

COUNCIL JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF COLORADO.

FOURTH SESSION.

BEGUN AND HELD AT GOLDEN CITY, JAN. 2, 1865

PUBLISHED BY AUTHORITY.

DENVER:
Byers & Dailey, Printers, Rocky Mountain News Office.
1865.

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COUNCIL JOURNAL

The committee on credentials reported as follows:
Your committee have examined the credentials of Messrs. H. L. Pearson, Geo. R. Mitchell, J. W. Wilson and R. K. Baxter and find them entitled to seats in the Council of Colorado Territory, now convened.

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LEGISLATIVE ASSEMBLY OF COLORADO

FOURTH SESSION.

MONDAY, JANUARY 2d, 1865.

Begun, according to law, at Golden City, Colorado Territory, on Monday, January 2d, 1865.

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

Messrs. Loveland, Hallett, Widner, Baxter, Dominguez, Wilson and Mitchell.—7.

A quorum being present, the Council was called to order by Mr. Loveland.

On motion,

J. Wentz Wilson was appointed President *pro tem*, and Geo. R. Mitchell was appointed Secretary *pro tem*.

On motion,

Messrs. Loveland, Dominguez and Widner were appointed a committee to report on credentials.

On motion of Mr. Loveland,

The Council adjourned until to-morrow at 11 o'clock a. m.

TUESDAY, JANUARY 3rd, 1865.

Council met at 11 o'clock a. m., pursuant to adjournment.

The President *pro tem* in the chair.

Quorum present.

Journal of the preceding day read and approved.

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On motion of Mr. Hallett,
The committee on credentials reported as follows:

Your committee have examined the credentials of Messrs. H. L. Pearson, G. R. Mitchell, J. W. Wilson and E. K. Baxter and find them entitled to seats in the Council of Colorado Territory, now convened.

W. A. H. LOVELAND, Ch'n
C. DOMINGUEZ,
A. WIDNER.

On motion of Mr. Hallett,
The report was received and adopted, and the committee discharged from further duty.

On motion,
Voted that the persons enumerated in the report be considered members of the Council.

Hon. S. H. Elbert, the Acting Governor, then came forward and administered the oath of office to all the members of the Council present.

On motion,
The Council proceeded to the election of officers necessary to a permanent organization,

On motion,
A ballot was had for President of the Council:
J. W. Wilson received six votes, and
W. A. H. Loveland received one vote; whereupon
Mr. Wilson was declared duly elected.
Mr. Wilson, on taking the chair, made the following remarks:

Gentlemen of the Council:

In the Augustine reign a plebeian athletic, in the vigor of manhood, whose dream of ambition, from early youth, had been to behold the ancient city of the seven hills and exhibit the wonderful strength of his herculean frame in the arena, viewing from a favorable eminence, for the first time, that pile of grandeur, exclaimed, with a burst of admiration, "Is this Rome I see before me? I heard tell of it when I was a boy." We see him next in the vast amphitheatre, awaiting the opening of the door, which will fly back on its quick hinge, and let forth the furious beast, with which he must soon engage in sanguinary conflict. The reward of his barbaric ambition is to die a Gladiator.

In a later age and in a different land, a young man with different aims and views of life, but with equal ambition, performs a long and weary journey to look upon a sublime spectacle,

excelling even Rome; the Rocky Cordillera of the Western Continent, that rears its snow crowned peaks, like the frozen sentinels of the Arctic Sea, to perpetual winter, while, from its sun warmed base, the gushing waters roll down to the murmuring sea, fertilizing valley and plain as they pass.

That young man, a son of toil, is your humble servant. I came, like hundreds of others, and I presume like you, Gentlemen, to enhance or better my condition in life, and assist, with a willing hand and tireless energy, in the development of the vast resources of our Territory, both agricultural and mineral. And while I may have been blessed with the emoluments of industry, I feel a grateful pride to-day, Gentlemen, for the fact that in this free country of ours it is within the grasp of every young man to achieve, out of time, those twin blessings of human existence, affluence and the esteem of our fellow citizens. It is that esteem and confidence of those in the community in which I dwell that permits me to stand here to-day; it is your esteem and confidence in my humble abilities that places me in this responsible position of presiding over your deliberations during the present session of your legislative Council; and, while I distrust my own abilities, if by your kind indulgence and discretion, and by constant attention and devotion I shall be enabled to fulfill your expectations, I shall be satisfied.

In conclusion, Gentlemen, permit me to say I thank you.

Ozias Millett was nominated for Secretary, and having received the unanimous vote of the members present, was declared duly elected.

James O. Allen was nominated for Assistant Secretary, and having received the whole number of votes cast, was declared duly elected.

Marshal Silverthorn was nominated for Sergeant-at-Arms, and having received the whole number of votes cast, was declared duly elected.

W. Adams being nominated for Enrolling and Engrossing Clerk, and having received the whole number of votes cast, was declared duly elected.

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

Harris Nichols was unanimously elected Page.

A ballot was then taken for Chaplain.

The whole number of votes cast were seven, of which

Rev. Almond Barrelle received six votes, and

Rev. Mr. McLeod received one vote.

Rev. Almond Barrelle having received a majority of the votes cast, was declared duly elected.

The oath of office was then administered by Hon. S. H. Elbert to the officers thus elected.

On motion of Mr. Loveland,

A committee of three were appointed to inform the House that the Council is organized and ready to proceed to business.

Messrs. Loveland, Widner and Dominguez were appointed such committee.

On motion,

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

WEDNESDAY, JANUARY 4th, 1865.

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

President in the chair.

Roll called.

Absent—Messrs. Hallett and Pearson.

There not being a quorum present,

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.

Absent—Messrs. Hallett and Pearson.

There not being a quorum present,

On motion,

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

THURSDAY, JANUARY 5th, 1865.

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

President in the chair.

Roll called.

Quorum present.

Journal read and approved.

On motion of Mr. Loveland,

Robert Berry was invited to a seat in the Council.

On motion of Mr. Pearson,

A committee of three were appointed to draft rules for the Council.

Messrs. Pearson, Loveland and Hallett were appointed such committee.

On motion of Mr. Baxter,

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. Pearson and Mitchell.

On motion of Mr. Loveland,

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

FRIDAY, JANUARY 6, 1865.

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

President in the chair.

Roll called.

Absent—Messrs. Widner and Loveland.

There not being a quorum present,

On motion of Mr. Pearson,

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.

Journal read and approved.

Mr. Hallett offered the following preamble and resolution :

WHEREAS, The members of this Council have been informed that the House of Representatives, a co-ordinate branch of this Legislative Assembly, have not, as yet, elected officers or organized for the transaction of business, and that it is not probable that that body will effect an organization at an early day; therefore,

Be it Resolved by the Council of Colorado Territory, That this

Council do now adjourn, without day.

On motion of Mr. Dominguez,

The resolution was amended to adjourn until 2 o'clock p. m.

Monday.

Resolution adopted.

MONDAY, JANUARY 9, 1865.

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

President in the chair.

Roll called.

Present—Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Pearson and Widner.

The committee to inform the House of the organization of the Council, reported that they had discharged that duty.

A committee on the part of the House of Representatives appeared and notified the Council of its permanent organization and its readiness to co-operate with the Council.

On motion of Mr. Loveland,
The notice was duly received.

A Committee on the part of the House of Representatives appeared and notified the Council that the House had

Resolved, The Council concurring, that a Joint Committee, consisting of three members on the part of the House, and two members on the part of the Council, be appointed to inform His Excellency the Governor, that this Legislative Assembly is now duly organized and ready to receive any communication he may see proper to make.

On motion of Mr. Baxter,
Messrs. Baxter and Loveland were appointed said committee on the part of the Council.

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

A committee from the House reported 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 was permanently organized and ready to receive any communication he may wish to make.

The committee to act with a committee on the part of the House to wait on his Excellency the Governor, reported that they had discharged that duty, and that the Governor would meet and communicate to the Legislative Assembly in joint session forthwith.

On motion of Mr. Loveland,

A committee were appointed to inform the House that the Council is now ready to go into Joint Convention.

Messrs. Loveland and Berry were appointed said committee.

The Committee reported that they had waited on the House and discharged their duty.

The report was received and adopted.

On motion of Mr. Berry,

A committee of two, Messrs. Berry and Loveland, were appointed to escort the Governor to the House of the Legislative Assembly in Joint Session.

On motion of Mr. Loveland,

The Council adjourned to the House of Representatives to meet in Joint Convention.

Whereupon both Houses being in Joint Convention the Governor appeared and delivered the following Message:

Gentlemen of the Legislative Assembly of the Territory of Colorado:

As Representatives to whom the people of Colorado have confided the important trust of legislation, you have assembled for the purpose of enacting such laws as may contribute to their welfare and advance their material interests.

While the responsibilities which rest upon you as the legislative guardians of our Territory are grave and important, calling for wisdom, vigilance and industry, you cannot fail to find encouragement in the fact that the laws heretofore enacted by your predecessors, while calling for revision and amendment in many particulars, have in the aggregate secured individual protection and collective prosperity.

It is only by a series of legislative sessions, amending, revising and enlarging laws already enacted, correcting errors, supplying deficiencies, reconciling conflicting provisions, and providing for new wants, that any State secures a full, complete and satisfactory code of laws. Amendatory legislation, therefore, rather than radical change, is recommended.

REPORTS OF THE AUDITOR AND TREASURER.

The reports of the Territorial Auditor and Treasurer, which are herewith transmitted, will show you the financial condition of the Territory, and suggest some amendments to the revenue law. The reports show a surplus in our Treasury, and indicate the gratifying fact that we are free from the incubus of any public debt, and that the administration of our Territorial government has been one of care and economy.

REPORT OF THE SUPERINTENDENT OF PUBLIC SCHOOLS.

The report of the Superintendent of Public Schools, which I also transmit, herewith, will suggest legislative action. To a matter on which the future character and permanent interests of our country are so largely and obviously dependent, it seems scarcely necessary to urge your earnest attention. To educate all its citizens has been the wise and far-seeing policy of our government from its foundation.

In a country where the action and thought of the masses are so directly felt by the government, the importance that educational avenues should be open and accessible to all cannot be easily over estimated.

"The ballot box is a recipient, not a salvent," and is a certain public good only so far as the vote cast is, to some degree, intelligent. Educate your citizens and you secure safe and fitting depositaries of political franchise.

The proper guardianship and management of the grants of land by Congress for school purposes, and the mining claims reserved by territorial statute for the same purpose, is of the first importance, and they should be made the basis of a broad and liberal system of Schools.

The legislation of some of the States, in this regard, has been unwise and improvident, in that they have sought to make these grants for school purposes the source only of immediate revenue, without any reference to the claims of the future. They should be managed with a view of creating therefrom a permanent fund, constituting a principal undiminished and inviolable through all time, giving not only present aid, but promoting the permanent interests of education.

A law thus reconciling the interests of the present with the just claims of the future, recommends itself as wise and necessary.

AMENDMENTS.

The general incorporation act, passed at the last session of the Legislature, is very full and complete in its provisions, and has met the general and varied wants of the country. It is, however, urged by many citizens of our Territory, who have been engaged in the organization of mining companies East, that the provision, requiring that a majority of the trustees shall be residents of the Territory, is a matter of great embarrassment in the formation of companies, under this law, in eastern cities. The propriety, therefore, of its amendment, in this regard, is submitted for your consideration, as also the propriety of guarding more stringently against speculating and inactive monopolies.

Under our present statutes, both County Clerks and the Governor of the Territory are authorized to issue "certificates of election to members of the Legislative Assembly." This should be changed, and the authority vested exclusively either in one or the other.

Under the provisions of the act, passed at the last session of the Legislature, providing for the vote of Colorado soldiers, out of the Territory, it is a question whether they can vote for

members of the Legislative Assembly. Heretofore they have been accustomed to enjoy all the franchises of free citizens. Serving as soldiers does not diminish their interest in the character of the laws under which their families live and their property is held, &c. They are more deeply interested in the election of the members of the Legislature, than of any other officers, and should have the privilege of voting for them. It is, therefore, recommended that the law be so amended as to give them the unquestionable right of voting for these officers.

POOR HOUSES.

In our populous counties are found many objects of charity and cases of destitution and suffering. Humanity demands that they should be taken care of, and justice demands that this burden should not fall on a charitable few. Some law should be passed for the establishment of poor houses in our more populous counties, into which these objects of charity should be received and cared for, and for the support of which all should be taxed. Counties where, from the sparseness of population, such establishments would not only be onerous, but to a large extent unnecessary, should be allowed to send their poor to counties having poor houses, on just and equitable terms of admission.

POSTAL LAW.

During the last session of Congress, a law passed requiring that the postage on papers, periodicals, &c., sent to the Territories west of the Missouri (except papers sent to regular subscribers), should be prepaid at the same rate as letters. This law, most effectually and unjustly, cuts off our people from all the press and periodical literature of the States, except at a great expense. It is so unwise, unjust and without reason, that we regard it as an oversight on the part of Congress, and have no doubt but what a proper memorial would effect its repeal.

TRESPASS ON THE PUBLIC LANDS.

During the last summer much excitement has been caused by the arrest and punishment of many of our citizens as trespassers on the public lands; especially in the case of cutting timber in our mining districts. Under the existing laws of Congress this must continue to be a source of vexation and embarrassment to our people. A violation of these laws of Congress is necessary to our continuance here as a mining people. The general government has no desire or intention to stop the production of gold, or the general development of the country, by the rigid enforcement

of laws against settlers on the public domain, and a memorial setting forth the hardships and necessities of the case should not fail to secure some modification of these laws, and result in great relief to our people.

INDIAN WAR.

The before unbroken peace of our Territory has been disturbed, since the last spring, by an Indian war. Allied and hostile tribes have attacked our frontier settlements, driven in our settlers, destroyed their homes, attacked, burned and plundered our freight and emigrant trains, and thus suspended agricultural pursuits in portions of our country, and interrupted our trade and commerce with the States. This has, for the time, seriously retarded the prosperity of our Territory.

At the commencement of the war, the general government, taxed to the utmost in subduing the rebellion, was unable to help us, and it became necessary to look to our own citizens for protection. They everywhere responded with patriotism and alacrity. Militia companies were organized in the frontier counties, and secured local protection. Much credit is due to Capt. Tyler's company of militia, for the important service they rendered in opening and protecting our line of communication with the States.

In response to the call of the Governor for a regiment of cavalry for hundred day service, over a thousand of our citizens—the large majority of them leaving lucrative employment—rapidly volunteered, and in that short time, despite the greatest difficulties in securing proper equipments, organized, armed, made a long and severe campaign amid the snows and storms of winter, and visited upon these merciless murderers of the plains a chastisement smiting and *deserved*. The gratitude of the country is due to the men who thus sacrificed so largely their personal interests for the public good, and rendered such important service to the Territory; and their work, if it can be followed up with a vigorous winter campaign, would result in a permanent peace.

The necessity of such a campaign, and the imperative demand for immediate and complete protection for our line of communication with the States, has been, and is now being, earnestly urged on the government at Washington, and with a prospect of success. These efforts should be seconded by your honorable body, with whatever influence there may be in resolution or memorial, setting forth the facts and necessities of our situation.

EMIGRATION.

A matter of great and vital interest to our Territory is the subject of emigration. The great scarcity of laborers and par-

ticularly of miners, has been, during the past summer, a source of serious inconvenience and discouragement to our mining interest. The operation of many of our mines has been suspended from inability to procure laborers. It is difficult to suggest a practical and feasible plan to secure an emigration of miners from Europe. A general system of emigration (as proposed by some), sending out its salaried agents and advancing or assuming cost of transportation either from European or our eastern ports, such as might be adopted by an old and wealthy State, would be a hazardous experiment for a young Territory. While the difficulty is thus without immediate adequate remedy, much may be done to turn a tide of emigration to our doors by a proper dissemination of information and facts in regard to our country in the mining districts of Europe.

Statistics show, that while the United States secures the bulk of agricultural emigration from Europe, the mining emigration flows principally to Mexico, Australia, and South America. This to a large extent is attributable to the fact that our agricultural resources are much better known and understood than our mining resources.

Bring to the knowledge of the miners of England, Wales, Ireland, Germany, Bohemia and Saxony, who toil from year to year for twenty-five or thirty cents per day, the superior inducements offered by our country, the high wages paid for labor, the richness of our mines, the fact that they lay within the grasp of every industrious prospector—let all these and similar facts, published in the language of these different countries and duly accredited by foreign consulates, resident at our ports, be brought to their attention, and you will do much to turn to your doors the thousands who now yearly emigrate to Mexico, Australia, and South America.

A salary paid by the Territory to a competent and reliable emigrant agent, selected by and acting agent under the direction of a commission of miners, would, we think, be money judiciously expended. To some such plan, and the co-operative efforts of our large mining companies in eastern cities, who are so directly interested, we must look for relief in this regard.

MINES.

Our mines form the basis of our prosperity, and to them we must look for the golden future of our Territory. To foster this vital interest by protective legislation, to shield it, if possible, against embarrassing and unwise legislation on the part of the General Government, is your first and most imperative duty to your Territory.

The mining interests of the Western States and Territories

has become so vast in the last few years, and is so rapidly increasing, that there is a demand for some settled policy on the part of the General Government.

The relation which the occupants and claimants of our mines are to sustain to the General Government—the conditions of their occupancy—is the great and difficult question to be met and settled, and upon the wise and proper adjustment of which depends the future, not only of our own Territory, but of the vast gold fields stretching from the eastern slope of these mountains to the Pacific seaboard.

The Seigniorage Act now pending before Congress, proposes a system of tenantry and rental. All experience and all reason point to a system of absolute ownership as the only wise and correct policy.

It is the better policy for our Territory; it gives us a permanent population by giving settlers permanent homes. Americans settle permanently as freeholders, not as tenants. It gives us permanent improvements by giving us a permanent population. Occupants make permanent improvements as owners, not as tenants. It gives us largely increased investments of capital, by reason of the great security afforded by the fee-simple. Capital seeks investment where its securities and rights are settled, known, and absolute, and where its management is unembarrassed by any outside controlling landlord power. It invests with rational reluctance in mines without title, when its only guaranty of possession is the liberality and forbearance of the General Government. It gives us all the greater wealth and prosperity, evoked by the superior care, greater industry, thriftier habits, more enlightened labor and untrammelled enterprise of the owner as contra-distinguished from the tenant.

It is the better policy for the General Government. Revenue is the end desired. The wealth of a nation consists in the wealth of its citizens. Lands, whether mineral or agricultural, are only valuable to the General Government as a means of revenue, as they are made productive. This is true, whether you tax the product, or the land, the value of which is determined by the product. Increase the product and you enlarge your true basis of taxation. By which of these two systems will this end be best secured: a system of ownership, or a system of tenantry? Ownership of the soil is the basis of our agricultural prosperity. Make the American farmer a tenant and you destroy the life of this great interest. If this be true with regard to our agricultural lands, why is it not true with regard to our mineral lands? Wherein, in habits of productive industry, or unsuccessful labor, will the owner or tenant of a mine differ from the owner or tenant of a farm? What is there

peculiar in the mine to make different the results of these two different systems of occupancy? It matters not to the General Government whether the title be in itself or its citizens, so long as the land and product remains subject to her demands for revenue, and becomes purely a question which system will most enhance the value of the property by increasing the production, and thus enlarging the permanent basis of taxation.

Prussia dates her prosperity from 1807, when she abolished her system of tenantry, and placed the fee-simple of her soil within the reach of all her citizens. The mines of Mexico, rich and exhaustless, perhaps, as our own, are of largely diminished value to the world in the production of the precious metals, as also to their government as a source of revenue, by reason of her system of tenantry. Mr. Benton attributes the prosperity of the mines of England, and, as a consequence, to a large extent, the wealth and prosperity of the Kingdom itself, to fee-simple ownership of the mines by the citizen. These are the material results of the two policies. The social and political results in time would be equally marked and distinct. Ownership elevates—tenantry degrades. Independent ownership of the soil lays a foundation for all those higher virtues which constitute the good citizen, and safe participant in the franchises of constitutional government.

Our citizens have no desire to escape their just share of taxation. What they oppose are policies equally ruinous to both miner and government. Let Congress pass a Revenue law, taxing the gross proceeds of our mines five per cent., and they will drive our miners from the country.

The General Government will have the title to the mines, but no gross proceeds to tax. Let Congress pass the Seigniorage Act, establishing a system of tenantry, and crowd our mountains with rent collectors, and the system will fail, as years ago it failed as applied to our lead mines.

But let the General Government provide for the survey of our mining districts; let her give, at a moderate compensation, these mines in fee simple to the discoverer and prospector, under pre-emption and discovery laws, guarding against fraud and monopoly; let her leave their development and operation to the energy and enlightened self-interest of the owner, and this Territory will pour into her coffers largely more revenue than under any system of tenantry. What action Congress can be induced to take, may be a question; but there is no question as to your duty to urge these great interests most earnestly on their attention.

OUR PROSPECTS.
During the last summer many things have conspired to discourage our people. Floods have swept away our crops on the

bottom lands and obstructed the operation of our mines. The Indian war has frightened emigration, delayed machinery, obstructed trade and commerce with the States, and enhanced the cost of living. Notwithstanding all these discouragements, our prospects are flattering. Our population is gradually increasing; our agricultural resources are much greater and more abundant than had at first been supposed, and are being rapidly developed to meet the demands of the country. Notwithstanding entire crops were swept away by floods, the agricultural product of the Territory for the last year is much larger than that of any preceding year.

Our mines give daily increasing evidence of richness and inexhaustible supply. The energy and enterprise of our people, calling science to their aid, are treading surer pathways to new and rich discoveries, and testing improved methods of separating and saving gold, with a degree of success that promises to capital unexampled returns, and our Territory a wealth that is almost fabulous. During the last year the attention of eastern capital has been attracted in an encouraging degree to our country. It is estimated that over one hundred mining companies have been formed for the purpose of operating our mines, with an aggregate working capital paid into the hands of treasurers of the companies, of over ten million dollars.

The resources of our Territory have been developed thus far by the energy, industry, and enterprise of its citizens, unaided by capital. With this amount of capital coming to their aid and with every element of great and prosperous empire, within the bosom of her mountains and plains, our Territory will soon enter upon a no limited career of prosperity and power.

For near four years the American people have been engaged in a war for the preservation of their National Government. For a long time darkness and cloud hung over the nation. The ponderous proportions of the public debt; the vast lines of armies; disaster on the field, and dissensions in the council chambers; elections that apparently rebuked the Administration in its efforts to crush the rebellion; foreign relations that were uneasy and threatening, all created doubt and distrust and shrouded the loyal heart in gloom. But I congratulate you today on the happier omens under which we assemble, which auspicate for the Republic re-establishment of its rightful authority and the perpetuity of its inestimable blessings.

Our foreign relations have assumed a friendly aspect which forbids all thought of a foreign war. Our elections show an improved public opinion; a disposition on the part of the great majority of the people to throw aside all party prejudice and passion, and a settled determination to prosecute the war to a successful issue.

Our armies, every where victorious, are closing up around the already open grave of the rebellion, and all doubts of final triumph is vanishing before the light of the victories of Sheridan and Sherman. Our Government will soon be re-established in all its integrity. Founded in the consent and moulded by the intelligence of the people, it will be preserved by their valor. I congratulate you on the part your Territory has taken in this great struggle. Young and far removed from the scene of conflict, she has sent twenty-four hundred gallant soldiers to the aid of the general Government. We are justly proud of the record they have made. By virtue of their endurance, their bravery and gallantry rebel hordes were driven from New Mexico. By virtue of the same high soldierly qualities, you re-assemble to-day with a new page of proud history, written by the gallant Second on the battle fields of Kansas and Missouri. The record our soldiers have made—the service they have rendered the country—the proud reputation they have won on the battle fields of the republic—Colorado will ever regard as priceless.

SAM. H. ELBERT.

AUDITOR'S REPORT.

AUDITOR'S OFFICE, COLORADO TERRITORY,

December 31st, 1864.

To the General Assembly of Colorado:

In pursuance of law I have the honor of submitting to your honorable body the following exhibits of the affairs of this Territory for the year ending December 31st, 1864.

