallett, Jones, Loveland and Whitsitt.

Ayes—3.

Noes—6.

Mr. Loveland moved that Mr. Dominguez be excused for thirty minutes.

Ayes and noes called for :

Ayes—Messrs. Bailey, Esterday, Jones, Loveland and Mr. President.

Noes—Messrs. Berry, Hallett and Whitsitt.

Ayes—5.

Noes—3.

So Mr. Dominguez was excused.

The following message was received from His Excellency, the Governor :

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }  
DENVER, March, 7th, 1864. }

*The Hon. C. W. Muher, President of the Council :*

SIR : I have the honor to inform the Council that I have this day approved and signed the following bills, certified to have originated therein, viz :

An act to incorporate the Territorial Agricultural Society ;

An act concerning forcible entry and detainer and unlawful detainer.

Very Respectfully,

Your obedient servant,

JNO. EVANS,

Governor of Colorado.

On motion of Mr. Hallett,

Further proceedings under the call were dispensed with.

Mr. Hallett moved that the bill under consideration be read second time by its title.

Mr. Loveland moved to lay that motion on the table.

Motion lost.

Bill ordered to its second reading.

On motion of Mr. Hallett,

Further consideration of the bill was dispensed with until tomorrow, at 2 o'clock p. m.

By consent of the Council,

Mr. Hallett, without previous notice being given, introduced C. B. No. 56, a bill for an act to amend an act entitled "an act to establish the common school system, and

Also,

C. B. No. 57, an act relating to contagious diseases among cattle and other animals.

On motion of Mr. Hallett,

The rules were suspended, and the above bills read first and second times by their titles and referred to Committee of the Whole.

The Chairman of the Committee of the Whole of this a. m. submitted the following report :

MR. PRESIDENT : The Committee of the Whole having had under consideration

C. B. No. 37, a bill for an act relating to the sufficiency of the security on official bonds, and for other purposes ;

Also,

H. J. R. No. 8, preamble and resolution in relation to State Government, report the same back to the Council without amendment and recommend their passage ;

H. B. No. 16, an act relating to marriages, and recommend that the same be amended as follows :

Strike out all of section three after the word "cause," in 11th line ;

Also,

Add section——, as follows :

"All marriages which have been solemnized in this Territory, whether by any President or Judge of any Mining District, elected under, and acting by the laws thereof, or by any Justice of the Peace or Clergyman, prior to the passage of this act, are hereby declared confirmed, and made legal, and all children, the issue of such marriages, shall have the same rights in law and equity as if such marriage had been solemnized according to the provisions of this act, and that the bill pass so amended ;

Also,

C. B. No. 47, an act in reference to estrays, and report the same back with the recommendation that it be indefinitely postponed ;

Also,

H. B. No. 49, a bill for an act concerning weights and measures, and report it back with the recommendation that it be referred to a special committee.

Respectfully submitted,

R. BERRY, Ch'n.

Report received, and

On motion of Mr Esterday,

It was taken up for consideration.

Adopted.

C. B. No. 37 ordered engrossed for third reading.

The Sergeant-at-Arms arrived and announced Mr. Widner, who appeared and took his seat.

The Chair appointed, as special committee for the consideration of

H. B. No. 49, Messrs. Esterday, Dominguez and Berry.

Mr. Loveland submitted the following report :

MR. PRESIDENT : Your committee to whom was referred

C. J. R. No. 3 and H. B. No. 64, have examined the same and report them back without amendment and recommend their passage.

W. A. H. LOVELAND, Ch'm.

Report received.

Mr. Whitsitt, from Committee on Incorporations, reported C. B. No. 40 back to the Council with the recommendation that it be referred to a special committee.

Report received and adopted.

The Chair appointed as such Committee, Messrs. Berry, Hallett and Esterday.

Mr. Jones submitted the following report :

MR. PRESIDENT : Your Committee on Education having carefully examined the report of the Territorial Superintendent of Public Schools, beg leave respectfully to report that, while it is meagre in statistical data, from several of the Districts of the Territory, owing to the incomplete organization of the same, they find several of the Districts in a prosperous condition.

While we cordially recommend the report to your favorable consideration, we do not deem any further legislation necessary at present to aid the good work, than has or is already being done.

Very respectfully,

LEWIS JONES, Ch'n.

Report received.

On motion of Mr. Hallett,

The Council adjourned until to-morrow at 9 o'clock a. m.

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TUESDAY, MARCH 8th, 1864.

Council met at 9 o'clock a. m., pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent Messrs. Johnson, Van Deren, Whitsitt and Widner.

Journal of yesterday read and approved.

The following message was received from the House.

HOUSE OF REPRESENTATIVES, }  
 March 8th, 1864. }

MR. PRESIDENT: I have the Honor to inform the Council, that the House has passed H. B. No. 67, "an act to incorporate the Colorado Gold mining Company of Philadelphia;"

Also,

H. B. No. 71, "a bill for an act to define County boundaries, and to locate County seats in Colorado Territory;"

Also,

H. B. No. 80, "a bill for an act to amend an act entitled an act, to provide for the increase, and time of meeting of the Legislature, approved Nov. 8th, 1861;"

And your concurrence therein is respectfully requested;

Also,

They have concurred in, and passed without amendment,

C. B. No. 30, a bill for an act further to amend an act concerning practice in civil cases;

Also,

C. B. No. 38, a bill for an act to amend an act entitled an act concerning jurors, approved, Nov. 5th, 1861.

Yours, very truly,

B. B. STILES,

Chief Clerk of the House.

Reports of standing Committees.

MR. PRESIDENT:—Your committee on Finance, Ways and Means, to whom was referred.

C. B. No. 5, beg leave to report the same back without recommendation.

W. A. H. LOVELAND, Ch'm. *pro tem.*

MR. PRESIDENT: Your committee on Agriculture to whom was referred,

H. B. No. 49, beg leave to report that they have had the same under consideration, and report the same back, with the recommendation that it do pass without amendment.

Very respectfully,

H. E. ESTERDAY, Ch'n.

MR. PRESIDENT: The Judiciary Committee, to whom was referred,

C. B. No. 51, a bill for an act to amend "an act concerning criminal jurisprudence," approved Nov. 5th, 1861; recommend that the same be amended as follows:

Strike out the first clause on the 3d page;

Insert before the word "Penitentiary," in the 3d line of the 2d clause of 3d page, the words "in the" and strike out all of said clause, after the word "section" in the 4th line thereof.

Strike out the 4th, 5th and 6th clause on the 3d page.

Strike out all of page 5, down to, and including the word "right;" add to the last clauses on page 5, the following:

Strike out the word "deceased" in the third line of said section, and insert the word "disased" instead thereof.

Strike out the 2d clause on page 6.

Strike out the 3d clause on page 8;

Strike out sections 14 and 36, and that the bill be passed as amended;

Also,

C. B. No. 54, a bill for an act to amend "an act concerning wills, executors and administrators," approved Nov. 8th, 1861, and recommend that the same be passed.

MOSES HALLETT, Ch'n.

MR. PRESIDENT: Your committee on engrossed bills have examined,

C. B. No. 37, and report the same correctly engrossed.

R. O. BAILEY, Ch'n.

Mr. Whitsitt appeared in his seat.

MR. PRESIDENT: Your committee on Incorporations having had, H. B. No. 54, under consideration, report the same back with the recommendation that it do pass.

R. E. WHITSITT, Ch'n.

MR. PRESIDENT: Your committee on Finance, Ways and Means to whom was referred H. B. No. 38, having had the same under consideration would recommend that section 3 be amended as follows:

To strike out after the words "the sum of," in the 4th and 5th lines, the words "one hundred dollars per annum each" and insert the words, "Three hundred dollars each;"

Also,

That section 8, be amended as follows:

To strike out the words "eight hundred dollars," in the 5th and 6th line, of said section, and insert "one thousand dollars" instead, and report the same back with the recommendation that it do pass.

W. A. H. LOVELAND, Ch'n.

MR. PRESIDENT:—Your committee on mining interests, to whom was referred,

H. B. No. 47, have had the same under consideration, would



suggest that the word "obtained" in the second line from the bottom of section 1, of said bill, be stricken out, and the word "attained," be inserted instead, and recommend its passage as amended.

R. BERRY, Ch'n, *pro tem.*

MR. PRESIDENT: The Special committee to whom was referred C. B. No. 28, have considered the house amendments thereto, and recommend that the Council do concur in the same.

MOSES HALLETT, Ch'n.

MR. PRESIDENT: Your special committee to whom was referred, H, J. R. No. 6, report that they have had the same under consideration, and after careful examination of the vouchers and documents, relating to said claim, are of opinion that the Territory, is not legally bound to pay the same, but that in as much as Mr. Stanton performed the services in good faith, and that he has not been able to obtain any payment for his services from the Federal Government, your committee would therefore recommend the passage of this resolution.

R. O. BAILEY, Ch'n.

Reports received.

Mr. Widner appeared in his seat.

On motion of Mr. Esterday,

The Council concurred in House amendments to, C. B. No. 28.

Previous notice having been given,

Mr. Berry asked leave to introduce,

C. B. No. 57, an act for an appropriation in favor of Lake County, C. T.

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

The following bills were read first time, and laid over under the rules:

H. B. No. 67, "an act to incorporate the Colorado Gold mining Company of Philadelphia;"

H. B. No. 71, "a bill for an act to amend an act to define County Boundaries, and to locate County seats in Colorado Territory;"

H. B. No. 80, "a bill for an act to amend an act, entitled an act to provide for increase, and time of the meeting of the Legislature, approved Nov. 8th, A. D., 1861;"

The following bills were read second time and referred:

H. B. No. 52, to Committee on Agriculture;

H. B. No. 61, to committee on education;

H. B. No. 70, to committee on Incorporations;

H. B. No. 59, H. B. No. 60, and H. B. No. 57, to Committee of the Whole.

The resolution of Mr. Whitsitt, offered on the 26th inst. of February, excluding private bills, was taken up for consideration.

Mr. Whitsitt moved its adoption.

Mr. Widner moved that it be indefinitely postponed.

Carried.

C. B. No. 37, C. B. No. 45, C. B. No. 33, H. B. No. 16 were read third time by their titles, and the question being upon their final passage, the ayes and noes were had as follows:

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner and Mr. President.

Ayes—10.

Noes—0.

Bills passed and titles agreed to.

H. J. R. No. 8 was read third time, and put upon its final passage.

Vote on its passage:

Ayes—Messrs. Esterday, Hallett, Jones, Whitsett and Widner.

Noes—Messrs. Bailey, Berry, Dominguez, Loveland and Mr. President.

Ayes—5.

Noes—5.

Lost.

Mr. Dominguez moved a reconsideration of the vote on its passage.

Carried.

The resolution then passed by the following vote:

Ayes—Messrs. Dominguez, Esterday, Hallett, Jones, Whitsitt, Widner, and Mr. President.

Noes—Messrs. Bailey, Berry and Loveland.

Ayes—7.

Noes—3.

Title agreed to.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 8, 1864. }

MR. PRESIDENT: I am instructed by the House to inform your Honorable Body that they have passed,

H. R. No. 21, "an act relating to lawful fences, partition fences, and the trespassing of animals,"

Also,

H. B. No. 77, "an act to amend an act entitled an act to Incorporate the Consolidated Ditch Company," herewith trans.

mitted, and your concurrence therein is respectfully requested.

Very respectfully your obedient servant,

B. B. STILES,  
Chief Clerk of the House.

Mr. Berry from Committee on Elections, to whom was referred,

C. B. No. 52, a bill for an act to amend an act entitled an act regulating election, approved Nov. 6th, 1861,

Reported that they had considered the same and recommended its passage without amendment.

ROBERT BERRY, Ch'n.

The Special Committee, to whom was referred H. J. R. No. 7, reported that they had considered the same, and find but one of said maps in the possession of the Territory, and we are of the opinion that this Territory should not pay for but one of the maps, therefore we would recommend that the words "three hundred" be stricken out of the resolutions wherever they occur, and the words "one hundred and fifty," be inserted instead thereof, and that it do pass so amended.

Respectfully,

R. BERRY, Ch'n.

Reports received.

Mr. Jones moved that the Council do now resolve itself into the Committee of the Whole.