Respectfully Yours,

RICHARD E. WHITSITT, *Territorial Auditor,*
E. H. L. BERARD, *Deputy,*

RECEIPTS AND DISBURSEMENTS OF THE REVENUE—1864.

Dec. 31, 1864. Balance in Treasury, Jan. 1, 1861	57 68
Am't of Revenue received from Dec. 31, 1863,	14, 674 45
Total,	14, 732 13
CONTRA:	
Auditor's Warrants redeemed to date,	\$12, 590 01
Interest paid on same,	296 05
Mileage paid County Treasurers,	449 50
	13, 305 56
Balance in Treasury, Jan. 1, 1865,	\$1, 426 57

EXPENDITURES—Showing the amount of warrants issued, to what accounts charged, and other expenditures during the year just closed:

Upon what fund drawn:	Am't expended.	Am't app'd & undrawn
Legislative Fund,	\$2, 316 15	\$4, 885 95
Treasurer's Salary,	802 31	352 44
Contingent,	95 82	492 68
Auditor's Salary,	937 37	412 63
Contingent,	50 00	401 65
Ter. Sup't's Salary,	375 00	109 72
Contingent,	15 00	420 50
Ter. Librarian's Salary,	450 00	746 67
Contingent	21 50	445 00
Special Fund,	6, 948 40	1, 060 00
General Contingent Fund,	885 95	4, 870 62
Warrants issued,	\$170 40	
Interest paid on same,	266 05	
Mil'ge p'd Co. Treas.,	449 50	
	\$885 95	
Territorial Militia,	200 00	200 00
	\$13, 097 50	4, \$1 397 86

AMOUNT OF WARRANTS ISSUED, REDEEMED AND OUTSTANDING, 1864

Balance scrip outstanding issued in years 1861-2-3,	\$546 11
Redeemed in 1864,	468 11
Balance outstanding Jan. 1st, 1865,	78 00
Amount of Warrants issued in 1864,	\$12, 381 95
Redeemed,	12, 121 90
	260 05
Total amount outstanding Jan. 1st, 1865,	\$338 05

Warrants of 1861-2-3-4.

RESOURCES OF THE TERRITORY.

Balance of Revenue in the Treasury, Jan. 1st. 1865	\$1, 426 57
due from Counties,	\$8, 516 37
Less 50 cent estimated unavailable,	4, 258 18
	4, 258 19
Probable Tax of 1865 @ 2 1/2 mills,	20, 000 00
	\$25, 684 76

PRESENT INDEBTEDNESS OF TERRITORY.

Balance due Territorial Officers on acc't of Salaries,	\$1, 975 00
Probable Interest on outstanding Warrants	15 00
Mileage due County Treasurers	175 00
	\$2, 165 00

ESTIMATED EXPENDITURES.

Estimated expenses for succeeding year, amount of appropriation withdrawn and estimated amount necessary to pay salaries and other expenses to Jan. 1, 1865.

Upon what Fund	Est'd exp'd's	Ap'n und'n	Est'd ap'n Jan 1st '65, or
Legislative Fund,	\$3, 000 00	\$4, 885 95	\$3, 000 00
Treas. Salary	600 00	352 44	600 00
Cont'g't	100 00	492 68	100 00
Aud's Salary	800 00	412 63	800 00
Cont'g't	100 00	401 65	100 00
Ter'l Sup't Sal'y	500 00	109 72	500 00
Cont.	300 00	420 50	300 00
Libra'n Salary	600 00	746 67	600 00
Cont'g't	200 00	445 00	200 00
Gen'l Cont'g't	2, 500 00	4, 870 62	200 00
Ter' Militia			200 00

BALANCE OF TAX DUE FROM COUNTIES.

Arapahoe County,	\$1, 386 68
Boulder	289 05
Clear Creek	515 57
Conejos	589 33
Costilla	1, 518 40
Douglas	8 50
El Paso	46 09
Fremont	49 02
Gilpin	2, 320 73
Huerfano	312 64
Jefferson	926 58
Lake	172 81
Larimer	
Park	76 58
Pueblo	63 50
Summit	152 97
Weld	87 92
Total,	\$8, 516 37

We, the undersigned, appointed by the Secretary of Colorado

VALUATION OF TAXABLE PROPERTY FOR THE YEAR 1864.

Arapahoe County,	\$2,007,298	00
Boulder "	242,700	00
Clear Creek "	238,602	90
Conchos "	166,219	00
Costilla "	336,930	00
Douglas "	No Report.	
El Paso "	97,770	50
Fremont "	69,112	00
Gilpin "	2,097,026	00
Huerfano "	No Report.	
Jefferson "	244,708	00
Lake "	70,640	00
Larimer "	No Report.	
Park "		
Pueblo "		
Summit "		
Weld "		
	\$5,571,006	40

GENERAL REMARKS.

By reference to report headed "Valuation of Taxable Property for the year 1864," it will be seen that the counties of Douglas, Huerfano, Larimer, Park, Pueblo, Summit and Weld, have not returned to this office any abstracts of assessments for the year 1864, and this office is unadvised of the cause why the clerks of the different counties have failed to make reports as required by law.

In a letter addressed to this office by the Clerk of Conejos County, it appears that through errors committed by its late Assessor, that the larger part of tax of said county has not been collected, and also that the road from there to Denver is unsafe to travel. Hence the failure in returns being made.

An act entitled "an act concerning Weights and Measures," passed by the last Legislature provides in its 6th section, that it shall be the duty of the Treasurer of this Territory to procure as soon as possible from the Federal Government all necessary weights and measures for use of Territory.

The Treasurer of the Territory notifies me, under date of December 28th, 1864, that said measures and weights have arrived. The charges on same for transportation are so heavy (amounting in the aggregate to \$324.25,) that I deem it advisable to lay the matter before the Legislature for instructions prior to issuing warrant in payment.

DENVER, Jan., 10. 1865

We, the undersigned, appointed by the Secretary of Colorado

Territory, for the purpose of settling with the Treasurer and Auditor of said Territory, have examined the accounts of R. E. Whitsitt, Auditor of said Territory, from the 1st day of January, 1864, to the 31st day of December, 1864, both days inclusive; have compared the same with the several vouchers in this office and find the same correct. The total amount of warrants issued during the year 1864, we find to be twelve thousand, three hundred and eighty-one dollars and ninety-five cents, of which there has been twelve thousand, one hundred and twenty-one dollars and ninety cents redeemed.

The total amount of warrants outstanding, issued in 1861, 1862, 1863 and 1864, we find to be, three hundred and thirty-eight dollars and five cents. Balance of revenue in the Treasury, Jan, 1st 1865, we find to be fourteen hundred and twenty-six dollars and five cents, as per Treasurer's report.

MOSES HALLET,

Member of the Council.

A. O. PATTERSON,

C. M. TYLER,

Members of the House.

TREASURER'S REPORT.

TREASURY DEPARTMENT OF COLORADO TERRITORY.

Treasurer's Office, December 26, 1864.

To the General Assembly of Colorado Territory:

I have the honor of submitting the following report of the business of this department, from the 1st day of January, 1864, to the 26th day of December, 1864.

RECEIPTS:

Balance in Treasury as per Treasurer's Report, January 1, 1864	57 68
Total amount of revenue received to date,	14,674 45
	<u>\$14,732 13</u>

DISBURSEMENTS.

Total am't of Auditor's warrants redeemed,	\$12,590 01
" " Interest paid on same,	266 05
" " Mileage certificates paid County Treasurers,	449 50
Balance in Treasury, 1864, December 26, Balance in Treasury brought down,	1,426 57 \$14,732 13
	<u>\$1,426 57.</u>

The following tables and statements will exhibit the amounts due from the several counties as per Treasurer's report, 1864, January 1st, with the additional assessments for 1862 and 1863, and the assessments reported to this office by the Auditor for the year 1864, added thereto; the receipts into the Treasury, and balances due from said counties; also the amount of warrants issued, redeemed and outstanding, and the disbursements from the several funds of the Territory.

one hundred and twenty-one dollars and eight cents remaining on hand and eighty-one dollars and eighty cents paid and eight hundred and thirty-one dollars and fifty cents remaining on hand and one hundred and thirty dollars and fifty cents as per Treasurer's report.

one year, 1862, we find to be fourteen hundred and twenty-eight dollars and five cents. Balance of revenue in the Treasury, 1863 and 1864, we find to be three hundred and thirty-three dollars and fifty cents remaining on hand and one hundred and thirty dollars and fifty cents remaining on hand and one hundred and thirty dollars and fifty cents remaining on hand and one hundred and thirty dollars and fifty cents remaining on hand.

MEMBER OF THE HOUSE
 W. O. WALLERSON,
 Member of the Council

TREASURER'S REPORT.

MEMBER OF THE HOUSE
 G. M. HALLER,
 Member of the Council

MEMBER OF THE HOUSE
 J. O. WALLERSON,
 Member of the Council

MEMBER OF THE HOUSE
 J. O. WALLERSON,
 Member of the Council

STATEMENT OF REVENUE RECEIVED AND BALANCES DUE FROM THE SEVERAL COUNTIES.

COUNTIES.	Balance due Jan. 1st, 1864.	Assessm't for 1864.	Total.	Amount paid in 1864.	Balance due.
Arapahoe County,	\$592 31	\$6,021 89	\$6,614 20	\$5,624 58	\$989 62
Boulder " "	154 13	728 10	882 23	593 18	289 05
Clear Creek " "	614 44	715 80	1,330 24	814 67	515 57
Conejos " "	899 68	408 65	1,308 33	809 06	589 27
Costilla " "	507 61	1,010 79	1,518 40	1,518 40	0 00
Duglas " "	85 41	No report	85 41	76 91	8 50
El Paso " "	37 23	296 52	333 75	287 66	46 00
Fremont " "	\$69 78				
	24 58				
Additional assessments 1862-3 reported 1864,					
	94 36	207 35	301 71	252 69	49 02
Gilpin " "	\$1,258 75				
	79 54				
Additional assessments for 1862-3					
	1,338 29	6,291 08	7,629 37	5,208 12	2,421 25
Huerfano " "	512 64	No report	512 64	200 00	312 64
Jefferson " "	292 46	734 12	1,026 58	100 00	926 58
Lake " "	191 00	No report	191 00	230 11	0 00
Larimer " "	No report for 1862-3-4				
Park " "	222 13	No report	222 13	145 55	76 58
Pueblo " "	187 50	" "	187 50	124 00	63 50
Summit " "	152 97	" "	152 97		152 97
Weld " "	\$277 99				
	17 98				
Additional assessments for 1862-3,					
	295 90	" "	295 90	207 98	87 92
	\$6,178 06	\$16,504 30	\$22,682 36	\$14,074 45	\$8,047 02

Treasurer's report shows \$1,453 13
 Balance in Treasurer's report, 1864, January 1st, 1864, \$1,453 13
 Balance in Treasurer's report, 1863, December 31st, 1863, \$410 80
 Balance in Treasurer's report, 1862, December 31st, 1862, \$589 06
 Total amount of revenue received to date, January 1st, 1864, \$22,682 36
 Balance in Treasurer's report, 1864, January 1st, 1864, \$14,074 45
 Balance in Treasurer's report, 1863, December 31st, 1863, \$410 80
 Balance in Treasurer's report, 1862, December 31st, 1862, \$589 06
 Total amount of warrants redeemed and outstanding, \$8,047 02
 Balance in Treasurer's report, 1864, January 1st, 1864, \$8,047 02
 Balance in Treasurer's report, 1863, December 31st, 1863, \$410 80
 Balance in Treasurer's report, 1862, December 31st, 1862, \$589 06
 Total amount of revenue received to date, January 1st, 1864, \$22,682 36
 Balance in Treasurer's report, 1864, January 1st, 1864, \$14,074 45
 Balance in Treasurer's report, 1863, December 31st, 1863, \$410 80
 Balance in Treasurer's report, 1862, December 31st, 1862, \$589 06
 Total amount of warrants redeemed and outstanding, \$8,047 02
 Balance in Treasurer's report, 1864, January 1st, 1864, \$8,047 02
 Balance in Treasurer's report, 1863, December 31st, 1863, \$410 80
 Balance in Treasurer's report, 1862, December 31st, 1862, \$589 06

SCRIP ISSUED, REDEEMED AND OUTSTANDING.

Balance of war'nts drawn in 1862-3, as per		
Treas. report, Jan. 1, 1864,	\$546	11
“ “ Redeemed in 1864,	468	11
		78 00
Total am't of war'nts issued in 1864 as per		
Auditor's m'thly rep'ts,	\$12,381	95
“ “ Redeemed,	12,121	90
		260 05
Balance outstanding,		\$338 05

STATEMENT OF DISBURSEMENTS FROM THE DIFFERENT FUNDS OF THE TERRITORY DURING THE YEAR 1864.

Legislative Fund	\$2,248	10
Special “	6,816	40
Librarian's salary Fund,	528	33
“ cont'g't “	30	00
Superint'd't salary “	440	28
“ cont'g't “	47	50
Auditor's salary “	1,087	62
“ cont'g't “	103	25
Treas'r's salary “	812	31
“ cont'g't “	105	82
Adj't Gen's salary “	200	00
General conting't “ upon Audit's war'nts,	\$170	10
“ Interest on warrants,	266	05
“ Mileage to County Treasurers	449	50
	885	95
	\$13,305	56

The above report is respectfully submitted,
ALEX. W. ATKINS,
Treasurer of Colorado Territory.

We, the undersigned, appointed by the Secretary of Colorado Territory, for the purpose of settling with the Auditor and Treasurer of said Territory, have examined the accounts of Alex. W. Atkins, Treasurer of said Territory, from the 1st day of January, A. D. 1864, to the 26th day of December, 1864, both days inclusive, and have compared the same with the several vouchers, and find the same correct.

A summary statement of said accounts is given above, and we find the balance on hand on the 26th day of December, 1864, to have been fourteen hundred and twenty six dollars and fifty seven cents. (1,426 57.)

MOSES HALLETT,
Member of the Council.
A. O. PATTERSON,
C. M. TYLER,
Members of the House.

The message having been received, and the same respectfully reported, the joint convention was dissolved. The Council having resumed business, the committee to draft rules for the Council, reported as follows:

Your committee appointed to report rules for the government of the present session of the Council, would respectfully submit that they have examined the rules adopted by the last session of the Council, and would recommend their adoption, with the addition of a standing committee on Indian Affairs.

H. L. PEARSON, Ch'n.

Said report was received and adopted. Mr. Hallett introduced, C. B. No. 1, For 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.

On motion of Mr. Hallett, The rules were suspended and the bill was Read a first and second time. On motion of Mr. Dominguez, A special committee of three was appointed, to whom C. B. No. 1 was referred. Messrs. Dominguez, Hallett and Loveland were appointed as such committee.

On motion of Mr. Loveland, The Council adjourned until to-morrow at nine o'clock a. m.

TUESDAY, JANUARY 10, 1865.

Council met pursuant to adjournment. President in the chair.

Roll called.

Absent—Messrs. Baxter and Mitchell,
Journal read and approved.

The special committee to whom was referred

C. B. No. 1,

Reported as follows:

MR. PRESIDENT: Your committee to whom was referred

C. B. No. 1,

A bill for an act to divide the Territory of Colorado into Judicial Districts, and to provide for the holding of court in the same, respectfully report that they have considered the same and recommend that the Territory be divided into Judicial Districts as proposed in said bill; and, as to that portion of the bill which proposes to re-assign the Judges to the several Districts, they report the same without recommendation.

C. DOMINGUEZ, Ch'n,

MOSES HALLETT,

W. A. H. LOVELAND.

Mr. Widner offered the following resolution:

Resolved, That five hundred copies of the Governor's message be printed for the use of the members of the Council, and five hundred more in the Spanish language, for the benefit of the Mexican citizens of the Territory.

On motion the resolution was adopted.

Mr. Widner offered the following resolution:

Resolved, That the several portions of the Governor's message, recommending various subjects of legislation, be referred to the appropriate standing committees.

On motion,

The resolution was adopted.

Mr. Pearson offered the following:

Resolved, That a committee of two be appointed to act with a like committee on the part of the House of Representatives, to report rules for the joint government of the Legislative Assembly.

On motion,

The resolution was adopted,

Messrs. Pearson and Loveland were appointed said committee.

On motion of Mr. Loveland,

The committee on joint rules were instructed to inform the House, the House concurring, that the Council had appointed a committee to act with a committee of the House, on joint rules for the government of both Houses in joint session.

MR. PRESIDENT: Your committee respectfully report that they have thus informed the House as instructed, and that the House concurs in the same.

On motion.

The report was adopted.

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 judgments and executions.

On motion of Mr. Hallett,

The Council resolved itself into a committee of the Whole.

On motion of Mr. Widner,

The committee rose, and reported as follows:

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

C. B. No. 1,

Have not agreed upon a report respecting the same, and ask leave to sit again.

MOSES HALLETT, Ch'n.

On motion of Mr. Hallett,

The communication was received and adopted.

On motion of Mr. Dominguez,

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

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Mr. Mitchell.

The President announced the following as the standing committees:

On Judiciary—Messrs. Hallett, Mitchell and Pearson.

On Finance, Ways and Means—Messrs. Loveland, Dominguez and Widner.

On Education—Messrs. Widner, Baxter and Berry.

On Military Affairs—Messrs. Loveland, Berry and Pearson.

On Highways and Bridges—Messrs. Dominguez, Baxter and Loveland.

On Expenditures—Messrs. Widner, Pearson and Hallett.
On Incorporations—Messrs. Hallett, Mitchell and Dominguez.
On Territorial Library—Messrs. Dominguez, Widner and Pearson.

On Elections—Messrs. Mitchell, Pearson and Widner.

On Counties—Messrs. Berry, Hallett and Baxter.

On Federal Relations—Messrs. Baxter, Berry and Widner.

On Agriculture—Messrs. Widner, Baxter and Dominguez.

On Mining Interests—Messrs. Pearson, Loveland and Baxter.

On Indian Affairs—Messrs. Pearson, Loveland and Baxter.

On Printing—Messrs. Baxter, Loveland and Hallett.

On Enrolled and Engrossed Bills—Messrs. Mitchell and Berry.

On motion of Mr. Loveland,

Mr. Millett, the Secretary of the Council, was excused from duty for the afternoon.

On motion of Mr. Loveland,

The Council went into a committee of the Whole,

Mr. Loveland in the chair.

On motion of Mr. Hallett,

The committee rose and reported as follows:

MR. PRESIDENT: Your committee asks leave to report that C. B. No 1

Has been under consideration, and

On motion of Mr. Widner,

The words "and September," where it occurs in section eight were stricken out.

On motion of Mr. Berry,

The bill was referred back to the Council with the recommendation that it pass.

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

On motion of Mr. Hallett,

The report was received and adopted.

Mr. Hallett moved that the Secretary be authorized to strike out "and September," as amended.

Mr. Berry moved that C. B. No. 1, be considered engrossed, and read the third time by its title and put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Hallett, Pearson and Mr. President.

Those voting in the negative were,

Messrs. Dominguez, Loveland and Widner.

Ayes—5.

Noes—3.

Carried.

Mr. Loveland moved to agree upon the title of the bill.

Carried.

On motion of Mr. Berry,

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

WEDNESDAY, JANUARY 11, 1865.

House met pursuant to adjournment,

President in the chair.

Roll called.

Absent—Mr. Hallett.

Quorum present.

Journal read and approved.

A message was received from the House, informing the Council that the House had appointed a committee to act with a committee of the Council on Joint Rules.

Mr. Dominguez gave the following notice,

MR. PRESIDENT—I beg leave to give notice that on to-morrow or some subsequent day, I will introduce

A bill for an act to protect the people of the Territory from being imposed upon by quacks, and for other purposes.

Notice given by Mr. Widner,

MR. PRESIDENT—I hereby give notice that on to-morrow or some subsequent day, I will introduce

A bill amendatory of an act entitled an act to amend an act to enable road, ditch, manufacturing and other companies, to become bodies corporate.

Also,

An act to amend an act entitled 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.

Also,

A bill to provide for appeals from Probate to District Courts, instead of the Supreme courts, and regulate the fees of the same.

On motion of Mr. Loveland,

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

AFTERNOON SESSION.

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

Roll called.
Absent—Loveland.

The committee on Joint Rules for both Houses have instructed me to make the following report:

WHEREAS, We recommend the adoption of the rules used at the last session of the Legislative Assembly.

H. L. PEARSON, Ch'n.

On motion of Mr. Dominguez,
The report was received and adopted.
Mr. Pearson introduced the following resolution:

Resolved, That the committee on Printing be hereby instructed to have printed for the use of the members of the Council three hundred copies of each of the several reports of the Territorial officers.

On motion of Mr. Pearson,
The resolution was adopted.

Mr. Hallett introduced the following resolution:

Resolved, That the committee on Education be instructed to inquire what duties, if any, are performed by the Territorial Librarian, and Superintendent of Schools, and whether those officers are necessary to the preservation of the Library, and the efficiency of the school system in this Territory.

Resolution adopted.

The committee on printing was instructed to order printed a sufficient number for the use of the Council, of the rules and joint rules adopted for this session.

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.

Roll called.
Absent—Berry.

Mr. Widner offered the following resolution,

Resolved, That the Hon. Secretary of the Territory be re-

spectfully requested to communicate to the Council an abstract of the vote polled in the several districts and counties at the last general election.

Resolution was adopted.

On motion of Mr. Loveland,

The rules was suspended and

C. B. No. 2,

Was read by its title the first and second time.

On motion of Mr. Loveland,

C. B. No. 2,

Was referred to the committee of the Whole.

Mr. Hallett gave the following notice,

I will on to-morrow or some subsequent day introduce

A bill for an act to amend an act to incorporate the Occidental Gas Light Company of the City of Denver.

On motion of Mr. Pearson,

Council adjourned until to-morrow, at 9 o'clock a. m.

THURSDAY, JANUARY 12, 1865.

Council met at 9 o'clock a. m., pursuant to adjournment.

President in the chair.

Roll called.

Journal read and approved.

Mr. Mitchell gave the following notice:

I hereby give notice that on to-morrow or some subsequent day, I will introduce

A bill supplementary to an act entitled an act to create a fund for the benefit of schools, approved August 15, 1862.

Mr. Hallett, asked leave to introduce

C. B. No. 3,

A bill for an act to amend an act, entitled an act to incorporate the Occidental Gas Light Company of the City of Denver.

On motion of Mr. Loveland,

The Council went into a committee of the Whole.

Mr. Loveland in the chair.

The Committee rose and made the following report to-wit:

The committee of the Whole has had under consideration,

C. B. No. 2,

And in Sec. 16, amended so as to read, "from and after the first of May, A. D., 1865."

On motion of Mr. Berry,

Said bill as amended was referred back to the Council with the recommendation that it pass.

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

On motion of Mr. Baxter,
The report was received and adopted.
On motion of Mr. Mitchell,
It was voted that
C. B. No. 2,
Be engrossed, and read the third time.
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.
Roll called.
Quorum present.
On motion, of Mr. Berry,
Council adjourned until to-morrow 10 o'clock, p. m.

FRIDAY JANUARY 13, 1865.

Council met pursuant to adjournment.
President in the chair.
Roll called.
Quorum present.
Journal read and approved.
Mr. Berry gave notice that he would on to-morrow or some subsequent day introduce
A joint resolution endorsing the administration of Abraham Lincoln, and for other purposes.
Mr. Loveland gave notice that he would on to-morrow or some subsequent day introduce
A bill for an act to incorporate the town of Golden City.
C. B. No. 3,
Was read the second time and
Referred to a committee of the Whole.
C. B. No. 2 was
Read a third time and put upon its final passage.
The question being upon the passage of the bill,
The ayes and noes were called for.
Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Loveland, Mitchell, Pearson, Widner and Mr. President.

Ayes—8.

Noes—0.

Carried.

Mr. Widner introduced

A bill for an act amendatory to an act entitled an act to enable road, ditch, manufacturing and other companies to become bodies corporate.

On motion of Mr. Mitchell;

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

AFTERNOON SESSION.