Carried.

Mr. Berry in the Chair.

On motion,

The Committee rose and submitted, through their chairman, the following report:

MR. PRESIDENT: The Committee of the Whole having had under consideration,

H. B. No. 22, An act to incorporate the city of Black Hawk;

Also,

H. B. No. 57, An act to Incorporate the Denver and Pacific Wagon Road Company;

Also,

C. B. No. 57, report the same back to the Council without amendment, and recommend their passage;

Also,

H. B. No. 27, An act to Incorporate the City of Central,

Report it back with the recommendation that it pass with the following amendments:

Insert after the word "all" in Section two, of article four, the word "white."

Add Section —. Nothing in Section two, Article four of this

act, shall be construed so as to deprive the persons mentioned in Article five of the Organic Act, to vote.

ROBERT BERRY, Ch'n.

On motion of Mr. Loveland,

The report was received and considered.

Mr. Hallett, moved that the part of the report relating to H. B. No. 27, be laid on the table.

Carried.

Mr. Hallett offered the following amendment thereto :

Insert after the word "years," in second line of Section two, Article four, the words, "not being negroes or mulattoes."

Adopted

The balance of the report under consideration was adopted and the bills ordered to their third reading.

The following message was received from His Excellency the Governor :

EXECUTIVE DEPARTMENT, C. T., }  
DENVER, March 8, 1864. }

To the Honorable Chas. W. Mather, President of the Council :

SIR :—I have the honor to inform the Council that I have this day approved and signed the following bills, certified to have originated therein ; viz :

An act providing for an appropriation for printing the laws in the Spanish language;

An act explanatory of the charter of the Clear Creek and Guy Gulch Wagon Road Company.

Very Respectfully,

Your ob't serv't,

JOHN EVANS,  
Governor of Colorado.

On motion of Mr. Loveland,

The Council adjourned until 2 o'clock, p. m.

AFTERNOON SESSION.

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

President in the chair.

Roll called.

Quorum present.

H. B. No. 41, being the special order for 2 o'clock, was taken up and read second time, and,

On motion of Mr. Hallett,

Referred to Committee of the Whole.

Mr. Esterday, from special committee, to whom was referred

H. B. No. 3, reported the same back without amendment and recommend its passage.

Respectfully,  
H. E. ESTERDAY, Ch'n.

The committee to whom was referred

C. B. No. 34,

Reported the same back without recommendation.

LEWIS JONES, Ch'm. Special Com.

Reports received.

On motion of Mr. Whitsitt,

The Council went into Committee of the Whole.

Mr. Whitsitt, in the chair.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March, 8th, 1864.

MR. PRESIDENT: I am instructed to inform your Honorable Body that the House has passed the following bills, to-wit:

H. B. No. 40, "an act to incorporate the Rocky Mountain Exploring, Prospecting and Mining Company;"

H. B. No. 53, "an act to incorporate the Cash Creek and Lake County Gold Mining Company;"

H. B. No. 58, "an act to incorporate the Black Hawk Mining Company;"

H. B. No. 75, a bill for "an act to prevent speculation in Territorial and County Scrip;"

H. B. No. 79, an act to amend an act entitled "an act concerning Justices of the Peace and Constables;"

And you are respectfully asked to concur in the same.

Also,

They have concurred in and passed

C. B. No. 41, "an act to enlarge the powers of the County Commissioners of Arapahoe County;"

Also,

C. B. No. 32, "an act to incorporate the Arkansas, Pueblo, and Fontaine-qui-Bouille Ditch Company."

Your obedient servant,

B. B. STILES,

Chief Clerk of the House.

HOUSE OF REPRESENTATIVES, }  
March, 8th, 1864, }

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

H. B. No. 37, "an act to legalize the records, laws and pro-

ceedings of certain mining districts in Park county, up to certain dates;"

And the concurrence of the Council is respectfully asked therein;

Also,

They have concurred in and passed

C. J. R. No. 2, "in relation to the translation of the laws into Spanish."

And have appointed, as the committee named therein, Messrs. Welton, Marsh and Nye.

Your obedient servant,

B. B. STILES,

Chief Clerk of the House.

After some time spent therein,

On motion,

The Committee arose and reported, through their chairman, as follows :

MR. PRESIDENT:—The Committee of the Whole, having had under consideration

H. B. No. 49, and C. J. R. No. 3,

Report the same back without amendment, and recommend their passage;

Also,

H. J. R. No. 7,

Report it back and recommend that the words "three hundred" be stricken out, wherever they occur in the resolution, and the words "one hundred and fifty" be inserted instead thereof, and that it pass so amended;

Also,

H. J. R. No. 6,

Report it back to the Council with the following amendment, to-wit :

Strike out the words "three hundred and thirteen dollars and fifty cents," where they occur in the same, and insert instead thereof, the words "two hundred and fifty dollars;"

And recommend its passage.

Also,

H. B. No. 38,

And report the same back to the Council, and recommend the adoption of the amendments reported by the committee on finances, ways and means thereon, to whom the bill was referred and that it pass so amended.

Also,

H. B. No. 43,

And recommend that it be referred to a special committee of three;

Also,

C. B. No. 56,

And report it back with the recommendation that the word "house," where it occurs in the bill, be stricken out, and that it do pass so amended;

Also,

C. B. No. 13,

With House amendments thereto, and recommend that the Council do concur in said amendments;

Also,

H. B. No. 59,

And report it back to the Council and recommend its passage with the following amendments:

Insert after the word "months," in the third line of Section 1, and in the second line, insert, after the word "upwards," "not being a negro or mulattoe;"

Also,

Add Sec. 2. And if any person, to whom such oath shall be tendered, shall refuse to take the same, he shall not be allowed to vote at such election.

Respectfully,

R. E. WHITSITT, Ch'n.

Report received, and

On motion,

It was adopted.

The chair appointed, as a special committee for the consideration of H. B. No. 43,

Messrs. Widner Hallett and Loveland.

On motion of Mr. Hallett,

The Secretary was instructed to strike out the word "house," when it occurs in

C. B. No. 56, and the bill was considered engrossed and ordered to its third reading.

C. J. R. No. 3 was considered engrossed for third reading.

On motion of Mr. Hallett,

The rules were suspended and the following bills were read third time and put upon their final passage:

C. B.'s Nos. 57 and 56, H. B.'s Nos. 22 and 27, and H. J. R. No. 7.

Vote on their final passage:

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner and Mr. President.

Ayes—10.

Noes—0.

Bills passed and their titles agreed to.

C. J. R. No. 3;

Vote on its final passage:

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt and Widner.

Noes—Mr. President.

Ayes—9.

Noes—1.

Passed, and title agreed to.

H. B. No. 59 ;

Vote on its final passage :

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Jones, Whitsitt, Widner and Mr. President.

Noes—Mr. Loveland.

Ayes—9.

Noes—1.

Passed, and title agreed to.

H. B. No. 38 ;

Vote on its final passage :

Ayes—Messrs. Bailey, Berry, Dominguez, Hallett, Jones, Loveland and Mr. President.

Noes—Messrs. Esterday, Whitsitt and Widner.

Ayes—7.

Noes—3.

Passed and title agreed to.

H. B. No. 49 ;

Vote on its final passage :

Ayes—Messrs. Bailey, Berry, Dominguez, Jones, Whitsitt, Widner and Mr. President.

Noes—Messrs. Esterday, Hallett and Loveland.

Ayes—7.

Noes—3.

Passed and title agreed to.

H. B. No. 57 ;

Vote on its passage :

Ayes—Messrs. Bailey, Dominguez, Esterday, Jones, Loveland, Widner and Mr. President.

Noes—Messrs. Berry, Hallett and Whitsitt.

Ayes—7.

Noes—3.

Passed, and title agreed to.

H. J. R. No. 6 ;

Vote on its final passage :

Ayes—Messrs. Bailey, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt and Widner.

Noes—Messrs. Berry and Mr. President.

Ayes—8.

Noes—2.

Passed, and title agreed to.

On motion of Mr. Hallett,



The rules were suspended, and the following bills read first and second times by their titles and referred as follows :

H. B. No. 58, an act to incorporate the Black Hawk Mining Company ;

H. B. No. 77, an act to amend an act entitled "an act to incorporate the Consolidated Ditch Company ;"

H. B. No. 53, an act to incorporate the Cash Creek and Lake County Gold Mining Company, to the Committee on Incorporations ;

H. B. No. 21, an act relating to lawful fences, partition fences, and the trespassing of animals, to Committee on Agriculture, and

H. B. No. 75, an act to prevent speculation in Territorial and County Scrip ;

H. B. No. 40, an act to incorporate the Rocky Mountain Exploring, Prospecting and Mining Company ;

H. B. No. 79, an act to amend an act entitled "an act concerning Justices of the Peace and Constables," to Committee of the Whole.

The Chair appointed as a Committee, to act with a like Committee appointed on the part of the House, on

C. J. R. No. 2, in relation to translation of laws into Spanish, Messrs. Loveland and Whitsitt.

On motion of Mr. Loveland,

The Council adjourned until 9 o'clock, a. m., to-morrow.

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### WEDNESDAY, MARCH, 9th, 1864.

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

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Bailey, Hallett, Johnson, Van Deren and Whitsitt.

Journal of the preceding day read and approved.

Messrs. Bailey, Hallett and Whitsitt appeared in their seats.

Reports from standing and select committees :

MR. PRESIDENT: The judiciary committee to whom was referred,

H. B. No. 26, a bill for an act to amend an act entitled an act to enable, Road, Ditch, Manufacturing and other Companies to become bodies corporate, having considered the same, recommend that it be amended as follows :

Strike out the word "forty" in the 9th line from the bottom of section 1, and insert the word "twenty" in lieu thereof;

Add to section 10, the following :

"Nor for the purchase of stock in their own Company or Corporation in the corporate name, nor shall such Company or Corporation, acquire or hold any stock or shares therein ;"

Strike out the word, "legal" in the last line of section 11, and insert the words "prima facia," instead thereof.

Strike out the word "stock" in the 6th line of section 14;

Strike out the word "payment" in 2d line from bottom of section 17, and insert the word "repayment," instead thereof;

Strike out the word "personal" in 6th line of section 19, and insert the word "person" instead thereof;

Strike out the words, "provided that the route named does not conflict with the rights of any Company already acquired," in the 10th, 11th, 12th, and 13th lines of section 23, and add the same, at the end of that section; insert after the word "incorporation" in the 5th line of said section, the following : "in addition to the matters herein before required to be stated therein ;"

Strike out the word "sepfy" in the 8th line of section 31, and insert in lieu thereof the following "in addition to the matters required in section 1 of this act, specify ;"

Strike out the word "where" in the 11th line of said section, and insert the words "at or near which ;"

Insert in the 2nd line from the bottom of section 32, after the word "miners" the words "and agriculturists."

Strike out the words "the way," occurring after the word 'as,' in the 5th line of section 33;

Insert after the word 'certificate' in the 4th line of section 35, the following :

"In addition to the matters required in the first section of this act ;" insert after the word "certificate," in the 6th line of section 36, the following :

"In addition to the matters required in the first section of this act ;"

Insert after the word "specify," in the 6th line of section 39, the following :

"In addition to the matters required by the first section of this act ;"

Add the following :

Sec. Whenever any road, ditch, telegraph or fluming Company organized under the provisions of this act shall not have acquired by gift or purchase, any land, real estate or claim required for the construction or maintainance of any road, ditch, telegraph or flume, or which may be affected by any operation connected with the consuruction or maintainance of the same,

the said corporation may present to the Probate Judge of the County wherein such land, real estate or claim shall lie, a petition signed by the President, Attorney or Agent of the same, describing with convenient accuracy and certainty, by map or otherwise, the lands, real estate or claims so required to be taken or affected as aforesaid, setting forth the name and residence of each owner, or other person interested therein as owner, lessee or incumbrancer, as far as known to such President, Attorney or Agent, or appearing of record, and praying the appointment of three appraisers to ascertain the compensation to be made to such owners and persons interested for the taking or injuriously affecting such lands, real-estate or claims as aforesaid. The Probate Judge, shall have satisfactory evidence that notice of any intended application, and the time and place thereof, for the appointment of appraisers between said corporation and the owners, and persons interested in such lands, real estate and claims, had been given at least ten days previously to such owners, personally at their residence or on the premises, or by the publication thereof in a newspaper printed in the County in which said lands, real-estate, or claims shall lie, or, if no newspaper is published in said County, then by posting three or more notices in some public places in said County, such publication to be allowed only in respect to owners or persons interested, who shall appear by affidavit to have no residence in the County, known to such President, Attorney or Agent, which notice shall be published at least thirty days prior to the time fixed for the application as aforesaid. The Court may adjourn the proceedings from time to time, shall direct any future notice thereof, to be given that may seem proper; shall have proofs and allegations of all parties interested, touching the regularity of the proceedings, and shall by an entry in its minutes, appoint three disinterested appraisers as aforesaid, specifying in such entry, a time and place for the first meeting of such appraisers. The said appraisers before entering upon the duties of their office, shall take an oath, to faithfully and impartially discharge their duties as said appraisers, and any one of them may administer oaths to witnesses produced before them. They may issue subpoenas and compel witnesses to attend and testify, and may adjourn and hold meetings for that purpose; and shall give reasonable previous notice to such owners or parties interested. They shall hear the proofs and allegations of the parties, and any two of them, after reviewing the premises, shall, without fear, favor or partiality, ascertain and certify the compensation proper to be made to said owners or parties interested, for the lands, real-estate or claims, to be taken or affected, as well as all damages accruing to the owners or parties interested in consequence of the condemnation of the

same, taken or injuriously affected as aforesaid, making such deduction or allowance for real benefits or advantages, which such owners or parties interested may derive from the construction of said, road, ditch, telegraph, or flume. They or a majority of them shall make, subscribe and file with the clerk of the County in which such lands, real estate or claims shall lie, a certificate of their said ascertainment and assessment' in which such lands, real-estate or claims shall be described with convenient certainty and accuracy.

The Probate Judge, upon such certificate, and due proof that such compensation and separate sums, if any be certified, have been paid to the parties entitled to the same, or have been deposited to the credit of such parties in the County Treasury, or other place for that purpose, approved by the Court, shall make and cause to be entered in its minutes a rule describing such lands, real estate or claims in manner aforesaid, such ascertainment of compensation, with the mode of making it, and such payment or deposit of the compensation as aforesaid, a certified copy of which rule shall be recorded and indexed in the recorder's office of the proper county, in like manner, and with like effect as if it were a deed of conveyance from the said owners and parties interested to the said corporation. Upon the entry of such rule the said corporation shall become seized in fee, or shall have the exclusive right, title and possession of all such lands, real estate or claims described in said rule, as required to be taken as aforesaid, during the continuance of the corporation, and may take possession of and hold and use the same for the purpose of said road, ditch, telegraph or flume, and shall therefore be discharged from all claim for any damages by reason of any matter specified in such petition, certificate or rule of said Probate Judge. If at any time after an attempted or actual ascertainment of compensation, under this act, or any purchase by, or donation to, said corporation, of lands or claims for the purposes aforesaid, it shall appear that the title acquired thereby, to all or any part of such lands, for the use of said corporation, or if said assessment shall fail or be deemed defective, the said corporation may proceed and perfect such title, by procuring an ascertainment of the compensation proper to be made to any person who has title, claim or interest in, or lien upon, such lands, and by making payment thereof in the manner hereinafter provided, as near as may be; and at any stage of such new proceedings, or of any proceedings under this act, the Probate Judge may by rule in that behalf made, authorize the said corporation is already in possession, and if not in possession, to take possession of and use said premises during the pendency and until the final conclusion of

such proceedings, and may stay all actions and proceedings against such corporations on account thereof.

*Provided,* Such corporation shall pay a sufficient sum into court, or give approved security to pay the compensation in that behalf, when ascertained, and in every case where possession shall be so authorized, it shall be lawful for the owners to conduct the proceedings to a conclusion, if the same shall be delayed by the company. The said appraisers shall receive two dollars per day, as compensation, for each day actually employed; such compensation to be taxed and allowed by the Probate Judge. If any appraiser so appointed shall die, be unable, or fail to serve, the court may appoint, in his place, on reasonable notice of the application, to be approved by the Probate Judge. Applications may be made to the District Court in the same manner as herein provided, and the District Court may, thereupon, cause such proceedings to be had and taken, in like manner, and with the same effect as herein required respecting the Probate Court.

And that the bill, as amended, be passed.

MOSES HALLETT, Ch'n.

MR. PRESIDENT: The committee on enrolled bills have examined

C. B's. Nos. 38, 32, 41, 30, and C. J. R. No. 2,

And find the same to be correctly enrolled.

R. O. BAILEY, Ch'n.

Mr. Widner, from special committee, to whom was referred H. B. No. 43, "an act to incorporate the Occidental Gas Light Company of the City of Denver,"

Reported the same back to the Council with the following amendments, viz:

Strike out Sections 6, 7, 8, 9 and 10 in the bill and insert as follows:

Sec 6. The said company shall be allowed to charge for the gas manufactured and furnished to the City of Denver, or any of the inhabitants thereof, not to exceed six dollars for each thousand cubic feet, for ten years from the date of the passage of this act, and at the rate of five dollars per thousand cubic feet after the expiration of ten years, and during the remainder of their corporate existence.

Sec. 7. The corporation hereby created, shall complete the works for manufacturing gas, to be supplied to the City of Denver and the inhabitants thereof, so far as to supply gas to said City and the inhabitants thereof, within three years from the passage of this act, and if said corporation shall fail to comply with the provisions of this section, the said corporation shall have no exclusive right to furnish gas, as aforesaid, what-

soever and any and all exclusive privileges, herein granted to said corporation, shall cease and determine;

Also,

Strike out House amendments to Sections 7, 8, 9 and 10.

And recommend its passage so amended.

Respectfully submitted,

AMOS WIDNER, Ch'n.

Mr. Bailey, from the Committee on Enrolled Bills, reported C. B.'s Nos. 25 and 14 correctly enrolled.

R. O. BAILEY, Ch'n.

Reports received.

By leave of the Council,

Mr. Widner, without previous notice, introduced

C. B. No. 59, an act to provide for the collection of demands for improvements on the public lands, which was

Read first time.

Mr. Hallett moved that the rules be suspended, and the bill be read second time and referred.

Carried.

And the bill was so read and referred to Committee of the Whole.

The following bills were read second time by their titles and referred :

H. B. No. 67, to Committee on Incorporations ;

H. B. No. 71, to Committee on Counties ;

C. B. No. 58 and H. B. No. 80, to Committee of the Whole.

Mr. Esterday moved that Mr. Van Deren be excused from the Council for the next two days.

President decided the motion out of order.

On motion of Mr. Loveland,

The Council went into Committee of the Whole,

Mr. Loveland in the Chair.

After some time spent therein,

The Committee rose and asked leave to sit again at 2 o'clock p. m.

Granted.

A message was received from His Excellency, the Governor, to be considered in Executive session.

Mr. Loveland moved that it be made the special order for tomorrow, at 3 o'clock p. m.

Carried.

The following message was also received from the Governor :

EXECUTIVE DEPARTMENT, C. T., }  
DENVER, March 9, 1864. }

To the Hon. Charles W. Mather, President of the Council:

SIR: I have the honor to inform the Council that I have this day approved and signed the following bill, certified to have originated therein, viz:

An act to incorporate the Denver Artesian Well Company.

Very Respectfully,

Your obedient servant,

JNO. EVANS,

Governor of Colorado.

On motion,

Council adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

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

President in the chair.

Quorum present.

Message from the House:

HOUSE OF REPRESENTATIVES,

March 9th, 1864.

MR. PRESIDENT: I am instructed by the House to inform the Council that they have concurred in Council amendments to H. B.'s Nos. 16, 17 and 35;

Also,

They have passed H. B. No. 28, an act for the collection of taxes from non-resident stock owners;

H. B. No. 32, an act to incorporate the City of Black Hawk Gas Light Company;

H. B. No. 65, a bill for an act to incorporate the Central City and Montgomery Wagon Road Company, in which your concurrence is respectfully asked.

Yours, very truly,

B. B. STILES,

Chief Clerk of the House.

Reports of standing and select committees:

MR. PRESIDENT: As Chairman of the select committee, to whom was referred

C. B. No. 40, a bill for an act to incorporate the Denver Ditch and Water Company, having had the same under consideration, would respectfully submit as a minority report, that

he cannot agree with the majority of said committee as to the manner of amending said bill, therefore, would return the bill to the Council without recommendation.

R. BERRY, Ch'n.

MR. PRESIDENT: A majority of the select committee, to whom was referred

C. B. No. 40, recommend that the same be amended as follows:

Strike out the word "forty," in the last line of section one, and insert the word "thirty" in lieu thereof;

Strike out of section six the words "whenever the rights to such property" attach before the construction of said ditch was commenced;

Strike out the word "five" in the third line of section eight, and insert the word "two" instead thereof;

Insert between the words "one" and "rod" in the fourth line of section eight, the word "half;"

Strike out the word "exclusive," in the twelfth line of section eight, and insert after the word "Denver," in the thirteenth and fifteenth lines of said section, respectively, the words "and the inhabitants thereof;"

Insert after the word "city," in the nineteenth line of said section, the words "and the inhabitants thereof;"

Strike out all after the word "ditch," in the second line from the bottom of said section;

Strike out the word "fifty," in the seventh line of section nine, and insert the word "ten" instead; insert after the word "Denver," in the seventh line, the following:

"Fifty dollars per year per horse power for water used as a motive power;"

Strike out the word "ten," in the tenth line of section nine, and insert the word "five," instead; strike out the words "or such part thereof as shall be occupied for a residence," in the tenth and eleventh lines, and insert "not exceeding ten thousand square feet, superficial measurement;" strike out all after the word "Denver," in the fourteenth line of said section, and insert as follows:

"*Provided*, if any person shall desire to irrigate land within said city, the area of which shall amount to, or exceed one-half acre, such person shall be furnished with water at the rates prescribed by this act for farms outside the City of Denver;"

Add to section ten, "and regular meetings shall be held as often as once in three months;"

Insert after the word "water," in the fourth line of section thirteen, the words "from their ditch;" insert after the word "Denver," in the fourth line, "and to the inhabitants thereof,



upon the east side of Cherry Creek," and add the following:

"If said Company shall fail to comply with the provisions of this section, this act shall, thereupon, be and become absolutely null and void ;"

Insert after the word "Company," in the third line of section fourteen, the words "in regard to paying for the same ;" add to said section the following :

"And for any failure, neglect, or refusal to furnish water as aforesaid, the Company shall forfeit and pay to the person or persons aggrieved, for each week that such Company shall neglect, fail, or refuse to furnish a full supply of water to such person or persons, treble the rates prescribed by said Company for water furnished other parties in the quantities and for the purpose desired by the person or persons applying therefor, which may be recovered by, and in the name of the person or persons aggrieved, in any court of competent jurisdiction ;" add to section fifteen the following :

"And said Company shall pay the cost and expenses of such arbitration ;

Insert the words "ditch and" after the word "Denver," in the seventh line of section one. And in the first line of section sixteen add the following :

SEC. 19. Whenever the corporation hereby created shall furnish water to any person or persons association or company and whenever said corporation shall agree to furnish water to any person or persons association or company said corporation shall furnish to such person or persons association or company all the water that may be necessary for the purpose for which such person or persons association or company shall desire the same whether such water be desired for irrigating the soil or otherwise, and if said corporation shall fail to furnish the full amount of water that may be necessary for such purpose the said corporation shall forfeit all payments due for water therefore furnished to such person or persons association or company, and also all payments that shall thereafter become due, and if such payments shall have been made, the amount thereof may be recovered from the said corporation by action for money had and received, in any court of competent jurisdiction.

SEC. 20. Any person or persons association or company may divert the water of the South Platte river upon and from the south and east side of said river, and for that purpose may construct a ditch or other conduit upon and from the east and south side of said river at any point below that where the ditch of said corporation shall diverge from said river. Whenever such water is used or to be used by the person or persons, association or company, their grantees, successors or assigns for any purpose whatsoever, anything in this act to the contrary notwith;

standing. *Provided*, that nothing in this section contained shall be held or construed to authorize any person or persons, association or company to divert the water of said river on the south or east side thereof, between the point of divergence aforesaid and the city of Denver and the mouth of Coal creek, for the purpose of selling such water.