Council met pursuant to adjournment.
President in the chair.
Roll called.
Absent—Messrs. Hallett, Mitchell and Berry.
On motion of Mr. Loveland,
The Council took a recess until half past four o'clock.
Council met at half past four o'clock.
Roll called.
Absent—Mr. Hallett.
On motion of Mr. Berry,
The Council adjourned until nine o'clock to-morrow.

SATURDAY, JANUARY 14, 1865.

Council met pursuant to adjournment.
President in the chair.
Roll called.
Absent—Mr. Hallett.
C. B. No. 4
Was read a first time by its title.
Pursuant to previous notice, Mr. Mitchell introduced
A bill for an act supplemental to an act entitled an act to create a fund for the benefit of schools, approved August 15, 1862.
C. B. No. 5
Was read a first time by its title.
On motion of Mr. Berry,
The rules were suspended and
C. B. No. 5
Was read by its title the second time, and

Referred to the committee of the Whole.

Mr. Pearson 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 actions by persons holding lots, land, or miners claims, except as against the United States, approved November 1, 1861.

The following message was received from the House:

MR. PRESIDENT:—I am instructed to inform the Council that the House has adopted the accompanying joint resolution (No. 1,) of thanks to Col. Shoup and others.

C. H. GROVER,
Chief Clerk of the House.

H. J. R. No. 1,

Resolved by the Council and House of Representatives of Colorado Territory:

That Colonel Shoup and the officers and soldiers under his command, have the thanks of this Legislative Assembly, and are entitled to and will receive that of the people of this Territory, for the bravery displayed by them in the recent Indian fight at Sand Creek.

On motion of Mr. Berry,

The Council resolved itself into a committee of the Whole, The committee rose, and asked leave to sit again.

On motion of Mr. Dominguez,

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

AFTERNOON SESSION.

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

President in the chair.

Roll called.

Mr. Berry introduced the following preamble and resolution:

WHEREAS, Owing to the length of time that has already expired since the Legislative Assembly of Colorado Territory convened, and taking into consideration the small amount of business, that has been transacted, and the vast amount to be transacted, and also the length of time that would be necessarily consumed in adjournment to any other place; therefore be it

Resolved, That the Council will not entertain a motion to that effect.

The question being on the adoption of the resolutions, The ayes and noes were called for.

Those voting in the affirmative were,
Messrs. Berry, Dominguez, Loveland, Pearson, and Widner.

Those voting in the negative were,
Messrs. Baxter, Mitchell and Mr. President.

Ayes—5.

Noes—3.

Resolution adopted.

On motion,

The Secretary was instructed to inform the House of the adoption of the resolution.

Message from the House:

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

H. J. R. No. 2,

Resolved by the House of Representatives, the Council concurring, That when the Legislative Assembly adjourns this afternoon it stands adjourned to meet in Central City on Wednesday morning next, January 18, 1865.

On motion of Mr. Berry,

The Council went into a committee of the Whole.

Mr. Berry in the chair.

The committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration
C. B. No. 3,

For an act to amend an act entitled an act to incorporate the Occidental Gas Light Company of the city of Denver,

And report the same back to the Council with the recommendation that it be referred to the committee on Incorporations.

Also,

C. B. No. 5,

For an act supplemental to an act entitled an act to create a fund for the benefit of schools, approved August 15, A. D., 1862,

And recommend that it be amended by striking out the word "three" in the 26th line of Sec. 4, and insert the word "six" instead.

Also,

The words "after the general election," be inserted after the word "meeting," in the 7th line of Sec. 4.

Also,

By the addition of the following to Sec. 7:

Provided, however, The compensation accruing therefrom,

does not exceed \$3,090, in case of which the overplus shall accrue to the general school fund.

Also,

By the following as an additional section:
 Sec. 9. Every county recorder who shall willfully neglect or refuse to record any claim set apart for school purposes as provided by law, or who shall record a jumper's, so called, pre-emption, shall be subject to a fine of not less than five hundred nor more than five thousand dollars, such fine to go to the school fund.

Also,
 The following as an additional section:

Sec. 10. Any conveyance or sale of school claims, except as provided in the foregoing sections, shall be unlawful and therefore null and void, and report the same back to the Council with the recommendation that it pass as amended.

ROBERT R. BERRY,
 Chairman.

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

On motion of Mr. Berry,
 C. B. No. 5,
 Was ordered to be engrossed, and fifty copies ordered printed for the use of both Houses.

On motion of Mr. Widner,
 The adoption of the resolution not to entertain any motion to adjourn the Legislative Assembly to any other place, was reconsidered.

Mr. Loveland moved,
 That the Council do not concur in
 H. J. R. No. 2,
 To adjourn the Legislative Assembly to Central City,
 Ayes and noes called for:

Ayes, Messrs. Berry, Dominguez, Loveland, Pearson, Widner.
 Noes, Messrs. Baxter, Mitchell and Mr. President. 3.
 Carried, not to concur.

On motion of Mr. Loveland,
 The Secretary was instructed to inform the House of the action of the Council, on
 H. J. R. No. 2.

Mr. Pierson offered the following:
 C. J. R. No. 1.

Resolved, The House of Representatives concurring, that His Honor, Secretary Elbert, be requested to furnish a printing press, to be set up and operated in Golden City, for the use of the Legislative Assembly during this session.

On motion of Mr. Pearson,
 The rules were suspended and the resolution passed, and sent to the House for concurrence, as follows:
 The ayes and noes were called for.

Those voting in the affirmative were,
 Messrs. Baxter, Dominguez, Loveland, Mitchell, Pearson,
 Widner and Mr. President.

Those voting in the negative were,
 Mr. Berry.
 Ayes—7.
 Noes—1.
 Carried.

On motion of Mr. Baxter,
 Council adjourned until next Tuesday, at 2 o'clock, p. m.

TUESDAY, JANUARY 17, 1865.

Council met at 2 o'clock p. m., pursuant to adjournment.
 President in the chair.
 Roll called.
 Absent.—Messrs. Baxter and Widner.
 The committee on engrossed bills reported the following:

Your committee on enrolled and engrossed bills, beg leave to report that they have examined
 C. B. No. 2,
 An act relating to negotiable instruments, promissory notes, and contracts, and find the same erroneously engrossed and have returned the said bill to the engrossing clerk with instructions to re-engross.

GEORGE R. MITCHELL,
 Chairman.

On motion of Mr. Loveland,
 The report was adopted.
 Mr. Mitchell offered the following:
 I beg leave to give notice that on to-morrow or some subsequent day, I will introduce a bill, entitled an act, chartering the Russell Gulch and Nevada Wagon Road.

Mr. Loveland offered the following:
 I will on to-morrow or some subsequent day, introduce a bill for an act to provide for the support of paupers.

Mr. Hallett offered the following:
I will on to-morrow or some subsequent day, introduce a bill for an act, to amend an act, entitled an act regulating the fees of officers, jurors and witnesses; approved, Nov. 8th, A. D., 1861.

Also,
A bill for an act, to amend an act regulating the mode of proceeding in attachments, in the District Courts; approved, Oct., 29th, A. D. 1861.

C. B. No. 4,
Was read the second time and referred to the committee on Incorporations.

On motion,
Council adjourned until 9 o'clock to-morrow morning.

WEDNESDAY, JANUARY 14, 1865.

House met pursuant to adjournment,

President in the chair.

Prayer by the chaplain.

Roll called.

Quorum present.

Journal read and approved.

Message from the House.

MR. PRESIDENT—I am instructed to inform the Council that the House has adopted the following Council resolution:

Resolved, the House of Representatives concurring, That his Honor, Secretary Elbert, be requested to furnish a printing press to be set up and operated in Golden City, for the use of the Legislative Assembly this session.

Also,

That the House has amended said resolution by prefixing the following title:

“C. J. R. No. 1,

“Concerning printing press and type for the Legislative Assembly.”

The committee on Enrolled and Engrossed bills, reported as follows:

Your committee beg leave to report that they have examined C. B. No. 2,

And find the same correctly engrossed.

GEO. R. MITCHELL, Ch'n.

The committee on Incorporations to whom was referred C. B. Nos. 3 and 4,
Have examined the same, and they recommend that C. B. No. 3,
For an act to amend an act entitled an act to incorporate the Occidental Gas Light Company of the City of Denver,
Be passed without amendment.

Your committee are of the opinion that C. B. No. 4,
For an act amendatory to an act entitled an act to amend an act to enable road, ditch, manufacturing and other companies, to become bodies corporate,

Should be rejected. The provisions of the existing law respecting wagon road companies, will as your committee believes protect the rights of such companies, and of the people, more completely and perfectly than those contained in this bill. Your committee regard the propositions to extend the provisions of the general incorporation act, to others than wagon road companies as exceedingly objectionable.

The committee therefore recommend that the bill do not pass.

MOSES HALLET, Ch'n.

On motion of Mr. Loveland,

The report was received,

Pursuant to previous notice,

Mr. Loveland introduced

C. B. No. 6,

For an act providing for the support of paupers.

H. J. R. Ne. 1,

Was read the first time by its title.

Message from the House:

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

Resolved by the House of Representatives the Council concurring:

That in their opinion the duties of the office of Territorial School Superintendent, and that of the Territorial Librarian, have not been performed as the law prescribes, and the Auditor of the Territory is hereby instructed and required not to issue and more warrants on the Territorial Treasurer in payment of the remainder of the salaries to the credit of said officers, or the contingent funds of the same.

H. J. R. No. 2,

Was read the first time.

On motion of Mr. Berry,

The rules were suspended and the vote whereby

C. B. No. 2,

Was passed, was reconsidered, and

C. B. No. 2,

Was read a third time by its title and put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallet, Loveland, Mitchell, Pearson, Widner, and Mr. President.

Ayes—9.

Noes—0.

Carried.

On motion of Mr. Hallett,

C. B. No. 3,

Was ordered to be engrossed, and read the third time.

On motion of Mr. Loveland,

The rules were suspended and

H. J. R. No. 2,

Was taken up and considered.

On motion of Mr. Loveland,

H. J. R. No. 2,

Was read the second and third time and put upon its final passage.

The question being on its passage,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Baxter, Dominguez, Loveland Mitchell, Pearson, Widner, and Mr. President.

Those voting in the negative were,

Messrs. Berry, and Hallett.

Ayes—7.

Noes—2.

Carried.

On motion of Mr. Loveland,

The rules were suspended, and the report of the committee on Incorporations relating to

C. B. Nos. 3, and 4,

Was taken up.

On motion of Mr. Berry,

The report of said committee on Incorporations, was adopted so far as it relates to

C. B. No. 3

On motion of Mr. Widner,

The report of said committee, as far as it relates to

C. B. No. 4,

Was recommitted to the committee on Incorporations, with instructions to amend or substitute another bill instead.

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.

Roll called.

On motion of Mr. Loveland,

Mr. Baxter was excused for the afternoon.

Mr. Berry introduced the following Joint resolution:

C. J. R. No. 2,

Entitled a resolution to appoint an investigating committee.

On motion of Mr. Hallett,

The rules were suspended and

C. J. R. No. 2,

Was read first and second time by its title, and

Referred to the committee of the Whole.

Pursuant to previous notice,

Mr. Pearson introduced

C. B. No. 7,

For an act amendatory of an act entitled an act concerning persons holding lots, lands, or mining claims, except as against the United States, approved March, 1861.

On motion of Mr. Berry,

The Council went into a committee of the Whole.

Mr. Berry in the chair.

The committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration

C. J. R. No. 2,

A resolution to appoint an investigation committee,

And report the same back to the Council with the recommendation that it pass.

R. BERRY, Ch'n.

On motion of Mr. Loveland,

The report was received and adopted.

On motion of Mr. Berry,

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

THURSDAY, JANUARY 19, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Journal read and approved.

The committee on Engrossed bills made the following report:

Your committee have examined

C. B. No. 3,

For an act entitled an act to incorporate the Occidental Gas Light Company of the City of Denver.

Also,

C. B. No. 5,

For an act supplemental to an act to create a fund for the benefit of schools,

And find said bills correctly engrossed.

GEO. R. MITCHELL, Ch'm.

Pursuant to previous notice,

Mr. Hallett introduced

C. B. No. 8,

For an act to amend an act entitled an act concerning judgments and executions, approved Nov. 4, A. D. 1861.

And read the first time.

Pursuant to previous notice,

Mr. Widner introduced,

C. B. No. 9,

For an act to amend an act to establish the common school system.

Pursuant to previous notice,

Mr. Hallett introduced

C. B. No. 10,

For an act to amend an act entitled an act regulating the mode of proceeding in attachments in district courts, approved October 25, 1861.

C. B. Nos. 6, and 7,

Were read the second time and referred as follows:

On motion of Mr. Pearson,

C. B. No. 6,

Was referred to a special committee appointed by the Chair. Messrs. Pearson, Hallett, and Loveland, were appointed said committee.

C. B. No. 7,

Was referred to the committee on Mining Interests.

A communication was received from Secretary Elbert, and accompanying documents, which

On motion of Mr. Baxter,

Were referred to the committee on Elections.

C. B. No. 3,

Read a third time by its title and put upon its final passage.

The question being upon its passage,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner, and Mr. President.

Ayes—9.

Noes—0.

Carried, and title agreed to.

On motion of Mr. Berry,

C. J. R. No. 2,

Was considered engrossed and put upon its third reading.

On motion of Mr. Hallett,

C. J. R. No. 2,

Was read third time and put upon its final passage.

The question being upon its passage,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Loveland, Mitchell, Widner, and Mr. President.

Those voting in the negative were,

Mr. Pearson.

Ayes—7.

Noes—1.

Carried and title agreed to.

On motion of Mr. Pearson,

The Council concurred in the amendment offered by the House of Representatives to

C. J. R. No. 1,

A resolution concerning printing press and type.

On motion,

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

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

On motion of Mr. Loveland,

A communication from the printer was received and referred to the committee on Printing.

On motion of Mr. Loveland,

A communication was received from the Secretary of the Territory.

The committee on engrossed bills reported as follows:

Your committee on engrossed bills, beg leave to report that they have examined

C. J. R. No. 1,

And find the same correctly enrolled.

GEO. R. MITCHELL, Ch'n.
ROBERT BERRY.

On motion of Mr. Loveland,

The report was received.

The special committee to whom was referred

C. B. No. 6,

Have examined the same, and recommend that it be amended as follows:

Strike out the word "shall" in the 21st line from the top of Sec. 4, and insert the word "may" instead thereof.

Also,

Strike out all after the word "equitable" in the 26th line from the top of said section, down to the word "and" in the 32nd line.

Also,

Add to Sec. 10 the following:

"And for that purpose to purchase or lease a building upon such terms as they deem best."

Also,

Strike out the words "take to the county" in the second and third lines of Sec. 11, and insert the words "acquire in the name of the county thereof."

Also,

Strike out Sec. 15,

And that the bill be passed as amended.

All of which is respectfully submitted.

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

On motion,

The report was received.

On motion of Mr. Mitchell,

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

FRIDAY, JANUARY 20, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Quorum present.

The committee to whom was referred

C. B. No. 7,

Would report that they have examined said bill and would recommend the following substitute:

Sec. 1. The proviso contained in section five of an act entitled an act concerning actions by persons holding lots, lands, and mining claims, except as against the United States, approved Nov. 1. A. D. 1861, to wit:

Provided, It shall be lawful for the citizens of mining districts to declare an abandonment of any creek, river, gulch, bank or mining claims, a forfeiture of the rights of the claimant thereto; in which case the parties claimant shall not be enabled to maintain either of the actions mentioned in section one of this act, be and the same is hereby repealed.

H. L. PEARSON, Ch'n.

E. K. BAXTER.

W. A. H. LOVELAND.

The report was received, and

Referred to the committee of the Whole.

The committee on Printing reported as follows:

Your committee have had under consideration the subject of the translation of the Governor's message into Spanish and have employed Mr. Dominguez to translate the same.

E. K. BAXTER, Ch'n.

The Report was received and adopted.

Mr. Dominguez introduced

C. J. R. No. 3,

Asking Congress to change the present system of Indian Affairs.

Said resolution was read a first time.

C. B. No. 8 was

Read a second time and

Referred to the Judiciary committee.

C. B. No. 9 was

Read a second time and

Referred to the committee on Education.

C. B. No. 10 was

Read a second time and

Referred to the committee of the Whole.

On motion of Mr. Baxter,

Messrs. Collier, Hollister and Byers, editors, were invited to seats within the bar of the Council.

On motion of Mr. Loveland,

The Council resolved itself into a committee of the Whole.

Mr. Loveland in the chair.

The committee of the Whole rose and reported as follows:

That H. J. R. No. 1, a resolution of thanks to Col. Shoup and others, be referred to the committee on Military Affairs.

Also,

The following amendments to

C. B. No. 6,

A bill to provide for the support of paupers:

Section four was amended by striking out the word "shall" in the twenty-first line from the top of section four, and insert the word "may" instead thereof. And strike out all after the word "equitable," in the twenty-sixth line from the top of said section, down to the word "and," in the thirty-second line.

And section ten be amended by adding "and for that purpose to purchase or lease a building upon such terms as they may deem best."

And section eleven be amended by striking out the words "take to the county," in the second and third line of section eleven, and insert the words "acquire in the name of the county" instead thereof.

And section fifteen be stricken out.

And recommend that said bill pass as amended.

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

On motion of Mr. Hallett,

The report was adopted.

On motion of Mr. Hallett,

C. B. No. 6 was

Ordered to be engrossed and put upon its third reading.

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—Mr. Berry,

The committee on Judiciary, to whom was referred C. B. No. 8, have examined the same and recommend that it be passed without amendment,

MOSES HALLETT, Ch'n.

On motion of Mr. Hallett,

C. B. No. 6 was

Referred to the committee of the Whole.

On motion of Mr. Hallett,

The Council went into a committee of the Whole,

Mr. Hallett in the chair.

The following message was received from the House:

MR. PRESIDENT:—I am instructed to inform the Council that the House bills of the following titles have passed the House:

H. B. No. 3,

For an act amendatory of an act entitled an act concerning probate courts and justices of the peace in certain counties, approved March 11, 1864.

H. B. No. 4,

For an act to restrain sheep, hogs and stallions from running at large.

H. B. No. 10,

For an act to incorporate the Masonic Hall Association in Denver.

H. B. No. 12,

For an act to repeal certain portions of an act entitled an act to organize the Treasury Department, approved November 1861.

Also,

The House adopted H. J. R. No. 2, relating to organizing a new military department.

The committee of the Whole rose and reported as follows:

The committee of the Whole have considered

C. B. No. 7,

For an act amendatory of an act entitled an act concerning actions of persons holding lots, lands, or mining claims, except as against the United States, approved Nov. 1, 1861,

And recommend that it be amended by striking out section one and inserting in lieu thereof the following:

Sec. 1. That the proviso contained in section five of an act entitled an act concerning actions of persons holding lots, lands and mining claims, except as against the United States, approved Nov. 1, 1861, to wit: *Provided*, That it shall be lawful for citizens of mining districts to declare an abandonment

of any creek, river, gulch, bank, or mining claims, a forfeiture or right of the claimant thereto, in which case the parties claimant shall not be enabled to maintain either of the actions maintained in section one of this act, be and the same is hereby repealed.

And that the said bill be passed as amended,

Also,

Recommend that C. B. No. 10 be passed without amendment.

Also,

Recommend that C. B. No. 8 be passed.

MOSES HALLETT, Ch'n.

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

On motion of Mr. Hallett,
C. B. No. 7 was re-committed to the committee on Mining Interests.

On motion, of Mr. Berry,

C. B. No. 10,

Was considered engrossed and ordered to its third reading;

On motion of Mr. Hallett,

C. B. No. 8

Was ordered to be engrossed and put upon its third reading.

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

SATURDAY JANUARY 21, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Quorum present.

Journal read and approved.

The committee on Incorporations reported as follows:

The committee to whom was referred C. B. No. 4, beg leave to submit the accompanying bill as a substitute for C. B. No. 4, and recommend that the same be passed.

MOSES HALLETT, Ch'n.

The committee on Education reported as follows:

Your committee to whom was referred C. B. No. 9, have examined the same and report the same back with the recommendation that it pass.

AMOS WIDNER, Ch'n.

On motion of Mr. Mitchell.

C. B. No. 9 was

Referred to the committee of the Whole.

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

A bill for an act to incorporate the Boulder Valley and Central City Wagon Road Company.

The following bills were read a first time:

H. B. No. 3,

For an act amendatory of an act concerning probate courts and justices of the peace in certain counties, approved March 11, 1864.

Also,

H. B. No. 4,

For an act to prevent sheep, hogs and stallions from running at large.

Also,

H. B. No. 9,

For an act amendatory of an act regulating the mode of proceeding in replevin.

Also,

H. B. No. 10,

For an act to incorporate the Masonic Hall Association in Denver.

Also,

H. B. No. 12,

For an act to amend an act to organize the Treasury Department.

Also,

H. J. R. No. 2 was

Read a first time.

C. J. R. No. 3

Asking Congress to change the present system of Indian Affairs, was

Read a second time and

Referred to the committee of the Whole.

C. B. No. 10,

For an act to amend an act entitled an act regulating the mode of proceeding in attachments, in the District courts, approved Oct. 29, 1861 was

Read a third time and put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner and Mr. President.

Ayes—9.

Noes—0.

So the bill passed and the title was agreed to.

The committee on Engrossed Bills reported C. B's Nos. 6 and 8 correctly engrossed.

C. B. No. 6 was

Read a third time and put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner and Mr. President.

Ayes—9.

Noes—0.

So the bill passed and the title was agreed to.

C. B. No. 8,

For an act to amend an act entitled an act concerning judgments and executions, approved Nov. 4, 1861,

Was put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner, and Mr. President.

Ayes—9.

Noes—0.

Carried, and title agreed to.

On motion of Mr. Loveland,

The rules was suspended and

C. S. for H. J. R. No. 2, relative to a new military department, offered by Mr. Hallett, was received and put upon its final passage, and carried.

On motion of Mr. Loveland,

The Council resolved itself into a committee of the Whole.

Mr. Loveland in the chair.

The committee of the Whole rose and asked leave to sit again.

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

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Mr. Loveland.

Mr. Baxter moved to adjourn until Monday at two o'clock,

On this motion

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The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett and Mr. President.

Those voting in the negative were,

Messrs. Berry, Pearson and Widner.

Ayes—5.

Noes—3.

Carried.

MONDAY, JANUARY 23, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Quorum present.

Journal read and approved.

Mr. Widner introduced the following bill.

For an act to incorporate the Boulder Valley and Central City Wagon Road Company, which was

Read a first time by its title.

The committee on Military Affairs reported as follows:

Your committee on H. J. R. of thanks to Col. Shoup and others, have examined the same and report the same back without recommendation.

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

On motion the report was received, and the resolution

Referred to the committee of the whole.

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

H. B. No. 4,

For an act to prevent sheep, hogs and stallions from running at large, was

Referred to the committee of the Whole.

H. B. No. 3,

For an act amendatory of an act concerning probate courts and justices of the peace in certain counties, approved March 11, 1864, was

Referred to the committee on Judiciary.

H. B. No. 9,

For an act amendatory of an act regulating the mode of proceeding in replevin, was

Referred to the committee on Judiciary.

H. B. No. 10,

For an act to incorporate the Masonic Hall Association in Denver, Colorado Territory, was

Referred to the committee on incorporations.

H. B. No. 12,

For an act to amend an act to organize the Treasury Department, was

Referred to the committee on Finance.

The following message was received from the House :

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

H. B. No. 13,

For an act supplemental to an act to organize the militia of Colorado Territory.

C. H. GROVER,
Clerk of the House.

On motion of Mr. Pearson,

The rules were suspended and

H. B. No. 13, was

Read a first and second time by its title and

Referred to the committee of the Whole.

On motion of Mr. Berry,

The Council resolved itself into a committee of the Whole,

Mr. Berry in the chair.

The committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration C. B. No. 9,

For an act to amend an act entitled an act to establish the common school system, and report the same back with the recommendation that it be referred to the committee on Education.