SEC. 21. Nothing in this act contained shall prohibit, impair or in any manner affect the right now existing, or hereafter to be acquired, to dig ditches, build flumes or divert the waters of the South Platte river upon or from the north or west side thereof, for any purpose whatsoever.

SEC. 22. Nothing in this act contained shall impair, abrogate or in any manner affect the right of any person or persons, association, company or corporation to use or divert the water of the said South Platte river now existing, or acquired before the passage of this act, and that the bill be passed as amended.

MOSES HALLETT,  
H. E. ESTERDAY.

MR. PRESIDENT: Your committee on Agriculture, to whom was referred

H. B. No. 52, beg leave to report the same back with the recommendation that it pass.

Respectfully,

H. E. ESTERDAY, Ch'n.

MR. PRESIDENT: Your committee on incorporations having had under consideration

H. B's. Nos. 53, 57, 67, 70 and 77, beg leave to report the same back again without recommendation

Respectfully,

R. E. WHITSITT, Ch'n.

Reports received.

The Council went into the Committee of the Whole.

Mr. Loveland in the chair.

After some time spent therein,

On motion,

The Committee rose and reported, through their chairman, as follows:

MR. PRESIDENT: The Committee of the Whole having had under consideration,

H. B's. Nos. 34, 75, 67, 77, 64, 3, 80, 18, 54 and C. B's Nos. 48, 54 and 50, report the same bac without amendment and recommend their passage.

Also,

C. B. No. 52 and H. B. No. 60 and report the same back with the recommendation that they be laid on the table.

Also,

C. B's Nos 42, 58 and H. B s Nos 53 and 79 and report them back with the recommendation that the further consideration of the same be indefinitely postponed.

Also,

H. B. No. 47, report it back and recommend that the word "obtained" in the second line from the bottom of section 1 of said bill, be stricken out and the word "attained" be inserted instead;

And that it pass so amended.

Also,

H. B. No. 40, and report the same back with the following amendments:

Strike out section 3 and 4,

Add, Sec. 8, Nothing in this act contained, shall be held or construed to authorize said corporation to make, sign, issue, emit or circulate any bank bills or other evidence of indebtedness, to be used or circulated as money.

Sec. 9. Notoing in this act contained, shall be held or construed to vest in the corporation hereby created, any rights or privileges not possessed by natural persons, citizens of this Territory;

And that it pass so amended;

Also,

H. B. No. 43, and report the same back to the Council, with the recommendation that the amendments reported thereon by the special committee, to whom the bill was referred, be adopted;

Also,

Add the following:

Sec. The provisions of this charter shall extend to all the additions that have been or may be hereafter added to the city of Denver;

And with these amendments, that it do pass;

Also,

H. B. No. 29, and report it back to the Council with the recommendation that the substitute therefor, reported by the special committee, to whom the bill was referred, be adopted, and the same amended, by striking out the word Arapahoe where it occurs in the bill and also in the title;

And further recommend that the substitute, so amended, be passed.

Also,

C. B. No. 59, report it back with the following amendment and recommend its passage:

Add to section 2,

*Provided*, That if such improvements or crops may be removed from such land, the party making or growing the same may remove such improvements or crops within a reasonable time, and in that case, no action shall lie as aforesaid for the same;

Also,

H. B. No. 36, and recommend that it be laid over for consideration until to-morrow;

Also,

H. B. No. 26, and report it back to the Council with the recommendation that the amendments reported by the judiciary committee thereon, this a. m., be adopted, and also the following additional amendments:

Strike out in thirteenth line of section 42 the word "flume," and add to said section, the following:

"The time for the completion of any flume constructed under the provisions of this act, shall not extend beyond a period of four years;"

And with these amendments, recommend its passage.

Also,

H. B. No. 52, and report the same back to the Council, with the recommendation that section 1, therein be stricken out, and that it pass so amended.

Very respectfully,

W. A. H. LOVELAND, Ch'n.

Report received, and

On motion,

It was adopted, on the following bills:

C. B. No. 34; H. B. Nos. 47, 40, 43 and C. B. No. 52; H. B. No. 79; C. S. to H. B. Nos. 29; H. B. No. 75, 80, 36, 18, and C. B. No. 60; H. B. Nos. 54, 60, 64, 3; C. B. No. 54; and H. B. No. 26, 67, 77, and 53.

On motion of Mr. Whitsitt,

C. B. No. 58, was referred to a special committee of three, Messrs. Whitsitt, Loveland and Berry.

Mr. Loveland called for the ayes and noes on the motion to adopt the report of the Committee of the Whole, and indefinitely postponed,

C. B. No. 42;

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Jones, Whitsitt, Widner and Mr. President.

Noes Mr. Loveland.

Ayes—9.

Noes—1.

So the bill was indefinitely postponed.

Mr. Widner, offered the following substitute for the amendment reported by the Committee of the Whole, on

C. B. No. 59, add to Section two: *Provided*, That if any such improvements, or growing crops upon any such land shall be of such a nature that the same may be easily removed, it shall be lawful for the person making or growing the same, to remove such improvements or crops within a reasonable time, and no action shall lie for the value of the same, but in all cases where improvements are of a fixed and permanent character, an action shall lie for the value of the same, as aforesaid.

Adopted.

On motion,

The report of the Committee on

H. B. No. 52, was not adopted, and the bill ordered to its third reading.

Mr. Jones from Committee on Education, to whom was referred.

H. B. No. 61, reported the same back to the Council and recommend its passage without amendment.

LEWIS JONES, Ch'n.

Report received.

On motion of Mr. Loveland,

The rules were suspended, and

H. B's. Nos. 54, 47, 75, C. S. to H. B. No. 29, H. B's. Nos. 80, 18, 64, C. B. No. 48, H. B's. Nos. 52, 26, and 43, were read third time by their titles, and the question being upon their final passage, the ayes and noes were had as follows:

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner, and Mr. President.

Ayes—10.

Noes—0.

Bills passed and titles agreed to.

Also,

The following bills were read the third time and put upon their passage:

H. B. No. 3.

Vote on its final passage:

Ayes—Messrs. Bailey, Berry, Dominguez, Hallett, Jones, Whitsitt, and Widner.

Noes—Messrs. Esterday, Loveland, and Mr. President.

Ayes—7.

Noes—3.

Passed and title agreed to.

- C. B. No. 34,  
Vote on its passage :  
Ayes—Messrs. Berry, Dominguez, and Jones.  
Noes—Messrs. Bailey, Esterday, Hallett, Loveland, Whitsitt, Widner, and Mr. President.  
Ayes—3.  
Noes—7.  
So the bill did not pass.
- H. B. No. 77 ;  
Vote on its final passage :  
Ayes—Messrs. Berry, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner, and Mr. President.  
Ayes—9.  
Noes—0.  
Absent Mr. Bailey.  
Passed and title agreed to.  
Mr. Bailey appeared in his seat.
- H. B. No. 40 ;  
Vote on its final passage :  
Ayes—Messrs. Dominguez, Jones, Loveland, and Widner.  
Noes—Messrs. Bailey, Berry, Esterday, Hallett, Whitsitt, and Mr. President.  
Ayes—4.  
Noes—6.  
So the bill did not pass.
- C. B. No. 50 ;  
Vote on its final passage :  
Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Loveland, Whitsitt, Widner and Mr. President.  
Noes—Mr. Jones.  
Ayes—9.  
Noes—1.  
Passed, and title agreed to.
- H. B. No. 67 ;  
Vote on its final passage :  
Ayes—Messrs. Berry, Dominguez, Hallett, Jones, Whitsitt, Widner and Mr. President.  
Noes—Messrs. Bailey, Esterday, and Loveland.  
Ayes—7.  
Noes—3.  
Passed, and title agreed to.  
Mr. Hallett, moved that the Council adjourn until 7 o'clock p. m.  
The ayes and noes were called for :  
Ayes—Messrs. Berry, Hallett, and Whitsitt.  
Noes—Messrs. Bailey, Dominguez, Esterday, Jones, Loveland, Widner and Mr. President.

Ayes—3.

Noes—7.

Motion lost.

Mr. Whitsitt, moved to adjourn until 8 o'clock p. m.

Lost by the same vote.

On motion of Mr. Loveland.

The Council adjourned until to-morrow at 9 o'clock a. m.

#### THURSDAY, MARCH 10, 1864.

Council met at 9 o'clock a. m., pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Hallett, Johnson, Van Deren, and Whitsitt.

Journal of yesterday read and approved.

Messrs. Hallett and Whitsitt appeared in their seats.

Message from the House :

HOUSE OF REPRESENTATIVES, }  
March, 10th, 1864. }

MR. PRESIDENT: The House instructs me to inform the Council that they have passed

C. B. No. 27, a bill for an act to amend an act entitled "an act to establish and regulate Territorial Roads," and have amended the title by adding "approved, August 15th, 1862," and with this amendment they concur.

They have refused to concur in Council amendments to

H. B. No. 38 and H. J. R. No. 7, herewith transmitted.

They concur in Council amendments to

H. J. R. No. 6;

Also,

They have passed

C. B. No. 44, an act for the protection of roads, with the following amendments, to wit :

Strike out in section two the words "one hundred" and insert in lieu thereof "ten;"

Also,

Strike out in section three the words "twice the sum of;"

Also,

Further amend section two by striking out "Courts of Record" and inserting "any Court having competent jurisdiction;"

Also, by adding the following section :

"That fines accruing by the provisions of this act shall be paid into the County Treasury for the use of Common Schools

of this Territory." and with said amendments they concur, and ask your concurrence therein.

They have concurred and passed without amendment

C. B. No. 45, a bill for an act to enable citizens of this Territory in the military service of the United States to vote ;

Also,

They have passed

C. B. No. 35, a bill for an act to amend an act entitled "an act to incorporate the City of Denver, with the following amendments, to wit :

To the third clause of section three, add the following words :

"The City of Denver shall have the exclusive right, within the corporate limits of said City ;"

Also,

After the word "authorize." in the fifth line from the bottom in section twenty-three, add the following :

"And shall return monthly, to the City Council, all bonds, scrip or orders, he may have reclaimed or paid, to be cancelled by them ;"

Also,

Add to section twenty-four, "*and provided further*, That warrants drawn on the City Treasury of said City may be drawn in such sums, not less than twenty-five dollars, as the person entitled to such warrants may elect ;

Also,

They have passed

C. B. No. 49, an act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled "an act for the relief of citizens of towns upon lands of the United States, under certain circumstances," with the following amendments to section six, to wit : "*Provided*, That nothing in this section shall be so construed as to recognize the right of any person or persons who have virtually abandoned any land held as a town site, to any title therein," and with this amendment they concur, and your concurrence therein is respectfully asked.

They have also concurred in Council amendments to

H. B. No. 59.

Very Respectfully,

B. B. STILES,

Chief Clerk of the House.

The following message was received from His Excellency, the Governor :



EXECUTIVE DEPARTMENT, C. T., }  
DENVER, March 10, 1864. }

To the Hon. Charles W. Mather, President of the Council:

SIR: I have the honor to inform the Council that I have this day approved and signed the following bill, certified to have originated therein, viz:

An act to amend an act entitled "an act to amend an act concerning jurors," approved Nov. 5th, 1861.

Very Respectfully,

Your ob't serv't,

JOHN EVANS,

Governor of Colorado.

Reports of standing committees:

MR. PRESIDENT: Your committee on Agriculture have had under consideration

H. B. No. 21, and beg leave to report the same back with the recommendation that the same do pass.

Respectfully,

H. E. ESTERDAY, Ch'n.

MR. PRESIDENT: Your Committee on Enrolled Bills have examined

C. B.'s Nos. 13 and 28, and find the same correctly engrossed;

Also,

Your Committee on Engrossed Bills have examined

C. B.'s Nos. 54 and 59, and find the same correctly engrossed.

Respectfully,

R. O. BAILEY, Ch'n.

MR. PRESIDENT: Your Committee on Counties, to whom was referred

H. B. No. 71, beg leave to report that they have examined said bill and recommend the passage thereof.

Respectfully,

R. O. BAILEY, Ch'n.

Reports received.

A private communication was received from His Excellency, the Governor, by the hand of his private Secretary.

Mr. Loveland moved that it be considered in Executive Session, at 3 o'clock p. m.

Carried.

Mr. Loveland offered the following:

*Resolved*, That the Chairman on Enrollment be instructed to correct the enrolled copy of

C. B. No. 25.

After some debate,

The resolution was withdrawn.

Mr. Hallett in the Chair.

Mr. Mather offered the following resolution :

*Resolved*, That a joint committee of two from the Council and three from the House of Representatives, shall be appointed to ascertain whether any errors exist in the enrolled copy of

C. B. No. 25, an act granting to Francis Smith the right to erect and maintain a bridge across the waters of the South Platte River, and to correct the same, and report their action thereon to their respective Houses.

Resolution adopted.

The Chair appointed as such committee, on the part of the Council, Messrs. Loveland and Berry.

President in the Chair.

Bills on first reading :

H. B. No. 28, an act for the collection of taxes from non-resident stock owners ;

H. B. No. 65, a bill for an act to incorporate the Central City and Montgomery Wagon Road Company ;

Mr. Esterday moved a re-consideration of the vote, by which C. B. No. 40 was lost.

Carried, by the following vote :

Ayes—Messrs. Esterday, Hallett, Jones, Loveland, Widner and Mr. President.

Noes—Messrs. Berry, Dominguez and Whitsitt.

Ayes—6.

Noes—3.

H. B. No. 40 was then put upon its final passage.

Vote on its passage :

Ayes—Messrs. Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner and Mr. President.

Noes—Messrs. Bailey and Berry.

Ayes—8.

Noes—2.

Passed, and title agreed to.

Mr. Hallett offered a resolution, instructing the committee to whom was referred,

H. B. No. 51, an act to legalize the records, laws and proceedings of certain Mining Districts in Park County, to report on the same.

The ayes and noes were called for :

Ayes—Messrs. Berry, Hallett, Whitsitt and Mr. President.  
 Noes—Messrs. Dominguez, Esterday, Loveland, Jones and  
 Widner,

Ayes—4.

Noes—5.

So the resolution was not adopted.

On motion of Mr. Loveland,

H. B. No. 36 was taken up for consideration,

Mr. Berry moved that the bill be indefinitely postponed.

Motion withdrawn.

Mr. Dominguez, moved that it be made the special order for  
 this afternoon at 2 o'clock,

Carried.

C. B. No. 54, and C. B. No. 59, were taken up, read third  
 time by their titles, and the question being upon their final pas-  
 sage, the following was the vote :

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett,  
 Jones, Loveland, Whitsitt, Widner and Mr. President.

Ayes—10,

Noes—0.

Passed, and title agreed to.

On motion of Mr. Hallett,

The Council went into Committee of the Whole.

Mr. Berry in the Chair.

After some time spent therein,

On motion,

The Committee rose and asked leave to sit again.

The following message was received from the House.

#### HOUSE OF REPRESENTATIVES,

March 10, 1864.

MR. PRESIDENT: I am instructed to inform the Council that  
 the House has passed the following bills, to-wit :

H. B. No. 56, A bill for an act to amend an act entitled "An  
 act to establish the mode of locating and changing county seats,"  
 approved Nov. 7th, 1861.

H. B. No. 68, An act to provide for the payment of the clerks  
 and other officers of the Legislative Assembly.

H. B. No. 73, An act to incorporate the Excelsior Ditch  
 Company.

H. B. No. 76, An act to incorporate the Central City and  
 Idaho Wagon Road Company.

H. B. No. 83, An act amendatory of an act to incorporate  
 the Colorado and Pacific Wagon Road, Telegraph, and Railroad  
 Company.

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

They have also passed

C. B. No. 36, An act to incorporate the Boulder Valley and Black Hawk Wagon Road Company, with the following amendments, to-wit:

Strike out Section nine; also the words "one branch of" in second and third lines of Section ten; also strike out the word "three" in fourth line of Section ten, and insert "one" in lieu thereof;

And with these amendments they concur and ask your concurrence therein.

They have also concurred in Council amendments to H. B's. Nos. 26, 43, and 47.

Your obedient servant,

B. B. STILES,

Chief Clerk of the House.

On motion,

Council adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION,

Council met at 2 o'clock p. m. pursuant to adjournment, President in the chair.

Quorum present.

On motion of Mr. Esterday,

The Council took a recess until half-past three o'clock.

Council called to order pursuant to adjournment.

President in the chair.

Quorum present.

Mr. Berry moved that the Council do now go into Executive Session.

Carried.

And the Sergeant-at-Arms was instructed to clear the room, and close the doors.

The Executive Session being dissolved, and the Council having resumed business,

Mr. Widner asked to be excused for a half-hour.

Granted.

Mr. Loveland moved that Mr. Dominguez be excused for the same period.

Carried.

On motion of Mr. Hallett,

The following bills were taken up and considered:

C. B. No. 29.

Mr. Hallett moved that the Council do concur in House amendments thereto.

Carried.

H. J. R. No. 7,

On motion of Mr. Berry,  
To recede from Council amendments thereto, the ayes and noes were called for and had as follows :

Ayes—Messrs. Bailey, Berry Esterday, Jones, Loveland and Whitsitt.

Noes—Messrs. Hallett, and Mr. President.

Ayes—6.

Noes—2.

So the Council receded from its amendments to the same.

Mr. Hallett moved that the Council recede from its amendments to

H. B. No. 38.

Carried.

Ayes—Messrs. Bailey, Hallett, Jones, Whitsitt, and Mr. President.

Noes—Messrs. Berry, Esterday, and Loveland.

Ayes—5.

Noes—3.

C. B. No. 35:

Mr. Hallett, moved to concur in amendments thereto adopted by the House, with the following amendment to said amendments :

Add to the amendment to Section twenty-four, the following: "In cases where the amount due exceeds twenty-five dollars."

Carried.

On motion,

The Council concurred in House amendments to

C. B. No. 49,

H. B. No. 36, taken up.

On motion,

It was laid over for consideration to-morrow.

Mr. Hallett moved that the Council do now resolve itself into the Committee of the Whole,

Carried.

Mr. Berry in the Chair.

After some time spent therein,

On motion,

Committee rose and through their Chairman submitted the following report:

MR. PRESIDENT: The Committee of the Whole have considered H. B. No. 58, and H. B. No. 61, report the same back without amendment and recommend their passage.

Also,

H. B. No. 21, and report the same back to the Council with the recommendation that it be amended by inserting the words

“Jefferson County” after the words “Clear Creek” in section 12.  
And that it pass so amended ;

Also,

H. B. No. 71, and report the same back to the Council without recommendation ;

Also,

H. B. No. 25, and recommend that it be amended as follows:

Strike out in third line of section 1, after the word “improving” as follows: “or who have filed on under the pre-emption act of 1841, or entered upon under the Homestead act of 1862;”

Also, add section, “That the provisions of this act shall not be construed to extend to, or effect Jefferson, Costilla, Conejos, Boulder, Weld or Larimer Counties;”

Also,

Insert after the word “persons” in 6th line of section 15, the words “wrongfully.” Insert after the word “ditch” in same line and same section, the words “or wrongfully obstruct the flow of water in said ditch.”

Strike out the word “and” in seventh line of said section, and insert the word “or” instead thereof ;

Also,

Add the following section :

Sec. All the provisions of this act, excepting section 1 thereof, shall be held to apply to persons settling after the passage of this act, as well as to those settling prior thereto.

And that it pass thus amended ;

Also,

C. B. No. 51, and report it back with the following amendments; to-wit: [see amendments reported by judiciary committee to whom the bill was referred] and recommend its passage so amended.

Also,

C. B. No. 40, and report the same back to the Council with the recommendation, that the amendments reported thereon by the special committee, [to whom the bill was referred] be adopted and that it pass so amended.

[*Afternoon Session of the Committee.*]

Also,

H. B. No. 70, and report the same back with the recommendation that further consideration of the bill be indefinitely postponed.

Also,

H. B. No. 41, and report it back with the following amendments, to-wit :

Strike out sections 2, 3 and 4.

Also,

Strike out in fourth and fifth lines of section 1, the words "Denver City, Arapahoe County," and insert instead, the words "Boulder City in the County of Boulder."

Also,

Strike out in 6th line of same section, the words "Denver City," and insert instead thereof the words "Boulder City," and recommend its passage so amended.

Respectfully,

R. BERRY, Ch'n.

Report received.

Messrs. Dominguez and Widner appeared in their seats.

On motion of Mr. Hallett,

It was taken up and considered, and adopted on the following bills:

H. B.'s Nos. 61, 21, 71, 25, 58, C. B. No. 51, 40 and H. B. No. 70 beordered engrossed.

Mr. Loveland moved that the report of the committee to strike out sections 2, 3 and 4 of H. B. No. 41, be adopted.

Mr. Hallett moved that further consideration of the bill be deferred until to-morrow, at 9 o'clock a. m.

Carried.

On motion,

The rules were suspended, and

H. B.'s Nos. 58, 21 and 61 were read third time by their titles and put upon their final passage.

Vote on their passage:

Ayes—Messrs. Berry, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner and Mr. President.

Ayes—9,

Noes—0.

Bills passed, and titles agreed to.

Also,

H. B. No. 25:

Vote on its final passage:

Ayes—Messrs. Berry, Dominguez, Hallett, Jones, Whitsitt, Widner and Mr. President.

Noes—Messrs. Esterday, and Loveland.

Ayes—7.

Noes—2.

Passed, and title agreed to.

H. B. No. 71,

Vote on its final passage:

Ayes—Messrs. Berry, Dominguez, Hallett, Jones, Loveland, Whitsitt and Widner.

Noes—Messrs. Esterday and Mr. President.

Ayes 7, noes 2.

Passed and title agreed to,

On motion of Mr. Hallett,

Rules suspended, and

H. B. No. 73, an act to incorporate the Excelsior Ditch Company.

H. B. No. 68, an act to provide for the payment of the Clerks and other Officers of the Legislative Assembly,

Were read a first and second time by their titles and referred to Committee of the Whole.

Also,

H. B. No. 65, an act to incorporate the Central City and Montgomery Wagon Road Co, and

H. B. No. 76, an act to incorporate the Central City and Idaho Wagon Road Company, and referred to committee on highways and bridges.

Also,

H. B. No. 32, an act to incorporate the city of Black Hawk Gas Light Company.

H. B. No. 83, an act amendatory of "an act to incorporate the Colorado and Pacific Wagon Road, Telegraph and Rail Road Company," referred to committee on incorporations.

Also,

H. B. No. 56, an act to amend "an act to establish the mode of Locating and Changing County Seats." Approved Nov. 7th 1861, and referred to committee on counties.

Also,

H. B. No. 28 was read second time and referred to Committee of the Whole.

On motion of Mr. Whitsitt,

The Council adjourned until to-morrow at 9 o'clock a. m.

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### FRIDAY, MARCH 11th, 1864.

Council met at 9 o'clock a. m. pursuant to adjournment.

President in the chair,

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Bailey, Esterday, Hallett, Johnson, Van Deren and Whitsitt.

Messrs. Bailey and Esterday appeared in their seats.

On motion of Mr. Esterday,

The reading of the Journal of yesterday was dispensed with.

The following message was received from the House ;



HOUSE OF REPRESENTATIVES, }

March 10th, 1864. }

MR. PRESIDENT: I am instructed by the House to inform your Honorable body, that they have passed without amendment,

C. B. No. 37, "a bill for an act relating to the sufficiency of the security on official bonds, and for other purposes;"

Also,

They have concurred in and passed,

C. S. to H. B. No. 29, a bill for an act for the protection of Farmers against the depredations of stock in Douglas and Weld Counties;"

Also,

They have concurred in and passed,

C. B. No. 50, an act to repeal an act entitled "an act to incorporate the Tarryall and Arkansas River Wagon Road Company."