Also,

H. B. No. 13,

For an act supplemental to an act entitled an act to organize the militia of Colorado Territory, approved Aug. 14, 1862, and recommend that section five be amended as follows:

To erase "one," in the third line of section five, before "commissary," and insert "who shall act as." Also after "commander in chief," in the ninth line, insert "upon recommendation of the commander of such regiment or battallion."

Also in the eighth line insert before "quartermaster sergeant" and "hospital steward," and report the same back with the recommendation that it pass as amended.

Also,

H. B. No. 4,

For an act to restrain sheep, hogs and stallions from running at large, and report the same back with the recommendation that it be referred to the committee on Agriculture.

Also,

C. J. R. No. 3,

Asking Congress to change the system of Indian affairs, and report the same back with the recommendation that it be referred to the committee on Federal Relations.

Also,

Substitute for C. B. No. 4, and report the same back with the recommendation that it pass.

We also considered

H. J. R. No. 1,

A resolution of thanks to Col. Shoup and others, and report it back with the recommendation that the following substitute be passed instead thereof:

Resolved by the Council and House of Representatives of Colorado Territory :

That we, the representatives of the people of said Territory, in General Assembly convened, do hereby tender our thanks to the Colorado troops for their gallantry and bravery displayed by them in the recent campaigns against the Indians on the plains and the rebels in Kansas and Missouri, and their energy and perseverance in the pursuit and punishment of the guerillas and outlaws. And further, that we admire the spirit and promptness of our fellow citizens in responding to the call of the Governor for volunteers for one hundred days' service. And we fully and unequivocally endorse the action of the commanding officer and all the officers and soldiers under his command for their action in the recent sanguinary conflict with the Indians at Sand Creek. And further that Capt. Tyler and his company of rangers, for their services as volunteer militia, are entitled to great credit, and also have the thanks of this Legislative Assembly.

R. BERRY, Ch'n.

The report was received and adopted.

On motion of Mr. Pearson,
Council adjourned until 9 o'clock to-morrow morning.

TUESDAY, JANUARY 24, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Quorum present.

Journal read and approved.

The committee on Incorporations reported as follows:

Your committee have considered H. B. No. 10, referred to them and recommend that it be amended as follows:

Insert after the word "them," in the sixteenth line of section four the words "as may be required by the corporators or a majority of them." Strike out the words "corporators," in the first and second lines of section five and insert the word "corporation" instead thereof. And that the bill be passed as amended.

MOSES HALLETT, Ch'n.

On motion of Mr. Loveland,

The report was received.

Mr. Mitchell 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 regulating the fees of officers, jurors and witnesses, approved Nov. 8, 1861.

The substitute for H. J. R. No. 1, was ordered to be engrossed and put upon its third reading.

Mr. Mitchell introduced

C. B. No. 12,

For an act to incorporate the Russell Gulch and Nevada Wagon Road.

Read a first time.

A substitute for C. B. No. 4, was ordered to be engrossed and put upon its third reading.

C. B. No. 11, was

Read a second time and

Referred to the committee of the Whole.

H. B. No. 13 was

Read a third time and put upon its final passage, as amended.

The question being upon its passage,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner and Mr. President.

Ayes—0.

Noes—0.

Carried.

On motion of Mr. Berry,

The vote whereby C. B. No. 11, was referred to the committee of the Whole was re-considered and C. B. No. 11 was referred to the committee on Incorporations.

The committee on finance reported as follows:

Your committee have had H. B. No. 12, a bill for an act to amend an act to organize the Treasury Department, under consideration, and report the same back to the Council and recommend that it be passed.

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

On motion of Mr. Hallett,

H. B. No. 10 was

Referred to the committee of the Whole.

On motion of Mr. Hallett,

The Council went into a committee of the Whole,

Mr. Hallett in the chair.

The committee of the Whole rose and reported as follows:

The committee of the Whole have considered

H. B. No. 10,

For an act to incorporate the Masonic Hall Association in Denver Colorado Territory, and recommend that it be amended as follows:

Strike out the word "take," in the first line of section two, and insert the words "acquire by gift, devise or purchase," instead thereof. Also, strike out the word "take," in the eleventh line of section two, and insert the word "acquire," instead thereof. Also, strike out the word "subscription," in the tenth and eleventh lines of section four and insert the word "subscribers instead thereof. Also, insert after the word 'subscriber,' in the fourteenth line of section four, the words "as may be required by the corporators or a majority of them." Also, strike out the word "corporators," in the first and second line of section five and insert the word "corporation," instead thereof. And that the bill be passed as amended.

MOSES HALLETT, Ch'n.

On motion of Mr. Loveland,

The report was received and adopted.

On motion of Mr. Hallett,

The amendments to H. B. No. 10 were ordered to be engrossed

The committee on Agriculture, to whom was referred
H. B. No. 4,
Returned the same to the Council, amended, and
On motion of Mr. Pearson,
The report was received and
Referred to the committee of the Whole.
On motion
The Council adjourned until 2 o'clock, p. m.

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

The following message was received from the House:

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

H. B. No. 1,
For an act to create the office of flour inspector.

C. H. GROVER,
Chief Clerk of the House.

The committee on mining interests reported as follows:

The committee to whom was referred

C. B. No. 7,

Have had the same under consideration, and report the said
bill back to the Council, amended.

On motion of Mr. Widner,

The report was received and

Referred to the committee of the Whole.

On motion of Mr. Pearson,

The rules were suspended, and

H. B. No. 1,

For an act to create a flour inspector, was

Read a first and second time and

Referred to the committee of the Whole.

The committee on Engrossed bills made the following
report:

Your committee have examined

The engrossments of Council amendments to

H. B. No. 10, for an act to incorporate the Masonic Hall
Association of Denver City.

Also the substitute for C. B. No. 4, for an act to amend an
act to enable road, ditch, manufacturing and other companies
to become bodies corporate, approved March 11, 1864.

Also the substitute for H. J. R. of thanks to the officers and
soldiers of Colorado Territory.

And find the said bills correctly engrossed.

GEO. R. MITCHELL, Ch'n.

On motion of Mr. Pearson,

The Council went into committee of the Whole.

Mr. Pearson in the chair.

The following message was received from the House:

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

H. B. No. 16,

For an act authorizing the issuing of Territorial bonds to
defray the expense of defense against hostile Indians.

C. H. GROVER,

Chief Clerk of the House.

The committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration
C. B. No. 7,

For an act amendatory of an act entitled an act concerning
actions by persons holding lots, lands or mining claims, except
as against the United States, and offer the following amend-
ments, to wit:

Add the word "Territory" to the enacting clause, and insert
the following section:

Sec. 2. That the people residing in any mining district in
this Territory shall have full power and authority to make, alter,
amend, and revise rules and regulations respecting the title to,
and manner of holding and operating claims within such dis-
tricts which yield what is commonly called gulch gold. And
such rules and regulations shall be observed and enforced by
all courts and officers of the law in this Territory; *Provided*,
That nothing in this section contained shall apply to any quartz
lode mining claim or claims.

Also strike out section one and insert the original section.
Change the numbers two and three and insert the original
section in the place thereof. And recommend that the bill
pass as amended.

Further, they have considered

H. B. No. 4,

And report the same back with the following amendments
and recommend that it pass as amended:

Strike out all of the four first lines, and all of the fifth line to the word "dollars" and insert the following: "That any person or persons owning or having in charge any stallion, or stallions more than one year old, and shall permit the same to run at large, he or they shall be fined in a sum not less than twenty dollars nor more than one hundred dollars, for each and every offense; and any person or persons owning or having in charge sheep, hog or hogs, and permit the same to run at large without a herder or pasturer, he or they shall be fined in a sum not less than five nor more than ten dollars.

Also strike out all of section three and insert the following:

Sec. 3. Whenever any such stock as above described is found running at large, and the owner or person having the same in charge, is not known, the person taking up such stock shall proceed in the same manner as is provided in case of lost goods and estrayed stock; *Provided*, Should the owner or person having such stock in charge be at any subsequent time known, he shall be held liable for all damages done by such stock, by suit before any magistrate as in section second of the act.

Sec. 4. This act to be in force from and after the first day of April next.

H. L. PEARSON, Ch'n.

On motion of Mr. Loveland,

The Council took a recess until seven o'clock p. m.

The Council met at seven o'clock.

Roll called.

Quorum present.

Mr. Hallett introduced the following, by leave of the Council

C. B. No. 13,

For an act to amend the acts incorporating the City of Denver, approved Nov. 7, A. D. 1861, and March 11, A. D. 1864.

On motion of Mr. Pearson,

The rules were suspended and C. B. No. 13 was

Read a first and second time.

On motion of Mr. Loveland,

The rules were suspended, and

C. B. No. 13,

Was considered engrossed, and was

Read a third time and put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner and Mr. President.

Ayes—9.

Noes—0.

So the bill passed and the title was agreed to.

On motion of Mr. Pearson,

The rules were suspended, and

H. B. No. 16, was

Read a first and second time by its title.

On motion of Mr. Baxter.

A special committee of three was appointed by the chair, to whom was referred

H. B. No. 16.

Messrs. Baxter, Widner and Loveland were said committee.

On motion

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

WEDNESDAY, JANUARY 25, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

Quorum present.

Journal read and approved.

The special committee to whom was referred

H. B. No. 16,

A bill for the issue of Territorial bonds,

Reported back said bill amended.

On motion of Mr. Loveland,

The report was received and the committee discharged, and

H. B. No. 16,

Referred to the committee of the Whole.

C. B. No. 12,

For an act entitled an act to incorporate the Russell Gulch and Nevada Wagon Road,

Was read the second time, and

Referred to the committee on Incorporations.

C. S. for H. J. R. No. 1,

Was read the third time, and put upon its passage.

H. S. for C. B. No. 4,

Was read the third time.

Also,

H. B. No. 10,

Was read the third time,

C. S. for H. J. R. No. 1,
Was put upon its final passage.
The ayes and noes were called for.
Those voting in the affirmative were,
Messrs. Baxter, Berry, Dominguez, Hallett, Loveland,
Mitchell, Pearson, Widner and Mr. President.

Ayes—9.

Noes—0.

Carried, and title agreed to.

H. S. for C. B. No. 4,

Was put upon its passage.

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner, and Mr. President.

Ayes—9.

Noes—0.

H. B. No. 10,

For an act to incorporate the Masonic Hall Association of Denver.

Was put upon its passage.

The question being upon its passage,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner, and Mr. President.

Ayes—9.

Noes—0.

Carried, and title agreed to.

On motion of Mr. Berry,

The Council resolved itself into committee of the Whole,

Mr. Berry in the chair.

The committee rose and asked leave to sit again.

On motion of Mr. Loveland,

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

AFTERNOON SESSION.

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

President in the chair.

Roll called.

The Committee on Judiciary, to whom was referred

H. B. No. 3,

Also,

H. B. No. 9,

Report that they have had the same under consideration, and report them back amended,

On motion of Mr. Hallett,

Said bills were referred to the committee of the Whole.

Mr. Hallett, by leave, introduced

C. B. No. 14,

For an act concerning the practice in the Supreme court,

Read first time by its title.

The Council went into committee of the Whole.

The committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration

H. B. No. 12,

For a bill to amend an act to organize the Treasury,

And report the same back with the recommendation that it be indefinitely postponed.

Also,

H. B. No. 16,

For an act to authorize the issue of Territorial Bonds to defray the expenses of defense against hostile Indians,

And recommend that it be amended as follows:

That Sec. 1, be amended by striking out "one hundred and twenty-five," and inserting "two hundred" instead thereof.

Also,

By inserting after the word "dollars" in the seventh line of Sec. 1, "redeemable at the pleasure of the Territory."

Also,

To strike out the names "Luther Kountze and James Kincaid" in Sec. 2, and insert the names of "Amos Peck and E. W. Henderson" instead thereof.

Also,

Strike out Sec. 10, and insert the following as Sec. 3:

"The commissioners hereinbefore appointed after purchasing horses as hereinbefore provided, and paying bounties to soldiers shall apply as much of any money remaining in their hands as may be necessary for that purpose, for the purchase of blankets, revolvers, and other necessary equipments for the troops so enlisted,"

And number the sections 4, 5, 6, 7, 8, 9, and 10, consecutively.

Also,

Insert after the words "and all the property so purchased."

Also,

Strike out Sec. 9, and insert the following:

Sec. 9. This act shall take effect and be in force from and after its passage. And it shall immediately after the approval thereof be published by the Secretary of the Territory in some daily and weekly newspaper published in the Territory.

And report the same with the recommendation that it pass as amended.

ROBERT R. BERRY,
Chairman.

On motion of Mr. Loveland,

The report was received.

Mr. Hallett introduced the following resolution:

Be it resolved by the Council of Colorado Territory. That the House of Representatives be and they are hereby requested to appoint a committee of two to confer with a like committee to be appointed by the Council, with a view to prepare a bill for an act authorizing the issuing of Territorial bonds, to be adopted as a substitute for

H. B. No. 16.

The resolution was passed and sent to the House for concurrence.

The committee appointed on the part of the Council, were Messrs. Hallett and Berry.

On motion,

The Council adjourned until to-morrow at half-past nine o'clock a. m.

THURSDAY, JANUARY 26, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Journal read and approved.

The committee on Agriculture to whom was referred

H. B. No. 1,

Reported the same back amended and it was

Referred to the committee of the Whole.

The special committee to whom was referred

H. B. No. 16,

Report back a substitute for the same.

On motion of Mr. Loveland,

The report was received, and the substitute

Referred to the committee of the Whole.

The committee on Education to whom was referred
C. B. No. 9,
Reported a substitute for the same and referred to the committee of the Whole.

C. B. No. 4,

Was read the second time.

On motion of Mr. Hallett,

C. B. No. 7,

Was ordered to be engrossed as amended.

Also, and Mr. Loveland,

The amendments to

H. B. No. 4,

Was ordered to be engrossed.

The Council resolved itself into a committee of the Whole.

Mr. Loveland in the chair.

Message from the House:

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

Messrs. Patterson and Holland of the House of Representatives, to act in conjunction with two members of the Council on a joint committee' in reporting a substitute for

H. B. No. 16,

Authorizing the issue of Territorial bonds.

Also,

That the House has agreed to Council amendments to

H. B. No. 13,

For an act supplemental to an act to organize the militia of Colorado Territory.

Have passed without amendment

C. B. No. 13,

For an act to amend the acts incorporating the city of Denver, approved Nov. 7, 1861, and March 11, 1864.

C. H. GROVER,
Chief Clerk.

The committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration

An act authorizing the issue of Territorial bonds.

Sec. 7, was amended by striking out the names of E. W. Henderson, and inserting the name of James McNasser instead thereof.

H. B. No. 16,

With its substitute as amended was referred back to the

Council with the recommendation that the substitute pass as amended.

W. A. H. LOVELAND,
Chairman.

The report was received and adopted as follows:

The question being upon the adoption of the report,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Baxter, Berry, Loveland, Mitchell, and Mr. President.

Those voting in the negative were,

Messrs. Dominguez, Hallett, Pearson, and Widner.

Ayes—5.

Noes—4.

Carried.

On motion of Mr. Hallett,

The Secretary was instructed to strike out the name of E. W. Henderson and insert the name of James McNasser, instead thereof.

On motion of Mr. Loveland,

The substitute for

H. B. No. 16,

Was considered engrossed.

On motion of Mr. Loveland,

Was read a third time by its title and put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner, and Mr. President.

Ayes—9.

Noes—0.

Carried, and title agreed to.

On motion,

The Council adjourned until half-past 2 o'clock p. m.

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Mr. Widner.

The committee on Incorporations to whom was referred

C. B. Nos. 11, and 12,

Reported said bills back to the Council amended.

On motion of Mr. Hallett,

Said bills with their amendments were

Referred to the committee of the Whole.

The Council went into committee of the Whole.

Mr. Loveland in the chair.

The committee of the Whole rose and reported as follows:

The committee of the Whole have considered

H. B. No. 9,

And adopted the following amendments:

Strike out Sections 1, and 2, and insert the following instead thereof:

SEC. 1. That in those counties in which the jurisdiction of justices of the peace has been, or shall be hereafter extended so as to authorize actions to be brought before such justices, where the amount in controversy does not exceed three hundred dollars, justices of the peace shall have jurisdiction in all actions of replevin where the value of the property does not exceed the sum of three hundred dollars.

SEC. 2. That in those counties in which the jurisdiction of probate courts has been and shall hereafter be extended, so as to authorize actions to be brought into such probate courts, shall have jurisdiction in actions of replevin where the value of the property does not exceed two thousand dollars,

And referred back to the Council as amended.

Also,

Have considered

H. B. No. 1,

And have made the following amendments:

Add to the enacting clause the word "Territory."

Also,

Strike out "on application" in Sec. 1.

Also,

By adding after the word "qualified" in the first section, the following, "unless sooner removed from office as provided in this act."

Also,

Strike out the word "one" in Sec. 2. and insert "two" instead.

Also,

Strike out in Sec. 2, "probate judge" and insert "county commissioners."

Also,

Insert after the word "proceed" in Sec. 3, "to the place where the flour may be, and."

Also,

Section four was amended by striking out the words in the first and second lines, "wrongfully, willfully, or corruptly inspect."

Also,

By striking out the 12th, 13th, 14th, and 15th lines of Sec. 4, and inserting "to be recovered by action of debt instituted in the name of the county in which the offense is committed, in any court of competent jurisdiction."

Also,

Sec. 5 was amended by adding in the second line, after the word "flour," "weighing 48 pounds or more."

Also,

Add to Sec. 5, "to be recovered in the same manner, and the money so recovered to be paid into the school fund as provided in Sec. 4."

Also,

In Sec. 6, insert after the word "thereon" in the ninth line from the top, "and shall sell the same."

Also,

Sec. 6, was amended by striking out all after the words "sum of," in the fourteenth line from the top, and insert "twenty-five" instead thereof.

Also,

Sec. 8 was amended by striking out all of said section and inserting the following:

"This act shall take effect on the first day of July, A. D. 1865, and shall be in force from and after that date."

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

On motion of Mr. Hallett,

The following section was added to

H. B. No. 9,

Sec. 4. This act and the act to which this act is amendatory shall take effect and be in force from and after its passage.

On motion,

The Council adjourned until seven o'clock this evening.

EVENING SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Message from the House:

MR. PRESIDENT—I am instructed to inform the Council that the House has adopted the following House concurrent resolution:

Resolved by the House, the Council concurring, That three members of the House and two of the Council be appointed as a joint committee to consider and report to the two Houses, so much of section of

C. B. for H. B. No. 16,

For an act authorizing the issue of Territorial Bonds,

As relates to the manner of the commissioners to be appointed under the provisions of said act.

Also,

That in anticipation of the concurrence of the Council in said resolution, the Speaker has appointed

Messrs. Mansur, Pine, and Lynch,

On the part of the House to act on said committee.

C. C. GROVER,

Chief Clerk of the House.

On motion of Mr. Loveland,

The resolution was adopted and the chair appointed Messrs. Baxter and Widner, as a committee to act with the committee of the House.

On motion of Mr. Hallett,

The amendments on

H. B. No. 9,

Were ordered engrossed.

On motion of Mr. Loveland,

The amendments to

H. B. No. 1,

Were ordered engrossed.

On motion of Mr. Mitchell,

The Council went into committee of the Whole:

Mr. Mitchell in the chair.

The committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration

C. S. for H. B. No. 3, and report the same back to the Council with the recommendation that it pass without amendment.

Also,

C. B. No. 12,

And report the same back to the Council with the recommendation that it pass without amendment.

G. R. MITCHELL, Ch'n.

On motion of Mr. Loveland,

The report was received and adopted.

On motion of Mr. Hallett,

C. S. for H. B. No. 3,

Was ordered to be engrossed.

On motion of Mr. Mitchell,
The Council took a recess of twenty minutes.
The Council again resumed business.
The following message was received from the House, to wit:
That the House has passed C. S. for H. B. No. 16, with the accompanying amendments,

Mr. Berry moved that the Council do not concur in the amendments made by the House to C. S. for H. B. No. 16, in section seven.

On this motion,
The ayes and noes were called for.
Those voting in the affirmative were,
Messrs. Berry, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner, and Mr. President.

Mr. Baxter voted in the negative.

Ayes—8.

Noes—1.

Carried.

On motion of Mr. Hallett,
The amendments to C. S. for H. B. No. 16, adding section twenty-four, was adopted.

On motion,

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

FRIDAY, JANUARY 27, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Quorum present.

Journal read and approved.

The committee on Engrossed Bills reported that they had examined the engrossment of

C. B. No. 7,

An act entitled an act concerning actions by persons holding lots, lands and mining claims, except as against the United States, approved Nov. 1, A. D. 1861.

Also,

Council amendments to

H. B. No. 4,

An act to prevent sheep, hogs and stallion from running at large,

And find them correctly engrossed.

G. R. MITCHELL, Chm.

On motion,

The report was received.

The committee on Judiciary to whom was referred

C. B. No. 14,

For an act concerning the practice in the Supreme Court, and report the same back to the Council with the accompanying amendments.

The bill was referred to the committee of the Whole.

Mr. Widner, by leave of the Council, introduced

C. B. No. 15,

For an act to amend an act to establish a Territorial library and cabinet, which was

Read a first time.

H. B. No. 4, was

Read a third time and passed as amended,

The ayes and noes were called for.

Those voting in the affirmative were,
Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner and Mr. President.

Ayes—9.

Noes—0.

Also,

C. B. No. 7,

For an act amendatory of an act concerning actions by persons holding lots, lands and mining claims, except as against the United States, approved Nov. 1, 1861, was

Read a third time and put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner, and Mr. President.

Ayes—9.

Noes—0.

Carried.

On motion of Mr. Mitchell,

C. B. No. 12,

Was considered engrossed and read a third time.

On motion of Mr. Mitchell,

The Council resolved itself into committee of the Whole,
Mr. Mitchell in the chair.

The committee rose and asked leave to sit again.

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.

The Council went into committee of the Whole.

Mr. Mitchell in the chair.

The following message was received from the House:

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

A resolution that the House adhere to the amendment made by the House to section seven of C. S. for H. B. No. 16, for an act authorizing the issue of Territorial bonds, and to provide for defraying the expenses of the Indian war.

C. H. GROVER,
Chief Clerk of the House.

The committee rose and asked leave to sit again.

On motion of Mr. Hallett,

The Council receded from the disagreement to the amendment made by the House of Representatives, in the first line of section seven of C. S. for H. B. No. 16.

Mr. Hallett moved to amend the amendment made by the House, in the first line of section seven, by striking out the names of Geo. L. Shoup and James McNasser, so as to allow the names of commissioners reported by the joint committee to remain in the bill.

On this motion,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner and Mr. President.

Ayes—9.

Noes—0.

Carried.

On motion of Mr. Hallett,

The Council passed the following:

The Council concurred in the amendments made by the House of Representatives, in the first and second lines of section seven, as the same is amended by the Council.

Also, the Council insists upon the disagreement to the amendments made by the House of Representatives, to the fourth line of section seven.

A message was received from the House, as follows:

I am instructed to inform the Council that the House insists upon its amendments to C. S. for H. B. No. 16.

The committee of the Whole rose and asked leave to sit again.

On motion,

Council adjourned until 8 o'clock p. m.

EVENING SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Mr. Mitchell introduced the following resolution:

Be it resolved by the Council of Colorado Territory. That the House of Representatives be and they are hereby requested to appoint a committee of two to confer with a like committee to be appointed by the Council respecting the difference of opinion between the two Houses relating to House and Council amendments to Sec. 7, of Council substitute for

H. B. No. 16,

For an act authorizing the issue of Territorial bonds and to provide for defraying the expenses of the Indian war.

On motion,

The Council resolved itself into a committee of the Whole, Mr. Mitchell in the chair.

The following message was received from the House:

MR. PRESIDENT:—I am instructed to inform the Council that the House has complied with request of Council asking a conference, and have appointed on said committee on the part of the House

Messrs. Stiles, Lake, and Patterson.

C. H. GROVER,
Chief Clerk.

On motion of Mr. Pearson,

The Council appointed a committee to confer with the committee appointed by the House, as conference committee on the amendments to

C. S. for H. B. No. 16.

The Chair appointed

Messrs. Hallett and Pearson, said committee.

On motion of Mr. Loveland,
The Council took a recess to give the committee time to report.

The House resumed business, and

On motion of Mr. Loveland,

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

SATURDAY, JANUARY 28, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Rolled called.

Quorum present.

Journal read and approved.

The committee on engrossed bills reported as follows:

Your committee on engrossed bills, beg leave to report that they have examined

Council amendments to

H. B. No. 9,

For an act amendatory of an act regulating the mode of proceeding in Replevin,

And find the same correctly engrossed.

Also,

Considered

C. S. for H. B. No. 3,

And Council amendments to

H. B. No. 1,

And finding the said bills erroneously engrossed, have returned the same for re-engrossment.

GEO. R. MITCHELL, Ch'n.

C. B. No. 15,

For an act to amend an act to establish a Territorial Library and Cabinet.

Was read second time, and

Referred to the committee on Territorial Library.

C. B. No. 12,

For an act entitled an act to incorporate the Russell Gulch and Nevada Wagon Road,

Was put upon its final passage.

The question being upon its passage,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Widner and Mr. President.

Those voting in the negative were,

Mr. Pearson.

Ayes—8.

Noes—1.

So the bill passed and the title was agreed to.

H. B. No. 9,

For an act amendatory of an act regulating the mode of proceeding in replevin,

Was read the third time, and put upon its passage.

The question being upon its passage,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner and Mr. President.

Ayes—9.

Noes—0.

So the bill passed and the title was agreed to.

The chairman of the committee of the Whole made the following report:

The committee of the Whole have had under consideration

C. B. No. 11,

And recommend the amendments of Sec. 3, by inserting in the third line of said section after the word "the" the words "in managing said road."

Also,

Strike out the word "fifty" in the ninth line of Sec. 16, and insert the words "twenty-five," instead thereof.

Also,

Strike out the words "that they shall not exceed one gate for every ten miles," in the sixth and seventh lines of Sec. 17, and insert the words "that there shall not be more than two toll-gates erected on the main line of said road, and one toll-gate on the branch thereof."

Also,

Add to Sec. 17, the following: *Provided*, That the Legislative Assembly of this Territory or anybody possessing Legislative authority, over the county in which said road is located, may, at any time after the expiration of twenty years from the passage of this act, to prescribe new rates of toll to be charged and collected on said road and the branch thereof during the remainder of the corporate existence of said company.

Also,

Strike out the words "twenty-five" in the eighth line of Sec. 19, and insert the word "fifty," instead thereof.

Also,

Insert after the word "collected," in the 11th line of Sec. 19, the words "or any other person."

Also,

Have considered substitute for

C. B. No. 9,

And report the same back with the recommendation that said bill pass without amendment.

GEO. R. MITCHELL, Ch'n.

On motion,

The report was received and adopted.

The special committee appointed by the Council, to confer with the committee appointed by the House, respecting the difference of opinion between the two Houses, relating to the amendments of Sec. 7, of

C. S. for H. B. No. 16,

Have performed the duty assigned them and ask leave to report:

The Joint Committee have been unable to agree upon any proposition which may harmonize the action of the Legislative Assembly. The members of the House of Representatives insist that the number of the commissioners, named in the amendment, shall be five, and your committee were of the opinion that three commissioners should be so named. No objection was made by any member of the committee to Messrs. Steek, Kincade, and Henderson, or either of them, who, by the action of the Council have been selected to act as commissioners under the act referred to, and we are of the opinion that the difference between the Houses is, as to the number of commissioners to be named in the act. We do not understand that it is objected by the House that three commissioners will be unable to discharge the duties required to be performed by the act referred to. It was urged by the gentlemen of the committee, from the House of Representatives, that five commissioners would act more efficiently. We have heard no reasons assigned for the action of the House of Representatives, respecting this bill, which, in the opinion of this committee should influence the Council to concur therein.

Respectfully submitted.

MOSES HALLETT,
H. L. PEARSON.

On motion of Mr. Mitchell,

C. B. No. 11,

And substitute for

C. B. No. 9,

Were ordered to be engrossed.

On motion of Mr. Berry,

The Council voted to elect an Enrolling clerk.

On motion of Mr. Mitchell,

Said clerk was elected by ballot.

Mr. Mitchell was appointed teller.

The vote resulted as follows:

W. B. Felton received 8 votes.

W. E. Grinell, received 1 vote.

Whereupon W. B. Felton was declared elected Enrolling clerk of the Council.

On motion of Mr. Baxter,

The Council adjourned until next Monday at 2 o'clock p. m.

MONDAY, JANUARY 30, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Rolled called.

Quorum present.

Journal read and approved.

The committee on Territorial Library and Cabinet, to whom was referred

C. B. No. 15,

Reported the same back to the Council and recommend that it pass.

Said bill was referred to the committee of the Whole.

On motion of Mr. Hallett,

The Council resolved itself into a committee of the Whole.

The committee of the Whole rose and reported as follows:

The committee of the Whole have considered

C. B. No. 14,

For an act concerning the practice in the Supreme court,

And recommend the following amendments, as reported by the committee on Judiciary, be adopted to-wit:

SEC. 3. In all cases in the District Court, where either party shall except to any ruling, decisions, or opinions of the Court, and shall reduce such exception or exceptions to writing, it shall be the duty of the Judge to allow the same, and to sign and seal the same at any time during the term of Court at which such exceptions were taken, or at any time thereafter to be fixed by the court. And at any time, when any Judge shall neglect or refuse to allow, sign and seal, such bill of exceptions, then it shall be lawful for the suitor or his attorney to make

and attach to such bill of exceptions, the affidavit of two or more attorneys of the Court, or other persons who were present at the time of the trial and when such exceptions were taken, stating that such bill of exceptions is correct and true. And when such bill of exceptions is so allowed, and signed and sealed by the Judge, or so attached and proved by affidavit, it shall thereupon be filed by the clerk and shall become a part of the record of such cause.

And that Sec. 3 and 4 de numbered 4 and 5, and that the bill be passed as amended.

Also,

C. B. No. 15,

For an act to amend an act entitled an act to establish a Territorial Library and Cabinet.

And recommend that it be passed without amendment.

MOSES HALLET, Ch'n.

On motion of Mr. Loveland,

The report was received and adopted.

On motion of Mr. Hallett,

The bills were ordered to be engrossed.

On motion,

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

TUESDAY, JANUARY 31, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Quorum present.

Absent—Mr. Mitchell.

Journal read and approved.

The following message was received from the House:

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

H. B. No. 21,

For an act to amend an act entitled an act to incorporate the Denver, Bradford, and Blue River Road Company, approved Oct. 11. 1861.

Also,

The House has concurred in Council amendments to

H. B. No. 10,

For an act to incorporate the Masonic Hall Association of Denver, C. T.

C. H. GROVER,
Clerk of the House.

On motion of Mr. Baxter,

Mr. Mitchell was excused for the day.

The committee on printing reported that

C. B. No. 5,

Has been printed, and your committee are of the opinion that the copy furnished to the printer was incorrect, and they recommend that it be referred to the committee of the Whole for amendment.

E. K. BAXTER, Ch'n.

On motion of Mr. Loveland,

The report was received.

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

A bill to amend an act entitled an act relating to counties and county officers, approved Nov. 8, 1861.

C. B. No. 21,

Was read a first time.

On motion of Mr. Pearson,

C. B. No. 21,

Was read second time, and

Referred to the committee of the Whole.

On motion of Mr. Loveland,

The Council resolved itself into a committee of the Whole.

The committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration H. B. No. 21,

Sec. 2 was amended by adding the following:

Provided however, That by reason of snow or high water, it shall not be possible for any person or persons with reasonable expense to repair said road, a reasonable time shall be allowed for repairing the same before a forfeiture shall be declared.

And that the bill be reported back to the Council and recommended to pass as amended.

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

On motion,

The report was adopted.

On motion of Mr. Loveland,

The Council adjourned until two 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 the House:

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

C. B. No. 10,

A bill for an act, to amend an act regulating the mode of proceeding in attachments, in the District Courts; approved, Oct., 27, A. D. 1863.

C. H. GROVER,
Chief Clerk of the House.

On motion, of Mr. Berry,

C. B. No. 10,

Was ordered enrolled.

On motion of Mr. Baxter,

The amendments to

H. B. No. 21,

Were ordered engrossed.

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

A bill for an act to amend an act entitled an act to incorporate the Park Junction, Georgia, and French Gulch Road Company.

Mr. Baxter, by leave of the Council, offered the following:

C. B. No. 16,

For an act to amend an act entitled an act relating to counties and county officers, approved Nov. 1, 1861.

Also,

Mr. Baxter offered the following:

I will on to-morrow or some subsequent day introduce

A bill for an act relating to discovery and pre-empting lode claims.

C. B. No. 16,

Was read first time.

On motion of Mr. Loveland,

The Council took a recess until 5 o'clock.

Council re-assembled pursuant to adjournment.

On motion

Council adjourned until half-past 9 to-morrow morning.

WEDNESDAY, FEBRUARY 1, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

Quorum present.

Journal read and approved.

Message from the House:

MR. PRESIDENT—I am instructed to inform the Council that the House has concurred in Council substitute for

H. J. R. No. 2,

Joint Memorial to the President of the United States.

C. H. GROVER,
Chief Clerk of the House.

The committee on engrossed bills reported as follows:

Your committee have examined the engrossment of Council amendments to

H. B. No. 1,

For an act to create the office of flour inspector.

Also,

C. B. No. 15,

For an act to establish a Territorial Library and Cabinet.

Also,

C. B. No. 11,

For an act to incorporate the Boulder Valley and Central City Wagon Road.

Also,

C. B. No. 14,

For an act concerning the practice in the Supreme Court,

Also,

Council amendments to

H. B. No. 21,

For an act to incorporate the Denver, Bradford, and Blue River Wagon Road.

Also,

C. S. for C. B. No. 9,

For an act to amend an act entitled an act to establish the common school system.

Also,

C. S. for H. B. No. 3,

For an act to amend an act entitled an act to amend an act

concerning probate courts and justices of the peace in certain counties,

And certify that all of the said bills are correctly engrossed.

G. R. MITCHELL, Ch'n.

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

C. B. No. 16,

For an act to amend an act entitled an act relating to counties and county officers.

Was read the second time, and

Referred to the committee on Counties.—

H. B. No. 1,

For an act to create the office of Flour Inspector, with amendments.

Read a third time and put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Dominguez, Hallett, Loveland, Mitchell,
Widner, and Mr. President.

Those voting in the negative were,

Messrs. Berry, and Pearson.

Ayes—7.

Noes—2.

Carried and title agreed to.

C. S. for H. B. No. 3,

For an act concerning probate courts and justices of the peace.

Read a third time and put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell,
Pearson, Widner and Mr. President.

Ayes—9.

Noes—0.

Carried, and title agreed to.

C. S. for C. B. No. 9,

For an act to establish the common school system.

Read third time and put upon its final passage.

The question being on the passage of said bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Dominguez, Hallett, Loveland, Mitchell,
Pearson, Widner, and Mr. President.

Those voting in the negative were,

Mr. Berry.

Ayes—8.

Noes—1.

Carried.

It was moved to strike out C. S. from the title of

C. B. No. 9,

Carried and title agreed to.

Also,

C. B. No. 11,

For an act to incorporate the Boulder Valley and Central
City Wagon Road.

Read a third time and put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Loveland, Mitchell, Wid-
ner, and Mr. President.

Those voting in the negative were,

Messrs. Hallett, and Pearson.

Ayes—7.

Noes—2.

Carried and title agreed to.

C. B. No. 14,

For an act concerning the practice in the Supreme Court,

Read a third time and put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitch-
ell, Pearson, Widner and Mr. President.

Ayes—9.

Noes—0.

Carried, and title agreed to.

Also,

C. B. No. 15,

For an act to amend an act entitled an act to establish a Ter-
ritorial Library and Cabinet.

Read third time and put upon its final passage.

The question being on the passage of said bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Dominguez, Hallett, Loveland, Pearson, Widner,
and Mr. President.

Those voting in the negative were,

Messrs. Berry and Baxter.

Ayes—6.

Noes—2.

Carried and title agreed to.

H. B. No. 21,

For an act to amend an act entitled an act to incorporate the Denver, Bradford, and Blue River Road Company, approved Oct. 11. 1861.

Was read the third time, and put upon its passage.

The question being upon its passage,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner and Mr. President.

Ayes—9.

Noes—0.

So the bill passed and the title was agreed to.

On motion of Mr. Mitchell,

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

Joint Memorial to the President of the United States.

Was ordered to be enrolled.

On motion of Mr. Mitchell,

The Council resolved itself into a committee of the Whole, Mr. Mitchell in the chair.

The committee of the Whole rose and asked leave to sit again.

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.

Roll called.

Absent—Mr Loveland.

Quorum present.

The committee of the Whole reported as follows:

The committee of the Whole have had under consideration C. B. No. 5,

And recommend the bill pass with the following amendments:

Strike out the word "March," in the 15th line of Sec. 1, and insert the word "June" instead thereof.

Also,

Strike out "when" in the third line of Sec. 2, and insert the word "where" instead.

Also,

Strike out the word "of" in the eighth line of Sec. 3, and insert the word "if" instead thereof.

Also,

Strike out the word "March" in the 17th line of Sec. 3, and insert the word "June" instead thereof.

Also,

Strike out the word "cure" in the 8th line from the bottom of Sec. 3, and insert the word "case" instead thereof.

Also,

Strike out the words "three times" in the last line of Section three.

Also,

Insert after the word "aforesaid" in the third line of Sec. 6, "in conjunction with the board of county commissioners."

Also,

Strike out "the same," in the last line of Sec. 6, and insert "and the county commissioners of the county showing the same."

Also,

Strike out the words "subject to a fine of," in the fifth line of Sec. 9, and insert "guilty of misdemeanor, and upon indictment and conviction thereof, in the District Court of the county in which such offense shall be committed, he shall be fined."

Also,

Strike out the words "or jumpers so called pre-emption," in 4th line of Sec. 9, and insert the words "the pre-emption or other evidence of titles of any person to any claim by law reserved or set apart school for purposes."

Also,

Strike out the words "full" and "the date of" in Section eleven.

All of which is respectfully submitted.

GEO. R. MITCHELL, Ch'n.

On motion of Mr. Baxter,

The report was received and adopted.

A motion to take up

C. S. for H. B. No. 15,

And consider the same was lost.

Mr. Pearson introduced the following bill:

C. B. No. 17,

A bill for an act to amend an act entitled an act to incorporate the Park Junction, Georgia, and French Gulch Road Company.

Read first time,

On motion of Mr. Berry,

The rules were suspended, and the bill read a second time and

Referred to the committee of the Whole.

Mr. Widner, by leave of the Council, introduced

C. B. No. 18,

For an act to appropriate the proceeds of fines to the support of common schools.

On motion of Mr. Baxter,

The rules were suspended and the bill read first and second time and

Referred to the committee of the Whole.

On motion of Mr. Mitchell,

The Council resolved itself into a committee of the Whole.

The committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration

C. B. No. 17.

And recommend said bill pass with the following amendments:

Strike out the words "as an additional one thereto to-wit" in the two last lines of Sec. 1.

Also,

Strike out all of the first part of Section 2, to the words "in case."

Also,

Strike out of said section the words "said road" in the sixth line, and insert the words "road mentioned in the act to which this act is amendatory."

Also,

Strike out the words "this act," in the 14th line of Sec. 2, and insert the words "the act to which this act is amendatory."

Also,

Have considered

C. B. No. 18,

And recommend that it be passed without amendment.

G. R. MITCHELL, Ch'n.

On motion of Mr. Pearson,

The report was received and adopted.

On motion,

Council adjourned until 7 o'clock in the evening.

EVENING SESSION.

Council met pursuant to adjournment,

President in the chair,

Roll called,

Mr. Baxter introduced

C. B. No. 19,

For an act to provide for the paying of bounty to soldiers.

On motion of Mr. Berry,

The rules were suspended, and

C. B. No. 19,

Was read first and second time, and

Referred to the committee of the Whole.

On motion of Mr. Mitchell,

The Council resolved itself into a committee of the Whole.

The committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration

C. B. No. 19,

And recommend that the bill be passed with the following amendments:

Insert in the the first blank in Sec. 1, the words "one hundred."

Also,

Insert in the second blank, in the 12th line in Sec. 1, the word "two"

Also,

Insert in the blank in the 29th line of Sec. 1, the words "one hundred."

Also,

Insert in the blank in the fourth line of Sec. 2, the word "two."

Also,

Insert in the third and fourth lines of Sec. 7, the words "eighteen hundred and sixty-five and eighteen hundred and sixty-six."

Also,

Insert in the fifth line of Sec. 7 the word "three."

Also,

Insert in the blank in the fourth line of Section 10, the words "eighteen hundred and sixty-six and eighteen hundred and sixty-seven."

G. R. MITCHELL, Ch'n.

On motion of Mr. Loveland,

The report was received and adopted.

On motion of Mr. Loveland,

The rules was suspended, and

C. B. No. 19,

Was considered engrossed, and

Read a third time and put upon its final passage.
The question being upon the passage of the bill,
The ayes and noes were called for.
Those voting in the affirmative were,
Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Widner and Mr. President.

Ayes—9.

Noes—0.

So the bill passed and the title was agreed to.

On motion,

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

THURSDAY, FEBRUARY 2, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Rolled called.

Absent—Mr. Loveland.

Quorum present.

Journal read and approved.

The following message was received from the House:

MR. PRESIDENT:—I am instructed to inform the Council that the House agreed to the amendments to the following House bills:

H. B. No. 1,

For an act to create the office of flour inspector.

Except the last amendment.

Also,

H. B. No. 21,

For an act amendatory of an act entitled an act to incorporate the Denver, Bradford, and Blue River Wagon Road Company, approved Oct. 11, A. D. 1861.

Also,

The following House bills have passed the House.

H. B. No. 18,

For an act to amend an act entitled an act to authorize the appointment of county commissioners in special cases, approved Aug. 14, A. D. 1862.

Also,

H. B. No. 30,

For an act to change the name of Lewis G. Page.

Also, that

C. B. No. 3,

For an act to amend an act entitled an act to incorporate the Occidental Gas Light Company of the city of Denver,
Has failed to pass the House.

Also, that

H. S. for C. B. No. 1,

For an act to divide the Territory of Colorado into Judicial Districts and to provide for the holding of courts in the same,
Has passed the House.

C. H. GROVER,

Chief Clerk of the House.

Mr. Hallett, by leave of the Council introduced

C. B. No. 20,

For an act to prohibit person holding office under municipal corporations from entering into contract with such corporations and for other purposes,

Read first time by its title.

H. S. for C. B. No. 1,

Read first time.

On motion of Mr. Mitchell,

The rules was suspended, and

H. S. for C. B. No. 1,

Read second time, and

Referred to the committee of the Whole.]

H. B. No. 18,

Was read first time.

H. B. No. 30,

Was read first time.

The committee on engrossed bills reported as follows:

Your committee on engrossed bills, beg leave to report that they have examined

C. B. No. 5,

A bill for an act supplemental to an act entitled an act to create a fund for the benefit of schools,
And find the same correctly engrossed.

GEO. R. MITCHELL, Ch'n.

On motion of Mr. Loveland,

C. B. No. 17,

And,

C. B. No. 18,

Were ordered to be engrossed.

C. B. No. 5,

Read third time and put upon its passage.

The question being on its passage,
The ayes and noes were called for,
Those voting in the affirmative were,
Messrs. Baxter, Berry, Dominguez, Hallett, Loveland,
Mitchell, Pearson, Widner, and Mr. President.

Ayes—9.

Noes—0.

Carried and title agreed to.

On motion of Mr. Loveland,

The Council receded from the last amendment made by the
Council to

H. B. No. 1.

On motion of Mr. Widner,

The rules were suspended, and

H. B. No. 30,

Was read second time, and

Referred to the committee of the Whole.

On motion of Mr. Mitchell,

The following amendments to

H. B. No. 1,

Was adopted, to-wit :

This act shall take effect and be in force from and after its
passage, excepting Sec. 5 thereof, which said section shall take
effect and be in force on and after the 1st day of April, A. D.
1865.

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

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called,

Quorum present.

Mr. Widner by leave of the Council, introduced

C. B. No. 21,

For an act to amend an act entitled an act for the protection
of farmers against the depredations of stock in the counties of
Weld and Douglas.

On motion of Mr. Hallett,

The rules were suspended, and

C. B. No. 20,

Was read first and second time, and

Referred to the committee of the Whole.

On motion of Mr. Mitchell,

The rules were suspended, and

C. B. No. 21,

Was read a first and second time, and

Referred to the committee of the Whole.

On motion of Mr. Loveland,

The Council resolved itself into committee of the Whole,
Mr. Loveland in the chair.

The committee of the Whole rose and reported as follows :

The committee of the Whole have had under consideration
the following bills, to-wit :

H. B. No. 30,

Was referred back to the Council with the recommendation
that it pass.

Also,

H. S. for C. B. No. 1,

And Sec. 7 was amended by striking out the name of Stephen
S. Harding and inserting the name of Charles Lee Armour in-
stead thereof.

Also,

Amended Sec. 9, by striking out the name of Charles Lee
Armour, in the first line, and insert the name of Stephen S.
Harding instead thereof.

And report back to the Council said substitute for

C. B. No. 1,

And recommend that it pass as amended.

Also,

C. B. No. 21,

And report the same back to the Council with the recommen-
dation that it pass.

Also,

C. B. No. 20,

And report the same back to the Council with the recom-
mendation that it be passed.

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

On motion,

The report was received and adopted.

On motion of Mr. Hallett,

C. B. No. 20,

Was ordered engrossed.

On motion of Mr. Loveland,

C. B. No. 21,

Was ordered engrossed.

On motion,

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

FRIDAY, FEBRUARY 3, 1865.

Council met pursuant to adjournment,
 President in the chair.
 Prayer by the chaplain.
 Roll called.
 Quorum present.
 Journal read and approved.
 Mr. Baxter introduced
 C. B. No. 22,
 For an act to encourage prospecting for quartz lodes and for
 other purposes.
 H. B. No. 18,
 Was read second time, and
 Referred to committee of the Whole.
 On motion of Mr. Baxter,
 The rules were suspended, and
 C. B. No. 22,
 Was read the second time, and
 Referred to the committee of the Whole.
 H. B. No. 30,
 Read a third time and put upon its passage.
 The question being upon its passage,
 The ayes and noes were called for.
 Those voting in the affirmative were,
 Messrs. Baxter, Berry, Hallett, Loveland, Mitchell, Pearson,
 and Mr. President.
 Those voting in the negative were,
 Mr. Dominguez,
 Ayes—7.
 Noes—1.
 Carried and title agreed to.
 C. S. for H. B. No. 1,
 Was read a third time and put upon its final passage.
 The question being upon its passage,
 The ayes and noes were called for.
 Those voting in the affirmative were,
 Messrs. Baxter, Berry, Hallett, Mitchell, Pearson, and Mr.
 President.
 Those voting in the negative were,
 Messrs. Dominguez, and Loveland.
 Ayes—6.
 Noes—2.
 Carried.

On motion of Mr. Hallett,
 The Council went into committee of the Whole.
 Mr. Hallett in the chair.
 The committee of the Whole rose and asked leave to sit
 again.
 Mr. Berry was excused for the afternoon.
 On motion,
 The Council adjourned until two o'clock p. m.

AFTERNOON SESSION.