Also,

C. B. No. 57, an act relating to contagious diseases among cattle and other animals," with the following amendments, to-wit:

Add section to the bill, that all fines accruing under the provisions of this act, shall be paid into the County Treasury for the use of Common Schools of this Territory,

And the concurrence of the Council therein is respectfully requested;

Also,

They have concurred in Council amendments to H. B. No. 40.

I am further instructed to inform the Council, that the House has in accordance with a resolution of your Honorable body, for a joint committee, to examine, and ascertain if any errors exist in the enrolled copy of C. B. No. 25, appointed Messrs. White, Chever and Holland.

Your obedient servant,

B. B. STILES,

Chief Clerk of the House.

Reports from standing and select committees:

Mr. Bailey, from committee on Counties, to whom was referred H. B. No. 56.

Reported the same back without amendment and recommended its passage.

R. O. BAILEY, Ch'n.

Messrs. Hallett and Whitsitt appeared and took their seats.

MR. PRESIDENT: The special committee to whom was referred,

H. B. No. 51, "a bill for an act entitled an act to legalize the Records of certain Mining Districts in Park County up to a certain date," have had the same under consideration and respectfully report as follows :

A petition has been offered by the parties urging the passage of the bill, numerously signed, requesting this body to pass the same. On the other hand letters have been shown from some of the petitioners, stating that when they signed the same, they were not apprised of its objects.

Prominent citizens of capital and intelligence from the locality to be effected have appeared before your committee and urged the defeat of said bill.

It has seemed to your committee that more reasons have been presented by those immediately affected by the passage of the bill against, than for its passage, and if the question of its passage was to be determined alone by its influence upon the locality designated, your committee could have no hesitancy in reporting adversely to the bill. But there are issues raised and questions presented by its passage, that affect the paramount industrial interests of this Territory, viz: the mining.

It is a matter of congratulation that the title of lode mining claims as originally made by the miners, has never been interfered with by the Legislature. All past experience in this Territory demonstrates that the Legislature should not attempt such interference.

The law of ownership or possession, and conveyance of claims as established by the different districts, is so simple, and founded on such correct principles as to commend itself to the capitalists thousands of miles away. The Governor of California, in his recent message to the Legislature of that state referred with pride to the fact, that the laws governing the organization of Districts, the ownership and conveyance of claims as originally adopted by the miners were the established laws of to-day. He is but an obtuse observer of passing events, that does not recognize the fact, that time and experience has but served to increase the attachment of our mining population to their laws as first adopted. Any interference threatening a serious change of the same, will be obstinately opposed, and besides, incalculably injure the general prosperity of the Territory, by its influence upon the foreign capital that is daily seeking investment in our midst. Your committee can see no reason for the passage of the bill proposed. The evil complained of, is not such as to justify the adoption of the extraordinary remedy proposed, and they would therefore report the same back to the Council, with the recommendation that its further consideration be indefinitely postponed.

W. A. H. LOVELAND, Ch'n.

Mr. Whitsitt from committee on incorporations, having under consideration

H. B. No. 32, "an act to incorporate the City of Black Hawk Gas Light Company ;"

Beg leave to report it back with the following amendments :

Strike out in section 1, 13th line, after the words "within" a circumference of three miles from the mouth of Gregory Gulch" and insert instead thereof the words "the present corporative limits of the city of Black Hawk," and recommend its passage so amended .

R. E. WHITSITT, Ch'm.

MR. PRESIDENT: Your committee to whom was referred, H. B. No. 51, "an act to legalize the Records of certain mining Districts in Park County Colorado Territory,"

Have considered the same, and cannot agree as to manner of reporting the bill back to the Council,

Therefore as a member of said committee I would respectfully call your attention to the Petition signed by numerous persons inhabitants of said County.

Respectfully,

R. BERRY, Ch'n.

MR. PRESIDENT: The special committee to whom was referred C. B. No. 58, report the same back to the Council and recommend its passage with the following amendments :

Strike out in first line of section one, and fifth line of section two, the words "one thousand," and in lieu thereof insert the words "five hundred."

Respectfully,

R. E. WHITSITT, Ch'n.

MR. PRESIDENT: Your committee to whom was referred H. B. No. 76, have had the same under consideration, and report it back without amendment and recommend its passage.

Respectfully,

W. A. H. LOVELAND, Ch'n.

Mr. Bailey, from Committee on Enrolled Bills, reported C. B. No. 45 correctly engrossed.

Respectfully,

R. O. BAILEY, Ch'n.

MR. PRESIDENT: Your committee to whom was referred H. B. No. 65, having had the same under consideration, re-

port it back to the Council without amendment, and recommend its passage.

Respectfully,

W. A. H. LOVELAND, Ch'n.

Reports received.

The following communication and accompanying report was received by the hand of the private Secretary of the Governor.

EXECUTIVE DEPARTMENT, C. T., }  
DENVER, March 11, 1864. }

*To the Hon. C. W. Mather, President of the Council:*

SIR: I have the honor to lay before the Council the annexed report of the Adjutant General of the Territory.

Very respectfully,

Your obedient servant,

JOHN EVANS,

Governor of Colorado.

OFFICE OF THE ADJUTANT GENERAL OF C. T.

*To His Excellency, John Evans, Governor of Colorado:*

SIR: I have the honor to transmit through you to the Legislative Assembly of Colorado Territory, a report from this Department:

*To the Honorable, the Legislative Assembly of Colorado Territory:*

GENTLEMEN: I have the honor to submit the following report of the state of the militia of Colorado Territory, organized under the provisions of "an act to organize the militia of Colorado Territory," approved August 14th, 1862.

Commander-in Chief—Governor John Evans.

Staff Officers—Adjutant and Inspector General—D. H. Moffat, Jr.

Judge Advocate—General Alvin Marsh.

Paymaster—General Amos Widner.

Quartermaster-General—John A. Nye.

Engineer-in-Chief—Hal. Sayr.

Aides-de-Camp—Major Jacob B. Stansell, Charles W. Mather, Robert Berry, H. E. Esterday, A. W. Bailey.

There are now eight organized companies, organized under the militia law as follows, to wit:

The "Governor's Guards," organized September 13th, 1863, and officered as follows:

Captain, D. A. Butterfield.

1st Lieutenant, Wm. Kiskadden.

2nd Lieutenant, Daniel Moyn.  
 3rd " John L. Dailey.  
 The "Central City Light Guards," organized August 1st, 1863, and officered as follows:

Captain, W. C. M. Jones.  
 1st Lieutenant, Geo. E. Wilson.  
 2nd " Hal. Sayr.

Ensign, T. J. Brower.

The "Boulder County Mounted Rifles," organized October 24th, 1862, and officered as follows:

Captain, T. A. Aikin.  
 1st Lieutenant, Thos. J. Jones.  
 2nd " G. W. Chambers.  
 3rd " W. M. Barney.

Ensign, L. C. Wellman.

The "Buckskin Greys," organized in March, 1863, and officered as follows:

Captain, J. B. Stansell.  
 1st Lieutenant, J. W. Buckman.  
 2nd " W. H. K. Smith.  
 3rd " B. M. Mallory.

The "Empire Guards," organized May 23rd, 1863, and officered as follows:

Captain, Geo. F. Packard.  
 1st Lieutenant, Justus Cook.  
 2nd " J. W. Dripps.  
 3rd " C. L. Bristol.

Ensign, H. Meriman.

The "Evans Guards," organized June 20th, 1863, and officered as follows:

Captain, A. J. Pennock.  
 1st Lieutenant, Alfred Cushman.  
 2nd " L. H. Dickson.  
 3rd " Robert Woodward.

The "Elbert Guards," organized November 11th, 1862, and officered as follows:

Captain, Frank Hall.  
 1st Lieutenant, L. D. Judd.  
 2nd " H. M. Orahoad.  
 3rd " Joseph Shaw.  
 Ensign, J. M. Coombs.

The "Montgomery Home Guards," organized in February, 1863, and officered as follows:

Captain Hatch, (resigned.)  
 1st Lieutenant, E. H. Baker.  
 2nd " T. J. Cooper.  
 3rd " N. F. Spicer.

The above companies have been furnished with Garibaldi and Mississippi rifles and accoutrements, sufficient to fully equip them for active service.

These arms and accoutrements have been furnished by the War Department, and distributed by the Acting Quartermaster of this Department, on the order of His Excellency, John Evans, Commander-in-Chief of the militia, upon bonds filed for their proper use, safe keeping, and prompt return,

All of which, is most respectfully submitted.

D. H. MOFFAT, JR.,  
Adjutant General.

Mr. Bailey, offered the following resolution :

*Resolved*, That the chairman of the Enrolling, Engrossing, or any other committee of the Council, may have the consent of the Council to employ a clerk when they may deem it necessary.

Adopted.

By leave of the Council, Mr. Bailey without previous notice introduced,

C. B. No. 60, An act to define the extent of Mineral and Quartz Lodes.

On motion,

Rules suspended, bill read first and second times by its title and referred to Committee of the Whole.

H. B. No. 41, "special order" for nine o'clock, was taken up for consideration.

Mr. Loveland, moved to amend the bill by striking out the word "Denver" when it occurs in the same, and insert instead thereof the word "Boulder."

Ayes and noes called for on the adoption of the amendment :

Ayes—Messrs. Berry, Dominguez, Hallett, Whitsitt, and Widner.

Noes—Messrs. Bailey, Esterday, Jones, Loveland, and Mr. President.

Ayes—5.

Noes—5.

Motion lost.

Mr. Hallett offered the following amendments :

SEC. 2. That at the election to be held in the month of September, A. D. 1864, the legal voters of this Territory shall declare by ballot whether the seat of government of Colorado Territory shall be located at Central City, in the county of Gilpin, at Golden City, in the County of Jefferson or at Denver City, in the county of Arapahoe; which ballots may be in the following form: "For Central City," to be used by those voting for Central City; "For Golden City," to be used by those vo-

ting for Golden City; "For Denver City," to be used by those voting for Denver City.

SEC. 3. The returns of such election shall be canvassed in the several counties and returned to the Secretary of the Territory, in like manner as in cases of the election of Territorial officers. After such returns shall have been canvassed as aforesaid, the Governor shall issue his proclamation declaring the result of such election; and if the highest number of legal votes shall be cast in favor of Central City, then said Central City, in the county of Gilpin shall thereupon be and become the seat of government of said Territory; and if the highest number of votes shall be cast in favor of Golden City, the said Golden City shall be and become the seat of government of said Territory; and if the highest number of votes shall be cast in favor of the said Denver City, the seat of government of said Territory shall remain at Denver City in the county of Arapahoe.

Mr. Whitsitt, moved to amend the amendment by inserting the words "Oro City," "Julesburg," "Pueblo," "Colorado" and "Canon City."

Mr. Widner moved to amend the amendment to the amendment by striking out all of the points named therein and inserting the word "Boulder."

Motion lost.

Mr. Esterday moved to amend by striking out the words "Colorado City."

Carried.

Mr. Esterday moved the bill be read third time and put upon its final passage.

Mr. Loveland moved to lay that motion on the table.

Ayes and noes called for.

Ayes—Messrs. Berry, Hallett, Whitsitt, and Widner.

Noes—Messrs. Dominguez, Esterday, Jones, Loveland, and

Mr. President.

Ayes—4.

Noes—5.

Lost.

The previous question recurring there were

Ayes—4.

Noes—6.

Those voting in the affirmative were

Ayes—Messrs. Dominguez, Esterday, Jones, and Loveland.

Noes—Messrs. Bailey, Berry, Hallett, Whitsitt, Widner, and

Mr. President.

So the motion to read third time was lost.

Mr. Hallett moved the adoption of the amendments offered by him.

Carried.

And the same were adopted.

Mr. Hallett then moved that the bill be read third time and put upon its final passage.

Mr. Loveland moved to lay the motion on the table.

Lost.

The ayes and noes were called for on previous question to read third time.

Ayes—Messrs. Bailey, Berry, Hallett, Jones, Whitsitt, Widner, and Mr. President.

Noes—Messrs. Dominguez, Esterday, and Loveland.

Ayes—7.

Noes—3.

Carried.

The bill was then read third time by its title, and passed by the following vote :

Ayes—Messrs. Bailey, Berry, Hallett, Jones, Loveland, Whitsitt, Widner, and Mr. President.