Council met pursuant to adjournment.
 President in the chair.
 Roll called.
 Quorum present.
 Mr. Hallett, by leave of the Council introduced
 C. B. No. 23,
 For an act to organize the militia of Colorado Territory, and
 to repeal the act entitled 'an act to organize the militia, approved,
 Oct. 18, 1861.
 Mr. Widner, pursuant to previous notice, introduced
 C. B. No. 24,
 For an act to amend an act entitled an act prescribing rules
 and regulations of trusts arising under the act of Congress,
 entitled "An act for the relief of citizens of towns upon lands
 of the United States, under certain circumstances."
 Was read a first time.
 The following message was received from the House:
 MR. PRESIDENT:—I am instructed to inform the Council that
 the House has passed.
 C. S. for H. B. No. 3,
 For an act to amend an act entitled an act concerning probate
 courts and justices of the peace in certain counties, approved
 March 11, A. D. 1864.
 As amended.
 Also,
 C. B. No. 2,
 For an act relating to negotiable notes and contracts,
 As amended.
 Also,
 C. B. No. 8,
 For an act to amend an act concerning judgments and execu-
 tions, approved Nov. 4, 1861.
 As amended,

Also,
C. B. No. 14,
For an act concerning practice in the Supreme Courts.

Also,
C. J. R. No. 2,
Was indefinitely postponed.

C. H. GROVER,
Clerk of the House.

On motion of Mr. Hallett,
The bills enumerated in the above message from the House,
with their amendments were
Referred to the committee of the Whole.

On motion of Mr. Hallett,
The Council went into committee of the Whole.
The committee of the Whole rose and reported as follows :

The committee of the Whole have had under consideration
H. B. No. 18.

For an act to amend an act entitled an act to authorize the
appointment of county commissioners in special cases, approved
Aug. 14, A. D. 1862,

And recommend that the bill be referred to the committee on
Counties.

Also,
C. B. No. 22,

For an act to encourage prospecting for quartz lodes, and other
purposes,

And recommend that the bill be referred to the committee on
Mining Interests.

Also,
C. B. No. 2,

And recommend that it be returned to the House of Repre-
sentatives, with the request that the House transmit a certified
copy of the amendments with the bill.

Also,
C. B. No. 8,

For an act to amend an act concerning judgments and exe-
cutions, approved Nov. 4, 1861,

And recommend the Council concur in House amendments
thereto.

MOSES HALLET, Ch'n.

On motion of Mr. Loveland,
The report was received and adopted,
On motion of Mr. Mitchell,

C. B. No. 8,
And

C. B. No. 14,
Were ordered enrolled.

On motion of Mr. Mitchell,
Council adjourned until 9 o'clock to-morrow morning.

SATURDAY, FEBRUARY 4, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Quorum present.

Journal read and approved.

C. B. No. 23,

Was read second time, and

Referred to the committee of the Whole.

Also,

C. B. No. 24,

Was read the second time, and

Referred to the committee of the Whole.

On motion of Mr. Hallett,

The Secretary was instructed to return

C. B. No 6,

For an act to provide for the support of paupers,

To the House of Representatives, and request the House of
Representatives to instruct their Clerk to write messages ac-
companying bills, transmitted to this Council, upon white paper,
and to use ink in writing the same, and to sign all messages so
that the Council may know from what source they come.

On motion of Mr. Hallett,

The Council went into committee of the Whole.

Mr. Hallett in the chair.

The committee of the Whole rose and reported as follows :

The committee of the Whole have considered

C. S. for H. B. No. 3,

For an act to amend an act entitled an act concerning probate
courts and justices of the peace in certain counties, approved
March 11, A. D. 1864,

And recommend that the Council do not agree to the amend-
ments made by the House of Representatives in the tenth line
of Sec. 4.

Also,
C. B. No. 23,
And recommend that it be passed.

Also,
C. B. No. 24,
And recommend that it be referred to a special committee to be appointed by the President.

MOSES HALLETT, Ch'n.

On motion,
The report was received and adopted.
Messrs. Hallett, Widner and Pearson,
Were appointed said special committee.
On motion of Mr. Hallett,
C. B. No. 23,
Was ordered engrossed.
Council took a recess for one hour.

The Council re-assembled,
On motion of Mr. Baxter,
Mr. Hallett was excused until 2 o'clock, p. m. next Monday.
Also,
Mr. Pearson was excused until 2 o'clock, p. m. next Monday.
On motion,
The Council adjourned until 2 o'clock, p. m. next Monday.

MONDAY FEBRUARY 6, 1865.

Council met pursuant to adjournment.

President in the chair.
Prayer by the Chaplain.
Roll called.

Quorum present.

Journal read and approved.

The committee on engrossed bills reported as follows:

Your committee on engrossed bills, beg leave to report that they have examined

C. B. No. 17,

A bill for an act to amend an act entitled an act to incorporate the Park Junction, Georgia, and French Gulch Road Company,

Also,
C. B. No. 20,
For an act to prohibit person holding office under municipal corporations from entering into contract with such corporations and for other purposes,

Also,
C. B. No. 18,
For an act appropriating the proceeds of fines to the support of common schools.

Also,
C. B. No. 21,
For an act to amend an act entitled an act for the protection of farmers against the depredations of stock in the counties of Weld and Douglas.

Also,
C. B. No. 23,
For an act to amend an act to organize the militia of Colorado Territory, and repeal the act entitled an act to organize the militia, approved Oct. 13, 1861.

And find the same correctly engrossed.

GEO. R. MITCHELL, Ch'n.

The special committee to whom was referred,
C. B. No. 22,
Reported back a substitute, and it was referred to the committee of the Whole.

On motion of Mr. Loveland,
Robert B. Willis was admitted as a member of the Council, and received the oath of office as a member of the Council of Colorado Territory.

Mr. Widner introduced
C. J. R. No. 4,
Preamble and resolution of thanks to the citizens of Boulder county.

Mr. Mitchell introduced
C. J. R. No. 5,
Joint resolution relating to Colorado Territorial Mining Code.

On motion of Mr. Berry,
The rules were suspended, and
C. J. R. No. 4,
Was read a first and second time, and referred to the committee of the Whole.

On motion of Mr. Mitchell,
Mr. Hallett was excused for the afternoon.
On motion,
The rules were suspended, and

C. J. R. No. 5,

Was read first and second time, and
Referred to the committee on Mining Interests.

The following message was received from the House:

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

C. B. No. 11,

For an act to incorporate the Boulder Valley and Central City Wagon Road Company.

Also,

C. S. for H. B. No. 4,

A bill for an act amendatory to an act entitled an act to enable road, ditch, manufacturing and other companies to become bodies corporate.

Also,

The following House bills have passed the House of Representatives, to-wit:

H. B. No. 11,

For an act to incorporate the Colorado and Clear Creek Rail Road Company.

Also,

The House has receded from the House amendment to

C. S. for H. B. No. 3,

For an act to amend an act entitled an act concerning probate courts and justices of the peace in certain counties, approved March 11th, 1864.

Also,

That the House has disagreed to the Council amendment to H. S. for C. B. No. 1,

For an act to divide the Territory of Colorado into Judicial Districts and to provide for the holding of courts in the same,

Also,

The House has passed

C. B. No. 12,

As amended.

Also,

H. B. No. 41,

For an act to amend an act entitled an act requiring clerks of the District Courts to give bonds, approved Aug. 15, A. D. 1862,

C. H. GROVER,
Chief Clerk.

On motion,

The rules were suspended, and

H. B. No. 24,

Was read first and second time, and
Referred to the committee of the Whole.

The rules were suspended, and

H. B. No. 11.

Read first and second time, and

Referred to a special committee of three.

The President appointed

Messrs. Berry, Hallett, and Loveland said committee.

The rules was suspended, and

H. B. No. 41,

Was read first and second time by its title, and

Referred to the committee of the Whole.

The following bills were read third time and put upon their passage, to-wit:

C. B. No. 17,

Also,

C. B. No. 18,

Also,

C. B. No. 20,

Also,

C. B. No. 21,

Also,

C. B. No. 23,

The following bills finally passed as follows:

C. B. No. 17.

For an act incorporating the Park Junction and French Gulch Road Company.

Read a third time and put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Loveland, Mitchell, Pearson, Widner and Mr. President.

Ayes—8.

Noes—0.

Carried, and title agreed to.

Also,

C. B. No. 21,

For an act relating to protecting farmers against the depre-dation of stock.

Read third time and put upon its passage.

The question being on its passage,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Loveland, Mitchell, Pearson, Widner, and Mr. President.

Ayes—8.

Noes—0.

Carried and title agreed to.

Also,

C. B. No. 20,

For an act to prohibit persons holding office under municipal corporations from entering into contract with such corporations and for other purposes,

Was read the third time, and put upon its passage.

The question being upon its passage,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Loveland, Mitchell, Pearson, Widner and Mr. President.

Ayes—8.

Noes—0.

So the bill passed and the title was agreed to.

Also,

C. B. No. 18,

For an act appropriating the proceeds of fines to the support of common schools.

Read third time and put upon its final passage.

The question being on the passage of said bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Loveland, Mitchell, Pearson, Widner, and Mr. President.

Ayes—8.

Noes—0.

Carried and title agreed to.

Also,

C. B. No. 23,

For an act to amend an act entitled an act to organize the militia of Colorado Territory, approved Oct. 18, 1861.

Read a third time and put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Loveland, Mitchell, Pearson, Widner and Mr. President.

Ayes—8.

Noes—0.

So the bill passed and the title was agreed to.

On the motion to adhere to Council amendments made to

H. S. for C. B. No. 1,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Berry, Pearson, Willis, and Mr. President.

Those voting in the negative were,

Messrs. Baxter, Dominguez, Mitchell, Widner and Loveland.

Ayes—4.

Noes—5.

Lost.

On motion of Mr. Berry,

H. S. for C. B. No. 1,

Was assigned at 11 o'clock to morrow morning for consideration.

On motion of Mr. Loveland,

The Council resolved itself into a committee of the Whole.

Mr. Loveland in the chair.

The committee of the Whole rose and asked leave to sit again.

On motion,

Council adjourned until 7½ o'clock in the evening.

EVENING SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

On motion of Mr. Loveland,

C. B. No. 11,

And a substitute for

C. B. No. 4,

And

C. S. for H. B. No. 3,

Were ordered to be enrolled.

On motion of Mr. Mitchell,

The Council disagreed to the House amendments to

C. B. No. 12,

For an act entitled an act to incorporate the Russell Gulch and Nevada Wagon Road Company.

The committee on enrolled bills reported as follows:

Your committee on Enrolled bills respectfully report that they have examined the enrollments of

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

Joint Memorial to the President of the United States, relating to the Indian tribes of the plains.

Also,
C. B. No. 8,
For an act to amend an act entitled an act concerning Judgments and executions, approved Nov. 4, A. D. 1861.

Also,
C. B. No. 10,
A bill for an act, to amend an act regulating the mode of proceeding in attachments, in the District Courts.

Also,
C. B. No. 13,
For an act to amend the acts incorporating the city of Denver.

Also,
C. B. No. 14,
For an act concerning practice in the Supreme Courts.

Also,
H. B. No. 1,
For an act to create the office of Flour Inspector,
And find the same correctly enrolled.

GEO. R. MITCHELL, Ch'n.

On motion of Mr. Loveland,
The Council resolved itself into committee of the Whole,
Mr. Loveland in the chair.
The committee of the Whole rose and reported as follows :

The committee of the Whole have had under consideration the following bills, to-wit :

C. J. R. No. 4,

And report the same back to the Council with the recommendation that it pass.

Also,

H. B. No. 41,

And report the same back to the Council with the recommendation that it be passed.

Also,

C. S. for C. B. No. 22,

And report the same back to the Council with the recommendation that it pass as amended.

Also,

H. B. No. 24,

For an act to incorporate the Turkey Creek and South Park Road Company.

And amend the same by striking out the words in the 14th line of Sec. 1, "having jurisdiction in such case."

Also,

By striking out in the first and second lines of Sec. 1, the words "George W. Herriman," and insert instead thereof "George W. Horrigan,"

Also,

Strike out the words "Edwin Mitchell" in the 2d and 3d line and insert thereof "Edward F. Mitchell."

Also,

In the 9th line of Sec. 1., insert the word "wagon" after the word "Park."

Also,

Amend Sec. 5 in the 9th line, by inserting after the word "shall" the word "pass."

Also,

Amend Sec. 6, by inserting after the words "thirty cents," in the 13th line, the words "for any wagon or vehicle drawn by one horse, mule or ox, the sum of seventy-five cents."

Also,

Amended Sec. 7, by inserting after the word "five" in the 2d line the words "who shall be."

Also,

Amended Sec. 10, by inserting after the word "which" in the 3d line, the word "said."

Also,

In the 14th line of Sec. 10, insert the word "be" after the word "shall."

Also,

Amended Sec. 11, by striking out in the 4th and 5th lines of said section, the words "incorporated by this Legislature," and insert the words "heretofore incorporated."

Also,

Strike out the Sec. 12, and insert in lieu thereof the following :

Sec. 12. The said company shall have the right of way for said road along the north side of the Platte river from the point where said road strikes the said Platte river to the point where said road leaves the same; and also through the Turkey Creek Canon, wherever the same is not already occupied and used by any other road having prior rights thereto.

Sec. 13. If the said company shall fail to keep the said road in a reasonable good condition for travel and freighting during all seasons of the year, except when prevented from so doing by unavoidable hinderances, they shall forfeit all their rights under this act: *Provided*, That when said road is obstructed by snow or high water, or any other unavoidable causes, the said company shall be allowed a reasonable time to repair the same, and during such time no toll shall be collected on any section of said road until repaired and put in good condition.

Sec. 14. This act shall take effect and be in force from and after its passage.

And report the same back to the Council with the recommendation that it be passed as amended.

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

On motion of Mr. Mitchell,

The vote to disagree to the House amendments to

C. B. No. 12,

Was reconsidered.

On motion of Mr. Mitchell,

The Council concurred in the House amendments to

C. B. No. 12,

Excepting the words "or that may hereafter," and "excepting."

On motion of Mr. Mitchell,

The Council passed the following resolution:

Resolved, by the Council, That the committee on Mining Interests be instructed to report on

C. J. R. No. 5,

During the morning session of Feb. 7th, A. D. 1865.

On motion,

Council adjourned until to morrow, at 9 o'clock a. m.

TUESDAY, FEBRUARY 7, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Quorum present.

Journal read and approved.

The following message was received from the House:

MR. PRESIDENT:—I am instructed to inform the Council that the House has passed the following H. B's:

H. B. No. 17,

For an act fixing the compensation of members of the Legislative Assembly of the Territory of Colorado, and amendatory to the several acts heretofore passed regulating the fees of officers, jurors, and witnesses.

Also,

H. B. No. 31,

For an act to amend an act concerning fences, approved March 11, 1864.

Also,

H. B. No. 44,

For an act to authorize the County Commissioners of the several counties in Colorado Territory to procure copies of the original field notes and plats of surveys of all lands surveyed in their respective counties.

Also,

C. B. No. 2,

Has passed the House as amended.

C. H. GROVER,
Chief Clerk.

The following bills were read first time:

H. B. No. 31,

For an act to amend an act concerning fences, approved March 11, 1863.

Also,

H. B. No. 44,

For an act to authorize the county commissioners of the several counties in Colorado Territory, to procure copies of the original field notes and plats of surveys of all lands surveyed in their respective counties.

Also,

H. B. No. 17,

For an act fixing the compensation of the members of the Legislative Assembly of the Territory of Colorado, and amendatory to the several acts heretofore passed regulating the fees of officers, jurors, and witnesses.

Also,

C. B. No. 25,

Was read second time, and referred to committee of the Whole.

H. B. No. 41,

Read a third time and put upon its passage.

The question being upon its passage,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Loveland, Mitchell, Pearson, Widner, and Mr. President.

Those voting in the negative were,

Mr. Hallett,

Ayes—8,

Noes—1.

Carried and title agreed to.

C. J. R. No. 4,

Read a third time and put upon its final passage,

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner, and Mr. President.

Those voting in the negative were,

Mr. Berry.

Ayes—8.

Noes—1.

Carried and title agreed to.

The committee to whom was referred.

C. J. R. No. 5,

Relating to a Territorial Mining Code,

Reported the same back with the recommendation that it be passed.

On motion of Mr. Baxter,

Said resolution was

Referred to the committee of the Whole.

On motion of Mr. Pearson,

C. S. for C. B. No. 24,

Was referred to the committee of the Whole.

On motion of Mr. Hallett,

The Council concurred in House amendments to

C. B. No. 2,

Also,

C. B. No. 2,

Was ordered enrolled as amended.

The committee on enrolled bills reported as follows:

Your committee on enrolled bills, beg leave to report that they have examined

H. B. No. 4,

An act to prevent sheep, hogs and stallions from running at large,

Also,

Council amendments to

H. B. No. 9.

For an act amendatory of an act regulating the mode of proceeding in replevin,

Also,

H. B. No. 10,

For an act to incorporate the Masonic Hall Association of Denver, C. T.

Also,

H. B. No. 21,

For an act amendatory of an act entitled an act to incorporate the Denver, Bradford, and Blue River Wagon Road Company, approved Oct. 11, A. D. 1861.

Also,

H. B. No. 30,

For an act to change the name of Lewis G. Page.

And find the same correctly enrolled.

G. R. MITCHELL, Ch'n.

The report was received and adopted.

Message from the House:

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

H. B. No. 51,

A bill for an act limiting the operations of an act entitled an act to suppress gambling and gambling houses, approved March 2d, A. D. 1864; and repealing certain parts of Sec. 31, of an act entitled an act to amend an act entitled an act to incorporate the city of Denver, approved March 11, A. D. 1864.

Also,

H. B. No. 35,

A bill for an act to repeal Sec. 17. and 1st, of an act concerning licences, approved Nov. 6, A. D. 1864,

The same are herewith transmitted.

C. H. GROVER,

Clerk of the House.

On motion of Mr. Hallett,

The rules were suspended and the following bills read first and second time and referred:

H. B. No. 17,

For an act fixing the compensation of the members of the Legislature,

Referred to the committee on Expenditures.

Also,

H. B. No. 31,

For an act concerning fences, approved March 11, A. D. 1864,

Referred to the committee of the Whole.

Also,

H. B. No. 51,

For an act limiting the operations of an act entitled an act to suppress gambling and gambling houses, approved March 2, A. D. 1864; and regulating certain parts of Sec. 31, of an act

entitled an act to amend an act to incorporate the city of Denver, approved March 11, A. D. 1864,

Referred to the committee of the Whole.

Also,

H. B. No. 44,

For an act to authorize the county commissioners of the several counties in Colorado Territory, to procure copies of the original field notes and plats of surveys of all lands surveyed in their respective counties.

Referred to the committee of the Whole.

Also,

H. B. No. 35,

For an act to repeal Sec 17 and 18 of an act entitled an act concerning licences, approved Nov. 6, A. D. 1861,

Referred to the committee of the Whole.

On motion of Mr. Loveland,

The Council went into committee of the Whole.

Mr. Loveland in the chair.

The committee of the Whole rose and asked leave to sit again.

On motion of Mr. Hallett,

The Council insisted upon the amendment made by the Council to the

H. S. for C. B. No. 1,

For an act to divide the Territory of Colorado into Judicial Districts and to provide for the holding of courts in the same,

On motion of Mr. Loveland,

The Council resolved itself into a committee of the Whole.

Mr. Loveland in the chair.

The committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration the following, to-wit:

C. J. R. No. 5,

On motion,

The blanks was filled by the following names:

H. M. Teller, A. D. Cooper, J. S. Cochrane, John Kipp, George R. Mitchell.

Also,

Strike out in the 24th line, the word "five," and insert "six."

On motion,

C. J. R.

Was referred back to the Council with the recommendation that it pass as amended.

Also,

H. B. No. 31,

Was referred back to the Council with the recommendation that it pass.

Also,

H. B. No. 11.

Was amended by adopting the amendments and additional section, as reported by the special committee,

Also,

Amended by striking out Sec. 17, and inserting the following:

Sec. 17. It shall be lawful for any incorporated town or city in this Territory, and the several counties in this Territory in their corporate capacity, to subscribe to the capital stock of said company, and to take as many shares of the stock thereof, as shall be by the people of such incorporated town, county, or city, be authorized in the manner hereinafter provided, and such town, city, or county, may issue bonds to secure any amount so taken and subscribed, and in such such way and manner, and for such length of time as the corporate authorities of such town, city, or the county commissioners of any county shall determine: *Provided*, That before any stock shall be taken as aforesaid the question whether such stock shall be taken or subscribed, shall be submitted to the legal voters of the town, city, or county, which propose to subscribe to the capital stock of said company, at some general election, and if a majority of the legal voters of such town, city, or county, shall declare in favor of such subscription to the capital stock, the same shall be taken, and subscribed, otherwise such stock shall not be taken or subscribed.

Also,

On motion,

H. B. No. 11.

And report the same back to the Council with the recommendation that it pass as amended.

Report of the Special committee:

Your committee to whom was referred:

H. B. No. 11,

For an act to incorporate the Colorado and Clear Creek Rail Road Company.

Have had under consideration and would recommend that it be amended as follows:

Strike out the name of "Fitz John Porter," in Sec. 1, and insert the names of "William W. Right, and Thomas Small, of New York," instead.

Also,

Strike out the words "Boulder Creek," wherever they occur in the bill and insert the words "Boulder City."

Also,

Strike out all after the word "Provided," in the sixteenth line of Sec. 8, and insert "that the Legislative Assembly of this Territory, or any Legislative body having Legislative authority over the county in which said road is located, may, after the expiration of twenty-five years from the passage of this act, and at the expiration of each period of twenty years thereafter, prescribe rates to be charged and collected by said corporation for transporting passengers and freight over said road, and the branches thereof.

Also,

Strike out the word "hereafter" in the third line of Section 18.

Also,

By the addition of two sections, as follows:

Sec. 2. That so much of this act as authorizes or empowers the said corporation to construct a railroad from Golden City to Bijou Basin, by way of Denver City, and all part and portions of this act which relates to that branch of the said railroad, may be altered, amended, modified or repealed at any time hereafter, by the Legislative Assembly of this Territory, or any Legislative body having general Legislative authority over the region of country in which the same is located.

Sec. 23. This act shall take effect and be in force from and after the passage thereof, and recommend that it pass as amended.

W. A. H. LOVELAND, Ch'n.
ROBERT BERRY.
MOSES HALLET.

The report was received and adopted.

On motion,

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

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

The committee on enrolled bills reported as follows:

Your committee on enrolled bills, beg leave to report that they have examined

C. S. for C. B. No. 4,

A bill for an act amendatory to an act entitled an act to enable road, ditch, manufacturing and other companies to become bodies corporate.

Also,

Examined the enrollments of

C. S. for H. B. No. 3.

For an act to amend an act entitled an act concerning probate courts and justices of the peace in certain counties, approved March 11th, 1864.

And certify that the aforesaid bills are correctly enrolled.

GEO. R. MITCHELL, Ch'n.

The following message was received from the House:

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

H. B. No. 29.

For an act to encourage the formation and equipment of volunteer companies.

Also,

That the House has receded from House amendments to

C. B. No. 12,

To-wit: The words in said bill "or which may hereafter," and Sec. 8.

C. H. GROVER,

Chief Clerk of the House.

The rules were suspended, and

H. B. No. 11,

And

C. S. for C. B. No. 22,

Was read third time and passed as amended and title agreed to.

On motion of Mr. Pearson,

The words "substitute for" was stricken from

C. B. No. 22.

The rules were suspended, and

H. B. No. 51,

Read a third time and put upon its final passage,

The question being upon the passage of the bill,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Baxter, Berry, Hallett, Loveland, Mitchell, Pearson,

Willis, Widner, and Mr. President.

Those voting in the negative were,

Mr. Dominguez.

Ayes—9.

Noes—1.

Carried and title agreed to.

H. S. for C. B. No. 1, was
Read a third time and put upon its passage.
Those voting in the affirmative were,
Messrs. Baxter, Dominguez, Hallet, Loveland, Mitchell, Widner,
Willis and Mr. President.

Those voting in the negative were,
Messrs Berry and Pearson.

Ayes—8.

Noes—2.

Also,

H. B. No. 24,

Read a third time and put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,
Messrs. Baxter, Berry, Dominguez, Loveland, Mitchell, Pearson,
Willis, Widner and Mr. President.

Ayes—8.

Noes—0.

Carried, and title agreed to.

On motion of Mr. Loveland,

C. J. R. No. 5,

Was ordered engrossed.

Also,

The amendments to

H. B. No. 11,

Was ordered engrossed.

The committee on enrolled bills reported as follows:

Your committee on Enrolled bills respectfully report that
they have examined the enrollments of

H. B. No. 51,

For an act concerning gambling houses.

Also,

H. B. No. 44,

For an act relating to clerks of court giving bonds.

And certify that they are correctly enrolled.

G. R. MITCHELL, Ch'n.

The following message was received from the House:

MR. PRESIDENT:—I am instructed to inform the Council that
the House has passed the following H. B's

H. B. No. 6,

For an act to repeal so much of an act to establish a Territorial
Library and Cabinet, and to create the Territorial Treasurer
Librarian of this Territory.

Also,

H. B. No. 25,

For an act to amend an act entitled an act regulating elections,
approved Nov. 6, 1861.

Also,

H. B. No. 33,

Also,

H. B. No. 45,

For an act amendatory of an act to incorporate the Enterprise
Wagon Road Company, approved Oct. 3, 1861.

Also,

H. B. No. 48,

For an act to amend an act entitled an act to incorporate the
Consolidated Ditch Company.

C. H. GROVER,
Chief Clerk.

On motion of Mr. Hallett,

The rules were suspended, and

H. B. No 6,

Was read first and second time, and

Referred to the committee on Education.

Also,

H. B. No. 25,

Was read first and second time, and

Referred to the committee on Elections.

Also,

H. B. No. 26,

Was read a first and second time, and

Referred to the committee on Incorporations.

Also,

H. B. No. 23,

Read first and second time, and

Referred to the committee on Incorporations.

Also,

H. B. No. 48,

Was read first and second time, and

Referred to the committee of the Whole.

Also,

H. B. No. 29,

Was read first and second time, and

Referred to the committee of the Whole.

Also,

H. B. No. 45,

Was read first and second time, and

Referred to the committee of the Whole.

On motion of Mr. Widner,
The Council resolved itself into a committee of the Whole,
Mr. Widner in the chair.
The committee, or the Whole rose and reported as follows:

The committee of the Whole have had under consideration the following bills:

H. B. No. 44,

And report the same back to the Council with the recommendation that it pass.

Also,

H. B. No. 35,

And report the same back to the Council with the recommendation that it be passed.

Also,

C. B. No. 25,

And report the same back to the Council with the recommendation that it be passed with the following amendments:

Strike out all after the word "company" in the eighth line from the bottom of the section.

Also,

H. B. No. 31,

And report the same back with the recommendation that it be passed with the following amendments, to-wit:

Strike out the word "fencing" and insert the word "fences."

Also,

C. S. for C. B. No. 24,

And report the same back with the recommendation that it be passed.

All of which is respectfully submitted.

AMOS WIDNER, Ch'n.

The rules was suspended, and

H. B. No. 11,

Read third time and put upon its passage.

The question being upon its passage,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner, and Mr. President.

Ayes—9.

Noes—0.

Carried and title agreed to.

On motion of Mr. Loveland,

C. B. No. 25,

Was ordered engrossed.

Also,

C. S. for C. B. No. 24,

Was ordered to be engrossed.

On motion of Mr. Loveland,

The rules were suspended, and the following bills were read the third time and put upon their final passage.

The committee reported back

H. B. No. 35,

And it was referred to the committee of the Whole.

Your committee on engrossed bills beg leave to report that they have examined the engrossments of Council amendments to

H. B. No. 11,

And find the same correctly engrossed.

GEO. R. MITCHELL, Ch'n.

The committee on enrolled bills reported that they have examined the enrollments of

C. B. No. 11,

And find the same correctly enrolled.

G. R. MITCHELL, Ch'n.

The committee on Engrossed bills, reported that they had examined the engrossments of

C. S. for C. B. No. 22,

Also,

Examined the engrossments of Council amendments to

H. B. No. 24,

And find said engrossments correct.

G. R. MITCHELL, Ch'n.

H. B. No. 44,

Was read third time and put upon its passage.

The question being upon its passage,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Loveland, Mitchell, Pearson, Widner, Willis, and Mr. President.

Those voting in the negative were,

Mr. Hallett,

Ayes—9.

Noes—1.

Carried and title agreed to.

Also,

H. B. No. 31,

Was read a third time and put upon its final passage.

The question being upon its passage,

The ayes and noes were called for.
Those voting in the affirmative were,
Messrs. Baxter, Berry, Dominguez, Hallett, Loveland,
Mitchell, Pearson, Widner, Willis, and Mr. President.

Ayes—10.

Noes—0.

Carried, and title agreed to.

Also,

H. B. No. 35,

Was read third time and put upon its final passage,

The question being upon the passage of the bill,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Berry, Dominguez, Hallett, Loveland, Mitchell,
Pearson, Willis, Widner, and Mr. President.

Those voting in the negative were,

Mr. Baxter.

Ayes—9.

Noes—1.

Carried and title agreed to.

On motion of Mr. Pearson,

H. B. No. 25,

Was referred to the committee of the Whole.

On motion,

The Council adjourned until seven o'clock this evening.

EVENING SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

The committee on Education to whom was referred,

H. B. No. 6,

Reported back the same and it was referred to the committee
of the Whole.

On motion of Mr. Mitchell,

The Council resolved itself into a committee of the Whole.

The committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration
the following bills:

H. B. No. 6,

For an act to repeal so much of an act to establish a Territorial
Library and Cabinet, and to create the Territorial Treasurer
Librarian of this Territory.

And recommend that it be passed without amendment.

Also,

Considered,

H. B. No. 8,

For an act to amend an act entitled an act to incorporate the
Consolidated Ditch Company.

And report the same back with the recommendation that
it be passed.

Also,

Considered

H. B. No. 29.

For an act to encourage the formation and equipment of vol-
unteer companies.

And recommend the bill pass without amendment:

Also,

Considered

H. B. No. 25,

For an act to amend an act entitled an act regulating elections,
approved Nov. 6, 1861.

And report the same back with the recommendation that
it be passed with the following amendments, to-wit:

Strike out the word "concur" in the 7th line of Sec. 2 and
insert the word "canvass" instead thereof. And add the fol-
lowing additional section:

Sec. 3. This act to take effect and be in force from and after
its passage.

Also,

Considered

H. B. No. 45,

For an act amendatory of an act to incorporate the Enterprise
Wagon Road Company, approved Oct. 3, 1861.

And report the same back to the Council with the recommen-
dation that it pass without amendment.

G. R. MITCHELL, Ch'n,

The report was received and adopted.

The amendments to

H. B. No. 25,

Was ordered engrossed.

On motion,

Council adjourned until to-morrow 9 o'clock, a. m.

WEDNESDAY, FEBRUARY 8, 1865,

Council met pursuant to adjournment,

President in the chair.

Prayer by the Chaplain.

Roll called.

Quorum present.

Journal read and approved.

The following message was received from the House:

MR. PRESIDENT:—I am instructed to inform the Council that the House has passed the following H. B's,

H. B. No. 52,

For an act relating to powder houses and magazines.

Also,

H. B. No. 46,

For an act to provide for the payment of Clerks, and other officers of this Legislative Assembly.

Also,

H. B. No. 32,

For an act to incorporate the Colorado Iron, Engine and Mill Manufacturing Company.

The same are herewith transmitted.

C. H. GROVER,
Chief Clerk.

The committee on engrossed bills reported as follows:

Your committee on Engrossed bills respectfully report that they have examined the engrossments of

C. S. for C. B. No. 24,

For an act to amend an act entitled an act prescribing rules and regulations of trusts arising under the act of Congress, entitled "An act for the relief of citizens of towns upon lands of the United States, under certain circumstances.

Also,

C. B. No. 25.

For an act to repeal an act entitled "an act to incorporate the Colorado and Pacific Wagon, Telegraph, and Rail Road Company.

Also,

C. J. R. No. 4,

Joint resolution relating to Colorado Territorial Mining Code.

Also,

Council amendments to

H. B. No. 25,

For an act to amend an act entitled "An act regulating Elections."

And find them correctly engrossed.

GEO. R. MITCHELL, Ch'n.

The following message was received from the House:

MR. PRESIDENT—I am instructed to inform the Council that the House has concurred in Council amendments to

H. B. No. 11,

For an act to incorporate the Colorado and Clear Creek Rail Road Company.

C. H. GROVER,
Chief Clerk of the House.

Mr. Berry, by leave of the Council, introduced the following

C. B. No. 26,

A bill for an act ratifying Mining Titles in the Territory of Colorado.

On motion of Mr. Mitchell,

The rules were suspended, and

C. B. No. 26,

Was read a first and second time, and

Referred to the committee of the Whole.

On motion of Mr. Loveland,

The following communications were received from his Honor, the Acting Governor of Colorado Territory:

EXECUTIVE DEPARTMENT, C. T. }
February 8th, 1865. }

To the Honorable President of the Council:

SIR:—I have the honor to inform the Council that I have this day approved and signed the following bills:

For an act concerning practice in the Supreme Courts.

Also,

A bill for an act amendatory to an act entitled an act to enable road, ditch, manufacturing and other companies to become bodies corporate, approved, March 11, 1864.

Also,

For an act to amend an act entitled an act concerning Judgments and executions, approved Nov. 4, A. D. 1861.

Very Respectfully,

Your Obedient Servant,

SAMUEL H. ELBERT,
Acting Governor of Colorado.

EXECUTIVE DEPARTMENT, C. T.,
February 8th, 1865.

To the Honorable, President of the Council:

SIR:—I have the honor to inform the Council that I have this day approved and signed the following bills:

A bill for an act, to amend an act regulating the mode of proceeding in attachments, in the District Courts, approved October 29, 1861.

Also,

For an act to amend an act entitled an act concerning probate courts and justices of the peace in certain counties, approved March 11, A. D. 1864.

Also,

Joint Memorial to the President of the United States.

Very Respectfully,

Your Obedient Servant,

SAMUEL H. ELBERT,

Acting Governor of Colorado.

The committee on enrolled bills reported as follows:

Your committee on enrolled bills, beg leave to report that they have examined

C. B. No. 12,

For an act entitled an act to incorporate the Russell Gulch and Nevada Wagon Road Company.

Also,

C. B. No. 2,

For an act relating to negotiable instruments promissory notes and contracts.

And certify that they are correctly enrolled.

G. R. MITCHELL, Ch'n.

On motion of Mr. Mitchell,

The rules were suspended, and

The following bills were read the first and second time:

H. B. No. 32,

Was read first and second time, and
Referred to the committee of the Whole.

Also,

H. B. No. 46,

Was read first and second time, and
Referred to the committee of the Whole.

Also,

H. B. No. 52,

Was read first and second time, and
Referred to the committee of the Whole.

Also,

H. B. No. 45,

Read a third time by its title and put upon its final passage
The ayes and noes were called for.

Those voting in the affirmative were,
Messrs. Baxter, Dominguez, Loveland, Mitchell, Pearson,
Widner, Willis and Mr. President.

Those voting in the negative were,

Mr Berry.

Ayes—8.

Noes—1.

Carried and title agreed to.

Also,

H. B. No. 29,

Was read the third time, and put upon its passage.

The question being upon its passage,

The ayes and noes were called for.

Those voting in the affirmative were,
Messrs. Baxter, Berry, Dominguez, Loveland, Mitchell,
Widner and Mr. President.

Those voting in the negative, were,

Messrs. Pearson and Willis.

Ayes—7.

Noes—2.

So the bill passed and the title was agreed to.

Also,

H. B. No. 25,

Read a third time and put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Loveland, Mitchell,
Pearson, Widner, Willis, and Mr. President.

Ayes—9.

Noes—0.

So the bill passed and the title was agreed to.

Also,

H. B. No. 48,

Read a third time and put upon its final passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Loveland, Mitchell, Pearson,
Willis, Widner and Mr. President.

Ayes—9.

Noes—0.

Carried and title agreed to.

Also,

C. S. for C. B. No. 24,

Read third time and put upon its passage.

The question being on its passage,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Loveland, Mitchell, Pearson,
Widner, Willis, and Mr. President.

Ayes—9.

Noes—0.

On motion of Mr. Pearson,

“Council Substitute for,” was stricken from the title of

C. S. for C. B. No. 24.

C. J. R. No. 5,

Read a third time and put upon its final passage,

The question being upon the passage of the resolution,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Baxter, Dominguez, Loveland, Mitchell, Pearson,
Willis, Widner, and Mr. President.

Those voting in the negative were,

Mr. Berry.

Ayes—8.

Noes—1.

Carried and title agreed to.

Also,

C. B. No. 25.

Read a third time and put upon its passage.

The question being upon its passage,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Loveland, Mitchell,
Pearson, Widner, and Mr. President.

Those voting in the negative were,

Mr. Willis.

Ayes—8.

Noes—1.

Carried, and title agreed to.

Also,

H. B. No 6,

Read third time and put upon its final passage.

The question being on the passage of the bill,

The ayes and noes were called for,

Those voting in the affirmative were,
Messrs. Baxter Dominguez, Loveland, Mitchell, Pearson,
Widner, Willis, and Mr. President.

Ayes—8.

Noes—0.

Carried and title agreed to.

The **com** nitte on Incorporations to whom was referred

H. B. No. 26.

And

H. B. No. 33,

Reported said bills back to the Council, and they were

Referred to the committee of the Whole.

On motion,

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

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Message from the Governor:

EXECUTIVE DEPARTMENT, C. T.

February 8th, 1865.

To the Honorable President of the Council:

SIR:—I have the honor to inform the Council that I have
this day approved and signed the following bills:

For an act entitled an act to incorporate the Russell Gulch
and Nevada Wagon Road Company.

Also,

For an act relating to negotiable instruments promissory notes
and contracts.

Very Respectfully,

Your Obedient Servant,

SAMUEL H. ELBERT,

Acting Governor of Colorado.

The committee on Expenditures to whom was referred

H. B. No. 17,

Reported the same to the Council, and it was

Referred to the committee of the Whole.

Mr. Hallett, by leave of the Council, introduced
C. B. No. 27,

For an act authorizing the levy of a special tax in Arapahoe,
Jefferson, Clear Creek, and Gilpin counties.

On motion of Mr. Loveland,

The rules were suspended, and

C. B. No. 27,

Was read first and second time, and

Referred to the committee of the Whole.

On motion of Mr. Mitchell,

The Council resolved itself into a committee of the Whole.

Mr. Mitchell in the chair,

Message from the House:

MR. PRESIDENT—I am instructed to inform the Council that
the House has failed to agree to the Council amendments to
the

H. S. for C. B. No. 1,

For an act to divide the Territory of Colorado into Judicial
Districts and to provide for the holding of courts in the same.

And a committee of conference is requested by the House on
said amendments to be composed of three members of the
House, and two members of the Council.

C. H. GROVER,
Clerk of the House.

The committee of the Whole rose and reported as follows :

The committee of the Whole have had under consideration
C. B. No. 27,

For an act authorizing the levy of a special tax in Arapahoe
county.

Was referred back to the Council with the recommendation
that it pass with the following amendments :

Insert after the word "Arapahoe," the words "Jefferson, Clear
Creek, and Gilpin counties."

Also,

Strike out the word "county" in the second and fifth lines
from the bottom of Sec. 1, and insert the word "counties" re-
spectively.

GEO. R. MITCHELL, Ch'n.

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

On motion of Mr. Hallett,

The title was amended by adding after the word "Arapahoe"
"Jefferson, Clear Creek, and Gilpin counties."

On motion of Mr. Mitchell,

C. B. No. 27,

Was ordered engrossed.

On motion of Mr. Berry,

A committee of two were appointed on the part of the Council
to act in concert with the committee from the House, as a
committee of Conference on

H. S. for C. B. No. 1,

Messrs. Hallett and Berry were appointed said committee.

On motion of Mr. Berry,

The Council went into committee of the Whole.

Mr. Berry in the chair.

The committee of the Whole rose and asked leave to sit
again.

The Committee on Engrossed bills made the following
report :

Your committee on engrossed bills beg leave to report that
they have examined

C. B. No. 27,

For an act authorizing the levy of a special tax in Arapahoe,
Jefferson, Clear Creek and Gilpin counties,

And certify that the aforesaid bill is correctly engrossed.

GEO. R. MITCHELL, Ch'n.

On motion of Mr. Mitchell,

The rules was suspended, and

C. B. No. 27,

Read third time and put upon its final passage.

The question being on the passage of the bill,

The ayes and noes were called for,

Those voting the affirmative were,

Messrs. Baxter, Dominguez, Hallett, Loveland, Mitchell,
Willis, and Mr. President.

Those voting in the negative were,

Messrs. Berry, Pearson, and Widner.

Ayes—7.

Noes—3.

Carried and title agreed to.

The following message was received from the House:

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

C. B. No. 27,

For an act authorizing the levy of a special tax in Arapahoe,
Jefferson, Clear Creek, and Gilpin counties,

With the following amendments to wit :

Amend Sec. 1 by inserting after the word "Gilpin," in the second line, the word "Boulder," and transpose the word "and" in the same line between the words "Gilpin" and "Boulder."

Also,

In the fourth line of said Sec. 1, insert the following: "not more than" before the word "one," and have amended the title in accordance.

And to said amendments they respectfully ask your concurrence.

C. H. GROVER,
Chief Clerk of the House.

On motion, of Mr. Widner,

The Council disagreed to the first amendment made by the House to

C. B. No. 27.

On motion of Mr. Hallett,

The Council concurred in the House amendments made to C. B. No. 27.

Excepting the first.

Message from the House:

MR. PRESIDENT—I am instructed to inform the Council that the House has receded from its amendment to

C. B. No. 27,

Inserting the word "Boulder" in Sec. 1 of said bill.

C. H. GROVER,
Chief Clerk of the House.

On motion of Mr. Mitchell,

C. B. No. 27,

Was ordered enrolled.

The Council went into committee of the Whole.

The committee of the Whole rose and asked leave to sit again.

On motion,

The Council adjourned until seven o'clock this evening.

EVENING SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following message was received from the House:

MR. PRESIDENT:—I am instructed to inform the Council that the House has passed the following H. B's,

H. B. No. 49,

For an act to amend an act entitled an act to incorporate the City of Central, approved March 11, 1861.

Also,

H. B. No. 57,

For an act to amend an act entitled an act to incorporate the City of Black Hawk.

Also,

C. J. R. No. —

Preamble and resolution of thanks to the citizens of Boulder county.

C. H. GROVER,
Chief Clerk.

On motion of Mr. Mitchell,

C. J. R. No. 4,

Was ordered enrolled.

The committee on enrolled bills reported as follows:

Your committee on enrolled bills, beg leave to report that they have examined

C. B. No. 27,

For an act authorizing the levy of a special tax in Arapahoe, Jefferson, Clear Creek, and Gilpin counties.

And certify that the same is correctly enrolled.

G. R. MITCHELL, Ch'n.

On motion of Mr. Loveland,

The following communications were received from his Honor, the Acting Governor of Colorado Territory:

EXECUTIVE DEPARTMENT, C. T.,

February 8th, 1865.

To the Honorable, President of the Council:

SIR:—I have the honor to inform the Council that I have this day approved and signed the following bills:

An act to incorporate the Boulder Valley and Central City Wagon Road Company.

Also,

An act authorizing the levy of a special tax in Arapahoe, Jefferson, Clear Creek and Gilpin counties.

Very Respectfully,

Your Obedient Servant,

SAMUEL H. ELBERT,

Acting Governor of Colorado.

On motion of Mr. Hallett,
The Council resumed business in committee of the Whole.
Mr. Berry in the chair.

The committee of the Whole reported as follows:

The committee of the Whole have had under consideration
H. B. No. 26,

For an act to incorporate the Denver and San Luis Valley
Wagon Road Company.

And we recommend that it be amended by striking out the
word "fifty" in the 10th line of Sec. 1, and inserting the word
"thirty" instead thereof.

Also,

To insert the name of Robert Berry after the name of Frank
Palmer in the second line of said section.

Also,

Amend Sec. 7, by striking out the words "to the southern
extremity thereof," in the 6th line and insert the words "and
the point where the same passes out from the Mountains and
strikes the San Luis Valley and upon no other portions of the
roads."

Also,

After the word "hog" insert the word "goat."

Also,

In the 17th line of Sec. 8, strike out the word "ten" and in-
sert the word "five" instead,

And report the same back to the Council with the recom-
mendation that it pass as amended.

Also,

H. B. No. 46,

For an act to provide for the payment of Clerks, and other
officers of this Legislative Assembly.

And report the same back with the recommendation that it
be sent back to the House with the request that they have the
same engrossed, and return the engrossed copy to the Council.

R. BERRY, Ch'n.

The report was received and adopted.

On motion of Mr. Pearson,

The amendments to

H. B. No 26,

Was ordered engrossed.

The committee of conference reported as follows:

MR. PRESIDENT—The committee of conference on

H. S. for C. B. No 1,

Has performed the duties assigned them and recommend that
the House agree to the Council amendments to the same. Your

committee are of the opinion that the difference between the
Council and House cannot be harmonized in any other way,
and for the purpose of redistricting the Territory, your com-
mittee have been led to make this recommendation.

R. BERRY,

M. HALLETT,

On the part of the Council.

B. F. PINE,

BENJ. LAKE,

E. F. HOLLAND,

On the part of the House.

On motion of Mr. Hallett,

The report was received and adopted.

On motion of Mr. Hallett,

The committee of the Whole resumed business.

Mr. Hallett in the chair.

The committee of the Whole rose and asked leave to sit
again.

The committee on enrolled bills reported that they have ex-
amined the enrollments of

Council Preamble and Joint Resolution of thanks to the cit-
izens of Boulder county.

Also,

H. B. No. 11,

For an act to incorporate the Colorado and Clear Creek Rail
Road Company.

Also,

H. B. No. 31,

For an act to amend an act entitled an act requiring clerks
of the District Courts to give bonds, approved Aug. 15, A. D.
1862,

Also,

H. B. No. 24,

For an act to incorporate the Turkey Creek and South Park
Wagon Road Company.

And find the same correctly enrolled.

G. R. MITCHELL, Ch'n.

On motion,

Council adjourned until to-morrow 9 o'clock, a. m.

THURSDAY, FEBRUARY 9, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Quorum present.

Journal read and approved.

The committee on enrolled bills reported as follows:

Your committee on Enrolled bills respectfully report that they have examined the enrollments of

H. B. No. 6,

For an act to repeal so much of an act to establish a Territorial Library and Cabinet, and to create the Territorial Treasurer Librarian of this Territory.

Also,

H. B. No. 44,

For an act to authorize the county commissioners of the several counties in Colorado Territory, to procure copies of the original field notes and plats of surveys of all lands surveyed in their respective counties.

Also,

H. B. No. 48,

For an act to amend an act entitled an act to incorporate the Consolidated Ditch Company.

Also,

H. B. No. 35,

For an act to repeal Sec 17 and 18 of an act entitled an act concerning licences, approved Nov. 6, A. D. 1861,

Also,

H. B. No. 25,

For an act to amend an act entitled an act regulating elections, approved Nov. 6, 1861.

Also,

H. B. No. 29.

For an act to encourage the formation and equipment of volunteer companies.

And find them correctly enrolled.

GEO. R. MITCHELL, Ch'n.

The report was received and adopted.

The special committee to whom was referred

H. B. No. 32,

Reported back the same and it was referred to the committee of the Whole.

A message was received from the House, as follows:

MR PRESIDENT:—I am instructed to return H. B. No. 46, as engrossed.

C. H. GROVER,

Chief Clerk of the House.

The Committee on Engrossed bills made the following report:

Your committee on engrossed bills beg leave to report that they have examined the engrossment of Council amendments to

H. B. No. 26,

For an act to incorporate the Denver and San Luis Valley Wagon Road Company.

And certify that the said amendments are correctly engrossed.

GEO. R. MITCHELL, Ch'n.

The report was received and adopted.

Mr. Dominguez moved that

H. B. No 26,

Be re-committed.

The motion was lost.

H. B. No. 26,

Read third time and put upon its final passage.

The question being on the passage of the bill,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Baxter, Berry, Hallett, Mitchell, Pearson, Willis, and Mr. President.

Those voting in the negative were,

Messrs. Dominguez and Widner.