Noes—Messrs. Dominguez, and Esterday.

Ayes—8.

Noes—2.

Title agreed to.

Mr. Hallett moved a re consideration of the vote.

Motion lost.

On motion of Mr. Widner,

H. B. No. 36, was taken up for consideration.

Mr. Esterday moved that the bill be read third time and put upon its passage,

Lost by the following vote :

Ayes—Messrs. Esterday, Loveland and Widner—3.

Noes—Messrs. Bailey, Berry, Dominguez, Hallett, Jones, Whitsitt and Mr. President—7.

On motion of Mr. Esterday.

The Council resolved itself into the Committee of the Whole, Mr. Berry in the chair.

After some time spent therein,

On motion,

The Committee rose and asked leave to sit again this p. m.

Granted.

On motion,

The Council adjourned until 2 o'clock, p. m.



## AFTERNOON SESSION.

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

President in the chair.

Quorum present.

The following message was received from the House, by the hand of the Chief Clerk:

HOUSE OF REPRESENTATIVES, }  
March, 11th, 1864. }

MR. PRESIDENT: I am instructed to inform the Council that the House has concurred in Council amendments to House amendments to C. B. No. 35;

Also, they have concurred in and passed

C. J. R. No. 3, "in relation to compensation to Sam'l Howe, Sheriff of Arapahoe County," without amendment;

Also, they have passed

C. B. No. 33, an act to amend an act entitled "an act regulating the fees of Officers, Jurors and Witnesses," approved Nov. 8th, 1861,

With the following amendments:

(See amendments in bill;)

And with these amendments they concur, and ask that the Council concur therein,

Also, they have passed

H. B. No. 81, "an act asking appropriations for the fiscal year, commencing Jan. 1st., 1864, and ending Dec. 31st., 1864;"

Also,

H. B. No. 82, an act amendatory of "an act to establish the common school system,"

And your concurrence therein is respectfully requested;

Also, they have concurred in and passed, without amendment,

C. B. No. 31, a bill for "an act to operate a ferry on the Arkansas River;"

Also, the House refuses to concur in Council amendments to

H. B. No 25, "an act to regulate irrigation.

Very Respectfully,

B. B. STILES,

Chief Clerk of the House,

On motion,

The Council concurred in House amendments to

C. B. No. 33.

Mr. Bailey, from committee on enrollment reported

C. B. No. 36,

Correctly enrolled.

Also,

C. B. No. 40,

Correctly engrossed.

R. O. BAILEY, Ch'n.

Report received,

On motion of Mr. Bailey,

The rules were suspended and

H. B. No. 82, "an act amendatory of an act to establish the common school system,"

Was read first and second time by its title and referred to Committee of the Whole.

Mr. Dominguez asked leave to be excused for half an hour.

On motion of Mr. Widner,

Permission was granted.

Message from the House:

HOUSE OF REPRESENTATIVES, }

March, 11th, 1864. }

MR. PRESIDENT: I am instructed to inform your Honorable Body that the House insists upon disagreeing to Council amendments to H. B. No. 25;

Also, they do not concur in the amendment of the Council to H. B. No. 21;

Also, the House has amended the amendments of the Council to H. B. No. 41, and refuse to concur in the amendments as amended by them. (See amendments in bill.)

Yours, very truly,

B. B. STILES,

Chief Clerk of the House.

Mr. Berry moved that the Council do insist on their amendments to H. B. No. 25.

Carried.

On motion,

The Council concurred in House amendments to C. B. No. 57.

On motion of Mr. Bailey,

The report of the Committee of the Whole of this a. m. was taken up for consideration.

The following message was received from His Excellency the Governor:

EXECUTIVE DEPARTMENT, C. T., }

DENVER, March 11, 1864. }

To the Hon. Charles W. Mather, President of the Council:

SIR: I have the honor to inform the Council that I have this

day approved and signed the following bills, certified to have originated therein, viz :

“An act to enable citizens of this Territory, in the military service of the United States, to vote;”

“An act concerning Probate Courts and Justices of the Peace in certain counties;”

“An act granting to Francis Smith the right to erect and maintain a bridge across the waters of the South Platte river.

Very Respectfully,

Your ob't serv't,

JOHN EVANS,

Governor of Colorado.

The following report was made by the chairman of the Committee of the Whole this forenoon:

MR. PRESIDENT: The Committee of the Whole having had under consideration

H. B's Nos. 65, 28, 73, 56, and C. B. No. 60,

Report the same back with the recommendation that they pass without amendment;

Also,

H. B. No. 68, and recommend that the blank left for engrossing and enrolling Clerks, be filled with the word “six;” the blank for Secretary with the word “four;” the blank for Assistant Secretary with the word “two,” and the blank left for the Sergeant-at-Arms with the word “three.”

and report the same back with the recommendation that it pass as amended;

Also,

H. B. No. 76, and recommend that it be amended as follows: Strike out, after the word “road,” in second line of Section three, the words “or more;”

Strike out the figures “\$1,00,” in the seventh line of section three, and insert “Seventy-five cents;”

Strike out “twenty-five cents,” in the ninth line, and insert “fifteen cents;”

Strike out, in the tenth line, “fifty cents,” and insert “twenty cents;”

Strike out, in the eleventh line, “ten cents,” and insert “five cents;”

Strike out, in the twelfth line, “five cents,” and insert “three cents;”

And report the same back with the recommendation that it pass as amended;

Also, H. B. No. 51,

And report the same back with the recommendation that it be indefinitely postponed.

Respectfully submitted,  
ROBERT BERRY, Ch'n.

Report received and adopted.

On motion,

The rules were suspended and

H. B's. Nos. 65, 28, 56 and 68,

Were read third time by their titles and passed by the following vote :

Ayes—Messrs. Bailey, Berry, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner and Mr. President.

Ayes—9.

Noes—0.

Passed, and title agreed to.

Also,

The following bills were read third time and put upon their final passage :

H. B. No. 73,

Vote on its passage :

Ayes—Messrs. Bailey, Berry, Esterday, Jones, Loveland, Whitsitt, Widner and Mr. President.

Noes—Mr. Hallett.

Ayes—8.

Noes—1.

Passed, and title agreed to.

C. B. No. 60,

Vote on its final passage :

Ayes—Messrs. Bailey, Hallett, Widner and Mr. President.

Noes—Messrs. Berry, Esterday, Jones, Loveland and Whitsitt.

Ayes—4.

Noes—5.

So the bill did not pass.

H. B. No. 76,

Vote on its passage;

Ayes—Messrs. Berry, Esterday, Jones, Loveland, Widner and Mr. President.

Noes—Messrs. Bailey, Hallett and Whitsitt.

Ayes—6.

Noes—3.

Passed and title agreed to.

The report of the Committee of the Whole on

H. B. No. 51, was adopted by the following vote :

Ayes—Messrs. Bailey, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner and Mr. President.

Noes—Mr. Berry.

Ayes—8.

Noes—1.

So the bill was indefinitely postponed.

Mr. Bailey, from committee on enrolled bills, reported  
C. B. No. 31, C. J. R. No. 3, C. B. No. 44 and C. B. No. 27,  
Correctly enrolled.

R. O. BAILEY, Ch'm.

Report received.

On motion of Mr. Hallett,

The Council went into Committee of the Whole on general  
file:

Mr. Hallett in the chair.

After some time spent therein,

On motion,

Committee rose and reported, through their chairman, as  
follows:

MR. PRESIDENT: The Committee of the Whole, having con-  
sidered H. B. No. 66, recommend that it be passed;

Also,

H. B. No. 82, and recommend that it be indefinitely postponed.

Also,

H. B. No. 32, and recommend that the amendments proposed  
by the Committee on Incorporations be adopted, and that it be  
passed as amended;

Also,

C. B. No. 58, and recommend that the amendments recom-  
mended by the special committee be adopted, and report the  
same back without further recommendation.

Respectfully,

MOSES HALLETT, Ch'n.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
March 11, 1864. }

MR. PRESIDENT: I am instructed to inform your Honorable  
Body that the House has passed the following bills, to wit:

H. B.'s Nos. 45, 63 and 66;

Also,

They have concurred in and passed

C. B. No. 48;

Also,

They have concurred in Council amendments to

H. B. No. 68;

Also,

They have passed  
C. B. No. 46, with the following amendments: (See amendments in bill,) and with these amendments they concur, and the concurrence of the Council in said amendments is respectfully asked.

Your obedient servant,  
B. B. STILES,  
Chief Clerk of the House.

Report received, and  
On motion,  
It was adopted.  
Mr. Dominguez appeared in his seat.  
C. B. No. 58 was indefinitely postponed by the following vote:

Ayes—Messrs. Dominguez, Esterday, Jones, Loveland, Widner and Mr. President.

Noes—Messrs. Bailey, Berry, Hallett and Whitsitt.

Ayes—6.

Noes—4.

On motion,

The rules were suspended, and the following bills were read third time by their titles and put upon their final passage:

H. B. No. 66;

Vote on its final passage:

Ayes—Messrs. Berry, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner and Mr. President.

Noes—Mr. Bailey.

Ayes—9.

Noes—1.

Bill passed, and title agreed to.

H. B. No. 32 passed unanimously.

Title agreed to.

H. B. No. 82 was indefinitely postponed by the following vote:  
Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Loveland, Whitsitt, Widner and Mr. President.

Noes—Messrs. Hallett and Jones.

Ayes—8.

Noes—2.

Mr. Bailey, from committee on Enrollment, reported  
C. B. No. 48 correctly enrolled.

Respectfully,  
R. O. BAILEY, Ch'n.

Report received,  
On motion of Mr. Whitsitt,  
Further consideration of

H. B. No. 25, and amendments thereto was indefinitely postponed.

Mr. Widner moved that the Council do recede from their amendments to

H. B. No. 21.

Carried.

On motion,

The Council refused to recede from its amendments to

H. B. No. 41.

Mr. Jones moved a reconsideration of the vote by which

C. B. No. 60 was lost.

Carried.

The bill was then passed by the following vote :

Ayes—Messrs. Bailey, Dominguez, Esterday, Hallett, Jones, Loveland and Mr. President.

Noes—Messrs. Berry and Whitsitt.

Ayes—7.

Noes—2.

Passed, and title agreed to.

Mr. Bailey, from Engrossing Committee, reported

C. B. No. 51 correctly engrossed.

Respectfully,

R. O. BAILEY, Ch'n.

Report received.

On motion,

The rules were suspended and

C. B's. Nos, 40 and 51, were read third time by their titles, and the question being upon their final passage, the ayes and noes were had as follows :

Ayes—Messrs. Bailey, Berry, Dominguez, Esterday, Hallett, Jones, Loveland, Whitsitt, Widner, and Mr. President.

Ayes—9.

Noes—0.

Bills passed and titles agreed to.

Also, under suspension of the rules,

H. B. No. 81, was taken up, read first and second times by its title, and referred to Committee of the Whole.

Mr. Dominguez, moved that the Council adjourn.

Motion lost.

Mr. Hallett, moved that the Council do now resolve itself into the Committee of the Whole, for the consideration of

H. B. No. 81.

Carried.

Mr. Whitsitt, in the Chair.

After some time spent therein,

On motion,

The Committee rose and reported through their Chairman as follows :

MR. PRESIDENT: The Committee of the Whole having had under consideration,

H. B. No. 81,

Be leave to report it back with the following amendments, to-wit:

Amend Section two, so as to read, "That the warrants already drawn shall be paid out of the money now appropriated, in all cases in which such appropriations are sufficient for that purpose, and any money heretofore appropriated to the respective funds, and not drawn, shall be added to the foregoing appropriations respectively.

Respectfully,

R. E. WHITSITT, Ch'n.

Report received, and

On motion of Mr. Hallett,

It was adopted.

Rules suspended, and

H. B. No. 81, An act making appropriations for the fiscal year, commencing January 1, 1864 and ending December 31, 1864.

Was read third time and passed by vote of all the members present.

Title agreed to.

Mr. Hallett moved that the Council recede from its amendments to

H. B. No. 52.

Carried.

On motion.

The Council concurred in House amendments to

C. B. No. 46.

Mr. Berry moved that the Council take a recess of fifteen minutes.

Carried.

Council called to order again by the President.

Mr. Loveland moved that the Council adjourn until 7 o'clock p. m.

Lost.

Mr. Jones, moved a reconsideration of the vote by which C. B. No. 58. An act providing for an appropriation in favor of citizens of Lake county, C. T. was indefinitely postponed.

Carried by the following vote:

Ayes—Messrs. Bailey, Berry, Jones, Loveland, Whitsitt, and Mr. President.

Noes—Messrs. Dominguez, Esterday, and Widner.



Ayes—6.

Noes—3.

So the vote was reconsidered.

Mr. Berry, moved that the bill be read third time and put upon its passage.

Mr. Dominguez, moved to lay that motion on the table.

Lost.

Mr. Widner moved a call of the House.

Carried.

Roll called.

Absent—Messrs. Loveland and Van Deren.

The Sergeant-at-Arms was dispatched after Mr. Loveland.

Mr. Loveland appearing,

On motion,

Further proceedings under the call was dispensed with.

Mr. Berry, renewed the motion to read the bill third time and put it on its final passage.

Mr. Widner moved to adjourn.

Motion lost.

Mr. Dominguez moved to adjourn until half-past 6 o'clock.

Lost.

Mr. Widner moved to adjourn until 8 o'clock.

Motion lost.

Mr. Berry moved the previous question, which was carried, and the bill was read third time and put upon its final passage.

Vote on its final passage:

Ayes—Messrs. Bailey, Berry, Hallett, Jones, Whitsitt and Mr. President.

Noes—Messrs. Dominguez, Esterday, Loveland, and Widner.

Ayes—6.

Noes—4,

Passed and title agreed to.

Mr. Esterday, moved to adjourn until 7 o'clock, p. m.

The ayes and noes were called for.

Those voting in the affirmative were:

Messrs. Berry, Dominguez, Esterday, Loveland, Widner, and Mr. President.

Those voting in the negative were:

Messrs. Bailey, Hallett, Jones, and Whitsitt.

Ayes—6.

Noes—4.

Carried.

And the Council so adjourned.

## EVENING SESSION.

Council met at 7 o'clock p. m. pursuant to adjournment.

President in the chair.

Quorum present.

Mr. Bailey from committee on enrollment, reported,

C. B. No's. 33, and 35, correctly enrolled.

R. O. BAILY, Ch'n.

The following communication was received from His Excellency the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, )  
DENVER, March, 11th, 1864. }

To the Hon. Charles W. Mather President of the Council:

SIR: I have the honor to inform the Council that I have this day, approved and signed the following bills, certified to have originated therein, viz:

"An act to incorporate the Boulder Valley and Black Hawk Wagon Road Company;"

"An act for the protection of roads;"

"An act to amend an act entitled an act to establish and regulate Territorial Roads, and an act to incorporate the Denver Manufacturing and Milling Company.

Your O'bt. Servant,

JNO. EVANS,

Governor of Colorado.

Message from the House:

HOUSE OF REPRESENTATIVES, )  
March, 11th, 1864. }

MR. PRESIDENT: I am instructed to inform your Honorable body, that the House has passed without amendment,

C. B. No. 54, "a bill for an act entitled an act concerning Wills, Executors and Administrators," approved Nov. 8th 1861

Also,

They have passed,

C. B. No. 40, "an act to incorporate the Denver Ditch and Water Company," with the following amendments: (see amendments in bill,) and with these amendments they concur and ask the concurrence of the Council therein.

The House has concurred in Council amendments to

H. B. No's. 81, 32 and 76.

They have also passed,  
C. B. No. 60, an act to define the extent of mineral and  
Quartz Lodes, with the following amendments, to-wit:  
(See bill) and with these amendments, they concur, and ask  
the concurrence of the Council to said amendments.

Your obedient servant,

B. B. STILES,  
Chief Clerk of the House.

Message considered :

On motion,

The Council refused to concur in the amendments adopted  
by the House on C. B. No. 40 ;

Also,

On motion,

Council concurred in house amendments to

C. B. No. 60.

Chairman of Committee on enrolled and engrossed bills  
reported,

C. B. Nos. 31 and 57 correctly enrolled.

R. O. BAILEY, Ch'n.

Report received.

Mr. Hallett in the chair.

Mr. Mather offered the following :

*Resolved*, By the Council, the House of Representatives con-  
curring,

That when this Assembly adjourn to-night, the hour for  
adjournment shall be 12 o'clock m., and that each House  
advise His Excellency, the Governor of its action immediately.

Resolution adopted.

Enrolling committee, having examined,

C. B. No's 54, and 37,

Reported the same correctly enrolled.

R. O. BAILEY, Ch'n.

Report received.

The following message from the House was received, and  
the amendments mentioned therein considered :

HOUSE OF REPRESENTATIVES,  
March 11, 1864.

MR. PRESIDENT: I am instructed by the House, to inform  
your Honorable body that they have passed,

C. B. No. 51, with the following amendments, to wit:  
 [See amendments in bill,] and with these amendments they concur, and ask the concurrence of the Council therein;

Also,

They insist on their amendments to C. B. No. 40.

Also,

The House has deferred any action on the joint resolution in relation to adjournment of this Legislative Assembly, until 11 o'clock this evening.

Your obedient servant,

B. B. STILES,

Chief Clerk of the House.

On motion of Mr. Hallett,

The Council refused to concur in House amendments to C. B. No. 51, and insisted on its disagreement to House amendments to

C. B. No. 40.

Mr. Esterday offered the following:

*Resolved*, That no more bills of a private nature, excepting those coming from the other House, be considered by the Council.

Adopted.

The Sergeant-at-Arms announced a private communication to the Council from His Excellency, the Governor, by the hand of his private Secretary.

On motion of Mr. Loveland,

The Council went into Executive session for the consideration of the same.

After some time spent therein,

On motion,

The Executive session was dissolved, and the doors opened.

Mr. Bailey reported

C. B. No. 46 correctly enrolled.

Respectfully,

R. O. BAILEY,

Ch'n. of Committee on Enrolled Bills.

The Sergeant-at-Arms announced a message from the Governor by the hand of his private Secretary, which was received and read as follows:

EXECUTIVE DEPARTMENT, C. T., }  
 DENVER, March 11, 1864. }

To the Hon. C. W. Mather, President of the Council:

SIR: I have the honor to inform you that I have this day approved and signed the following bills certified to have originated therein, to wit:

An act to exempt soldiers from service by publication in suits at law;

An act to repeal an act entitled "an act to incorporate the Tarryall and Arkansas River Wagon Road Company;"

Joint resolution for the relief of Samuel Howe;

An act to amend an act entitled "an act to incorporate the City of Denver;"

An act to amend an act entitled "an act regulating the fees of officers, jurors and witnesses," approved Nov. 8th, 1861;

An act relating to contagious diseases among cattle and other animals;

An act granting the right to operate a ferry on the Arkansas River.

Very respectfully,

Your obedient servant,

JOHN EVANS,

Governor of Colorado.

The following resolutions were offered by Mr. Berry, and unanimously adopted:

*Resolved*, That the thanks of the members of the Council are due, and the same are hereby tendered to the Hon. C. W. Mather for the able, efficient, and impartial manner in which he has presided over the deliberations of this body during the session, which is now drawing to a close.;

*Resolved*, That the thanks of the Council are also due, and are hereby tendered to the Secretary, Assistant Secretary, Enrolling and Engrossing Clerks, Sergeant-at-Arms and other officers of the Council, for their uniform courtesy and strict attention to the various duties to which they were assigned;

*Resolved*, That these resolutions be spread upon the journal of this Legislative Council.

Mr. Mather, in response to the first resolution, expressed his thanks for the same, and in return, thanked the members generally for their courtesy and hearty co-operation with him in conducting the deliberations of the Council to a close with so much harmony.

The President, on behalf of the Secretary, also returned thanks to the members for their assistance and indulgence to him in his efforts to keep a correct record of their proceedings.

Mr. Bailey, from Committee on Enrolled Bills, reported that they had examined

C. B's Nos. 37, 50 and 44, and find the same correctly enrolled.

Respectfully,

R. O. BAILEY, Ch'n.

The following message was received from the House :

HOUSE OF REPRESENTATIVES,  
DENVER, March 11, 1864.

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

H. B. No. 85, an act amendatory of an act to incorporate the Colorado and Pacific Wagon, Telegraph and Railroad Company, and the concurrence of your Honorable Body is most respectfully requested therein.

Your obedient servant,

R. B. STILES,

Chief Clerk of the House.

H. B. No. 85, an act amendatory of an act to incorporate the Colorado and Pacific Wagon, Telegraph and Railroad Company was taken up for consideration.

Mr. Loveland moved that the Council do refuse to act on any bill of a private nature during the balance of the session.

The ayes and noes were called for on the motion.

Those voting in the affirmative were :

Messrs. Dominguez, Esterday, Jones, Loveland, Widner and Mr. President.

Those voting in the negative were :

Messrs. Bailey, Berry, Hallett and Whitsitt.

Ayes—6.

Noes—4.

So the motion prevailed.

The Sergeant-at-Arms announced a private communication from His Excellency, the Governor.

On motion of Mr. Loveland,

The Council went into secret session thereon.

After some time spent therein,

On motion,

The secret session was dissolved, and the Sergeant-at-Arms was directed to open the doors.

Mr. Esterday moved a vote of thanks to Hon. Moses Hallett for his valuable services and assistance in conducting the deliberations of the Council.

Carried unanimously.

The following message was received from His Excellency, the Governor :

EXECUTIVE DEPARTMENT, C. T., }  
DENVER, March 11, 1864. }

To the Hon. Charles W. Mather, President of the Council :

SIR: I have the honor to inform the Council that I have this day approved and signed the following bills, certified to have originated therein, viz :

An act prescribing rules and regulations for the execution of

the trust arising under the act of Congress, entitled "an act for the relief of citizens of towns upon lands of the United States, under certain circumstances;"

An act to define the extent of mineral and quartz lodes;

An act to amend "an act relating to Counties and County officers."

Very Respectfully,

Your ob't serv't,

JOHN EVANS,

Governor of Colorado.

The following message was received from the House.

HOUSE OF REPRESENTATIVES }  
March 11, 1864. }

MR. PRESIDENT: I am instructed to inform your Honorable Body that the House has concurred in and passed

C. J. R. No., in relation to the adjournment of the Legislative Assembly, and have appointed Messrs White, Lynch and Leeper such committee on the part of the House.

Your obedient servant,

B. B. STILES

Chief Clerk of the House.

The President appointed as a committee on the part of the Council to confer with the committee appointed by the House in relation to adjournment,

Messrs. Berry and Loveland.

Also,

Messrs. Loveland and Whitsitt were appointed a committee to wait upon his Excellency the Governor, to see if he may have any further communication to make

The following message was received from his Excellency the Governor.

EXECUTIVE DEPARTMENT, C. T. }  
Denver, March 11, 1864. }

*To the Honorable Charles W. Mather President of the Council:*

SIR: I have the honor to inform the Council that I have this day approved and signed the following bills certified to have originated therein, viz:

An act to amend an act entitled "an act concerning Wills, Executors and Administrators," approved Nov. 8th 1861.

An act relating to the sufficiency of the security on official bonds and for other purposes.

Very respectfully,

Your obedient servant,

JOHN EVANS,

Governor of Colorado.

Mr. Loveland from the committee appointed to wait on his Excellency the Governor, appeared and read the following communication:

EXECUTIVE DEPARTMENT,  
Denver, C. T. March 11 1864. }  
12 o'clock, m.

Hon. Messrs. Loveland and Whitsitt, Coommittee of the Council :

GENTLEMEN: You will please say to the Council that I have no further official communication to make.

In parting, I desire to congratulate the members upon their harmonious and useful session, and to thank them for their uniform courtesy and kindness.

I have the honor to be

Very respectfully,

Your obedient srrvant,  
JOHN EVANS  
Governor of Colorado.

The committee appointed to confer with the House committee in relation to adjournment, appeared and announced that they had agreed, and fixed this as the hour for adjournment, whereupon,

On motion of Mr. Berry,

The Council adjourned *sine die*.

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Governor of Colorado