Ayes—7.

Noes—2.

Carried and title agreed to.

On motion of Mr. Hallett,

The committee of the Whole resumed business.

Mr. Hallett in the chair.

The committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration

H. B. No. 57,

For an act to amend an act entitled an act to incorporate the City of Black Hawk.

Also,
H. B. No. 49,

For an act to amend an act entitled an act to incorporate the City of Central, approved March 11, 1864.

And report the same back with the recommendation that it be sent back to the House with the request that they have the same engrossed, and return the engrossed copy to the Council.

Also,
H. B. No. 17,

For an act fixing the compensation of the members of the Legislative Assembly of the Territory of Colorado, and amendatory to the several acts heretofore passed regulating the fees of officers, jurors, and witnesses.

And recommend that it be amended as follows:

Insert the word "of" after the word "members" in the ninth line of Sec. 2.

Also,
Add to Sec. 2 the following: "Provided that no member shall receive pay for more days than he was in actual attendance.

Also,
Strike out the 17th line of Sec. 3, and insert: "For dieting prisoners the sheriff shall receive such reasonable sum per day, or per week, as the board of county commissioners upon a full statement of the cost of boarding such prisoners shall audit. And in all such cases the board of county commissioners shall allow only the cost of simple plain food, with reasonable compensation for preparing the same.

Also,
Strike out the figures "\$10" in the 7th line of Sec. 8, and insert the figure "\$5" instead.

Also,
Strike out the 19th, 20th, and 21st line of Sec. 8,

Also,
Strike out the 16th line of Sec. 10.

Also,
Add Sec. 13 and 14 reported by the committee on expenditure.

Sec. 13. That hereafter the several probate judges in this Territory shall receive the following fees for services performed by them:

For appointing an executive administrator guardian or trustee and certifying to the same if contested, ten dollars. If not contested five dollars.

For granting letters, testamentary, or of administration and affixing seal thereto, three dollars.

Taking bond of Executor, administrator or guardian, and approving the same, three dollars.

Administering oath to each executor, administrator or guardian, fifty cents.

For each certificate, fifty cents.

Taking proof of will or codicil, two dollars and fifty cents.

For recording any will, codicil, or other papers for each one hundred words, twenty-five cents.

For examining each inventory bill of sale or account current, filed by any executor or administrator, one dollar.

Entering the settlement of executors and administrators, twenty-five cents per folio of one hundred words.

For all copies of orders, papers, and proceedings, twenty-five cents per folio of one hundred words.

For each decree limiting the time for exhibiting the claims of creditors, one dollar.

For each order of distribution, three dollars.

For exemplified copies of records per folio of one hundred words, twenty-five cents.

Making orders for publication, fifty cents.

Allowing appeals to the district courts, one dollar and fifty cents.

Issuing each writ, summons or citation, one dollar and fifty cents.

Administering oath and certificate thereof, forty cents.

Administering oath to witness, twenty cents.

Issuing subpoena, seventy-five cents.

Entering each order, decree or judgment, not herein enumerated, seventy-five cents.

Filing any paper relating to any estate, fifteen cents.

Granting letters of guardianship or trusteeship, two dollars.

Taking and approving any bond not herein before specified, one dollar.

Recording letters testamentary of administrators, guardianship or trusteeship, two dollars.

Administering oath to jury, twenty cents.

Taking acknowledgments of instruments, seventy-five cents.

Issuing venire for jury, seventy-five cents.

Entering verdict, fifty cents.

Allowing or disallowing demands against an estate forty cents.

Entering order for continuance, fifty cents.

Decree for settling estate, five dollars.

For each hearing or petition for partition of real estate or sale of real estate, three dollars.

For making and entering each order, for the sale of personal property, one dollar.

For making and entering each order or decree for the sale or partition of real estate, two dollars and fifty cents.

For solemnizing marriages, five dollars.

Sec. 14. For all cases in which a probate judge shall perform the duties of a justice of the peace, he shall receive the same fees as are provided by law, to be paid to the justices of the peace for like services. In all cases instituted or brought in the probate court of any county, the judge of such court shall be entitled to a docket fee of five dollars, and in all cases in which the final hearing or trial of any cause shall consume more than one day the judge of such court shall be entitled to an additional sum of five dollars for each day after the first day occupied in such hearing or trial, to be taxed as costs against the unsuccessful party.

Sec. 15. That the county commissioners of the several counties of this Territory be allowed five dollars per day for each day spent in performance of their respective duties, and no more.

And recommend the bill pass as amended.

Also,

H. B. No. 46,

For an act to provide for the payment of Clerks, and other officers of this Legislative Assembly.

And recommend that Sec. 1 be amended as follows:

Strike out the word "eight" in 6th line, and insert the word "ten" instead.

Also,

Strike out the word "five" in the 9th line, and insert the word "six" instead.

Also,

Strike out the words "during the whole of the session."

Also,

Strike out the words "to be certified to by the Speaker of the House."

Also,

Amend Sec. 2 as follows:

Strike out the word "eight" in the third line, and insert the word "ten" instead.

Also,

Strike out the word "five" in the 6th line, and insert the word "six" instead.

Also,

Strike out the word "messengers" in the 9th and 10th lines, and insert the word "page" instead.

Also,

Strike out the words "certified to by the President of the Council" and insert the words "and the foreman four dollars per day" instead.

Also,

Add to Sec. 3, the following "And the several officers respectively, shall be paid for the time they respectively were actually engaged in the service of the Council or House of Representatives, as the case may be, and the certificate aforesaid shall certify the number of days for which the persons receiving the same is entitled to pay, and that the bill be passed as amended.

Also,

H. B. No. 33,

For an act to incorporate the Overland Wagon Road Company.

And recommend that the amendments proposed by the committee on Incorporations be adopted, and that the bill be passed as amended.

On motion,

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

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following communications were received from his Honor, the Acting Governor of Colorado Territory:

EXECUTIVE DEPARTMENT, C. T.,

February 9th, 1865. }

To the Honorable, President of the Council:

SIR:—I herewith return to your honorable body, unapproved,

An act to amend the acts incorporating the city of Denver, approved Nov. 7, 1861, and March 11, 1864.

With the following objections:

Section 8, of this bill, empowers the city council of the city of Denver to incur a special indebtedness of ten thousand dollars, by the issue of bonds for the defence of the city. And Section 9, of the bill empowers them to levy and collect a special tax to liquidate the same.

A general power as given in Sec. 8, of the bill, to provide for the defense of the city is wise and necessary, and under it the city council would be authorized to make any ordinary expenditures in providing for the defence of the city, and pay for the same out of the general fund.

Sec. 3, of the act incorporating the city of Denver, approved Nov. 7, 1861, provides that the city council shall have power to borrow money on the credit of the city, provided that no sum

or sums of money shall be borrowed at a greater interest than twenty per cent. per annum; nor shall any sum or sums be borrowed as aforesaid until after the subject shall have been submitted to the legal voters of said city, for which purpose a special election shall be called by the Mayor, after giving ten days notice thereof, and if a majority of the legal voters of said city, shall vote in favor of any such loan, the same may be negotiated, and not otherwise. This section is intended as a safeguard against extraordinary and unnecessary expenditures on the part of the city council without the authority from the tax payers of the city. Under its provisions should there be a demand for a loan on the part of the city for any purpose whatever, the question can be submitted to a direct vote of the people of the city, who would be the best judges of the necessities demanding it.

Very Respectfully,
Your Obedient Servant,
SAMUEL H. ELBERT,
Acting Governor of Colorado.

H. B. No. 33,

Was read third time and passed by a unanimous vote of the Council.

On motion of Mr. Mitchell,

The Council resolved itself into a committee of the Whole.

Mr. Mitchell in the chair.

The committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration the following bills:

H. B. No. 32,

And recommend that the bill pass with the following amendment:

Strike out all of Sections 5, 6, and 7.

Also amended

H. B. No. 52,

And recommend that said bill be referred to a special committee.

Also,

Considered

C. B. No. 26,

And recommend that said bill be passed without amendments.

Also,

Considered

H. B. No. 18,

And recommend said bill be indefinitely postponed.

Also,

Considered

C. B. No. 13,

And recommend said bill be passed with the following amendments:

Strike out all of Sec. 8 and 9.

All of which is respectfully submitted.

G. R. MITCHELL, Ch'n.

The report was received and adopted.

The following message was received from the House:

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

C. B. No. 17,

A bill for an act to amend an act entitled an act to incorporate the Park Junction, Georgia, and French Gulch Road Company.

Also,

C. B. No. 18,

For an act appropriating the proceeds of fines to the support of common schools.

As amended,

Also,

C. B. No. 20,

For an act to prohibit persons holding office under municipal corporations from entering into contract with such corporations and for other purposes,

Also,

C. B. No. 21,

For an act to amend an act entitled an act for the protection of farmers against the depredations of stock in the counties of Weld and Douglas.

Also,

C. B. No. 25,

For an act to repeal an act entitled "an act to incorporate the Colorado and Pacific Wagon, Telegraph, and Rail Road Company.

C. H. GROVER,
Chief Clerk.

Message from the House:

MR. PRESIDENT:—I am instructed to inform the Council that the House has passed the following H. B's,

H. B. No. 23,

For an act to amend an act entitled an act concerning pleas and constables, approved Oct. 31st., 1861.

Also,
H. B. No. 40,
For an act to amend an act entitled an act to incorporate the Arkansas, Pueblo, and Fountaine qui Bouille Ditch Company.

Also,
H. B. No. 38,
For an act to incorporate the Trinidad and Ratoon Mountain Wagon Road Company.

Also,
H. B. No. 34,
For an act to amend an act entitled an act creating a lien in favor of Mechanics and others in certain cases.

Also,
H. J. R. No. 3,
A Joint Resolution and Memorial to Congress, asking for an amendment to the organic act of Colorado Territory.

Also,
H. B. No. 58,
For an act to amend an act entitled an act to apportion the Territory of Colorado into Council and Representative Districts, approved Aug. 15, 1861.

And that
C. B. No. 32,
For an act to encourage prospecting for quartz lodes, and other purposes,
Has been indefinitely postponed.

C. H. GROVER,
Chief Clerk of the House.

On motion of Mr. Mitchell,
The following bills were enrolled to-wit:

C. B. No. 17,

Also,

C. B. No. 20,

Also,

C. B. No. 21,

Also,

C. B. No. 25,

A special committee were appointed, to-wit:

Messrs. Baxter, Berry and Loveland.

To whom was referred

H. B. No. 57.

The committee on engrossed bills reported as follows:

Your committee on engrossed bills beg leave to report that they have examined the engrossments of Council amendments to

H. B. No. 38,
For an act to incorporate the Overland Wagon Road Company.

And find the same correctly engrossed.

GEO. R. MITCHELL, Ch'n.

MR. PRESIDENT—The Special Committee to whom was referred

H. B. No. 32,

Ask leave to report that they have examined the same, and recommend that it be passed.

W. A. H. LOVELAND,
E. K. BAXTER.

The Council resumed business in committee of the Whole.
The committee of the Whole reported as follows:

The committee of the Whole have had under consideration
H. B. No. 58,

For an act to amend an act entitled an act to apportion the Territory of Colorado into Council and Representative Districts, approved Aug. 15, 1861.

And recommend that the bill be passed.

Also,

H. B. No. 40,

For an act to amend an act entitled an act to incorporate the Arkansas, Pueblo, and Fountaine qui Bouille Ditch Company, approved March 9, 1864.

And recommend that it be passed.

Also,

H. B. No. 38,

For an act to incorporate the Trinidad and Ratoon Mountain Wagon Road Company.

And make no recommendation respecting the same.

Also,

H. B. No. 23,

For an act to amend an act entitled an act concerning justices of the peace and constables, approved Oct. 31st., 1861.

And recommend that it be made the special order for to-morrow at 10 o'clock.

Also,

H. J. R. No. 3,

And recommend that it be adopted.

H. B. No. 34,

For an act to amend an act entitled an act creating a lien in favor of Mechanics and others in certain cases, approved March 11, 1864.

And recommend that the first twenty lines of Sec. 1, be stricken out, and that the bill be passed as amended.

MOSES HALLETT, Ch'n.

The rules was suspended, and

H. B. No. 23,

Was read first and second time,

Also,

H. B. No. 44,

Was read first and second time,

Also,

H. B. No. 38.

Was read a first and second time,

Also,

H. B. No. 34,

Was read first and second time,

Also,

H. B. No. 58,

Was read first and second time,

Also,

H. J. R. No. 3,

Read first and second time,

On motion,

H. B.'s Nos. 23, 40, 38, 34, 58, and H. J. R. were

Referred to the committee of the Whole.

C. B. No. 26,

Read a third time and put upon its passage.

The question being upon its passage,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Loveland, Widner, and Mr. President.

Those voting in the negative were,

Messrs. Hallett, Pearson, Mitchell, and Willis.

Ayes—6.

Noes—4.

Carried and title agreed to.

Also,

H. B. No. 32,

Was read third time and put upon its final passage,

The question being upon the passage of the bill,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner, Willis, and Mr. President.

Those voting in the negative were,

Messrs. Baxter and Berry,

Ayes—8.

Noes—2.

Carried and title agreed to.

Also,

H. B. No. 18,

Was read third time and motion being made to indefinitely postpone,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Hallett, Mitchell, Widner, and Mr. President.

Those voting in the negative were,

Messrs. Dominguez, Loveland, Pearson, and Willis.

Ayes—6.

Noes—4.

So the bill was indefinitely postponed.

On motion of Mr. Mitchell,

The vote whereby

C. B. No. 26.

Was passed was reconsidered.

On motion,

The Council adjourned until seven o'clock this evening.

EVENING SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

On motion of Mr. Hallett,

The rules were suspended, and

C. B. No. 13,

Was passed as amended by a unanimous vote.

Report of Special Committee:

MR. PRESIDENT:—Your committee to whom was referred

H. B. No. 52,

Have considered the same and report it back to the Council, and it was

Referred to the committee of the Whole.

Report of the committee on Engrossed bills:

The committee on Engrossed bills, reported that they had examined the engrossments of

Council amendments to

H. B. No. 17,

For an act fixing the compensation of the members of the Legislative Assembly of the Territory of Colorado, and amend-

atory to the several acts heretofore passed regulating the fees of officers, jurors and witnesses.

Also,

Council amendments to

H. B. No. 46,

For an act to provide for the payment of the clerks and other officers of the Legislative Assembly.

And find said engrossments correct.

G. R. MITCHELL, Ch'n

On motion of Mr. Willis,

The rules were suspended, and

The following bills were read the third time and passed:

H. B. No. 17.

Read a third time by its title and put upon its final passage,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Dominguez, Hallett, Loveland, Mitchell, Pearson, Widner, Willis and Mr. President.

Those voting in the negative were,

Mr. Berry.

Ayes.—9.

Noes—1.

Carried and title agreed to.

H. B. No. 34,

Was read third time and passed by a unanimous vote of the Council.

H. B. No. 40,

Was read third time and passed by a unanimous vote.

H. B. No. 58,

Was read the third time and passed by a unanimous vote.

H. B. No. 38,

Read third time and put upon its final passage.

The question being on the passage of the bill,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Baxter, Dominguez and Widner.

Those voting in the negative were,

Messrs. Berry, Hallett, Loveland, Mitchell, Pearson, Willis, and Mr. President.

Ayes—3.

Noes—7.

Lost.

Also,

H. J. R. No. 3,

Was read the third time, and put upon its passage.

The question being upon its passage,

The ayes and noes were called for.

Those voting in the affirmative were,
Messrs. Baxter, Dominguez, Loveland, Mitchell, Widner and Willis.

Those voting in the negative, were,

Messrs. Berry, Hallett, Pearson and Mr. President.

Ayes—6.

Noes—4.

So the resolution passed,

Mr. Hallett by leave of the Council introduced,

C. B. No. 28,

Mr. Loveland, by leave of the Council, introduced.

C. J. R. No. 6.

On motion of Mr. Hallett,

The rules were suspended, and

C. B. No. 23,

And

C. J. R. No. 6,

Was read first and second time, and

Referred to the committee of the Whole.

C. B. No. 26,

Was put upon its final passage and was lost by a unanimous vote.

The following message was received from the House:

MR. PRESIDENT—I am instructed to inform the Council that the House has concurred in Council amendments to

C. B. No. 13,

For an act to amend an act entitled an act to incorporate the City of Central, approved November 7, 1861, and March 11, 1864.

Also,

The House has passed the following bill:

H. B. No. 59,

For an act concerning county officers.

C. H. GROVER,
Chief Clerk.

On motion of Mr. Hallett,

The committee of the Whole resumed business.

Mr. Hallett in the chair.

The committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration

H. B. No. 49,

For an act to amend an act entitled an act to incorporate the City of Central, approved March 11, 1864.

And recommend that the word "fifty" and the figures "\$50,000"

be stricken out of the 9th and 10th lines of Sec. 4, and the word "thirty" and the figures "\$30,000" be inserted instead thereof.

Also,

Strike out all of Sec. 7 down to the word "which" in the 7th line, and insert the following:

If at any general election the city of Central shall declare in such way and manner as the city council shall prescribe, in favor of establishing a high school for the use of the cities of Black Hawk and Central, it shall be lawful for the city council to ordain the way and manner in which such high school shall be established and maintained, and to prescribe all rules and regulations for such high schools, and to provide for maintaining the same; and if the city council of the city of Black Hawk shall have previously adopted the ordinance, establishing, maintaining and regulating such high school, or shall subsequently adopt the same, such high school shall be established, maintained, and regulated according to the provisions thereof.

Also,

Strike out Sec. 8.

And report the same back to the Council with the recommendation that it pass as amended.

The committee have also considered

H. B. No. 57,

For an act to amend an act entitled an act to incorporate the City of Black Hawk, approved March 11, 1864.

And recommend that Sec. 6, be stricken out, and Sec. 7, as amended in

H. B. No. 49,

Above, making the necessary changes, be inserted instead.

Also,

Strike out Sec. 7,

And recommend the bill pass as amended.

C. B. No. 28,

For an act to provide for the summoning of jurors and other purposes.

And recommend that it be passed.

MOSES HALLETT, Ch'n.

The rules were suspended, and

C. B. No. 23,

Read third time and passed unanimously.

The amendments to

H. B. No. 49,

And

H. B. No. 57,

Was ordered engrossed.

Messrs. Hallett, Pearson and Baxter,

Were appointed a special committee to whom was referred

H. B. No. 57,

On motion,

Council adjourned until to-morrow 9 o'clock, a. m.

FRIDAY, FEBRUARY 10, 1865.

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

Quorum present.

Journal read and approved.

Message from the House:

MR. PRESIDENT—I am instructed to inform the Council that the House has failed to agree to the Council amendments to H. B. No. 34.

Also,

Have passed

C. B. No. 6,

For an act to provide for the support of paupers.

Also,

C. B. No. 28,

For an act to provide for summoning jurors in certain counties, and for other purposes.

C. H. GROVER,

Clerk of the House.

On motion of Mr. Mitchell,

C. B. No. 28,

And

C. B. No. 6,

Was ordered enrolled.

The committee on engrossed bills reported as follows:

Your committee on engrossed bills beg leave to report that they have examined the engrossments of Council amendments to

H. B. No. 49,

For an act to amend an act entitled an act to incorporate the city of Central.

Also,

Council amendments to

H. B. No. 57,

For an act to amend an act entitled an act to incorporate the city of Black Hawk.

And certify that the said amendments are correctly engrossed.

G. R. MITCHELL, Ch'n.

The committee on enrolled bills reported as follows:

Your committee on enrolled bills, beg leave to report that they have examined

C. B. No. 25,

For an act to repeal an act entitled "an act to incorporate the Colorado and Pacific Wagon, Telegraph, and Rail Road Company.

Also,

C. B. No. 21,

For an act to amend an act entitled an act for the protection of farmers against the depredations of stock in the counties of Weld and Douglas,

Also,

C. B. No. 17,

A bill for an act to amend an act entitled an act to incorporate the Park Junction, Georgia, and French Gulch Road Company.

Also,

C. B. No. 20,

For an act to prohibit persons holding office under municipal corporations from entering into contract with such corporations and for other purposes,

And certify that the same is correctly enrolled.

GEO. R. MITCHELL, Ch'n.

The special committee to whom was referred

A. B. No. 52,

Reported back the same and it was

Referred to the committee of the Whole.

H. B. No. 59,

Was read the first time.

On motion of Mr. Hallett,

H. B. No. 23.

Was laid on the table.

On motion of Mr. Berry,

The Council voted to adhere to Council amendments to

H. B. No. 34,

The following message was received from the House:

MR. PRESIDENT:—I am instructed to inform the Council that the House has passed the following H. B's,

H. B. No. 51,

For an act concerning stock running at large at certain times and under certain limits.

Also,

H. B. No. 61,

For an act to amend an act entitled an act prescribing rule and regulations of lands 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.

Also,

H. B. No. 15,

For an act to appoint a commissioner to encourage emigration of miners, and other needed laborers from foreign countries to Colorado Territory.

The rules was suspended, and

H. B.'s Nos. 51, 61, and 15,

Were read first and second time, and

Referred to the committee of the Whole.

The committee on enrolled bills reported as follows:

Your committee on enrolled bills, beg leave to report that they have examined

C. B. No. 13,

For an act amendatory of the Denver City charter,

Also,

H. S. for C. B. No. 1,

For an act to divide the Territory of Colorado into Judicial Districts and to provide for the holding of courts in the same.

Also,

H. B. No. 40,

For an act to amend an act entitled an act to incorporate the Arkansas, Pueblo, and Fountaine qui Bouille Ditch Company, approved March 9, 1864,

Also,

H. J. R. No. 3,

A Joint Resolution and Memorial to Congress, asking for an amendment to the organic act of Colorado Territory.

H. B. No. 58,

For an act to amend an act entitled an act to apportion the Territory of Colorado into Council and Representative Districts, approved Aug. 15, 1862.

And certify that the same is correctly enrolled.

GEO. R. MITCHELL, Ch'n.

On motion of Mr. Hallett,

The Secretary was instructed to inform the House that
H. B. No. 38.

Was transmitted to the House by mistake, and to request the House to return the same to the Council.

H. B. No 49,

Was read third time and passed by a unanimous vote of the Council.

H. B. No. 57,

Was read third time and passed by a unanimous vote.

On motion of Mr. Loveland,

The Council resumed business in committee of the Whole.

Mr. Loveland in the Chair.

The committee of the Whole reported as follows :

The committee of the Whole have had under consideration

H. B. No. 51,

And it was referred to a special committee.

Also,

H. B. No. 61.

Was referred back to the Council with the recommendation that it pass.

Also,

H. B. No. 15.

And report the same back to the Council with the recommendation that it be referred to a special committee to be appointed by the President.

Also,

H. B. No. 52.

And was amended by adding sections four, five and six.

And report the same back to the Council with the recommendation that it pass as amended.

Also,

C. J. R. No. 6,

And report the same back with the recommendation that it be passed.

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

Messrs, Loveland, Widner, and Hallett,

Were appointed a special committee to whom was referred

H. B. No. 51,

Messrs. Berry, Pearson and Baxter

Were appointed a special committee to whom was referred

H. B. No. 15,

The following message was received from the House :

MR. PRESIDENT:—I am instructed to inform the Council that the House has passed the following H. B's :

H. B. No. 50,

For an act to incorporate Elizabethtown.

Also,

H. B. No. 36,

For an act to incorporate the Metropolitan Ditch Company.

Also,

H. B. No. 43,

For an act to prevent gamblers, and keepers of gambling houses from serving as jurors.

Also,

H. B. No. 55,

For an act to amend an act entitled an act concerning conveyances of real estate, approved Nov. 5th, A. D. 1861.

C. H. GROVER,

Clerk of the House.

Mr. Berry offered the following resolution :

Resolved by the Council, That hereafter the Council will not entertain or consider any bill of a private nature, during the present session.

The Resolution was lost.

The rules were suspended and the following bills read first and second time and referred to the committee of the Whole :

H. B.'s Nos. 43 and 55.

H. B. No. 52,

Was read a third time and put upon its final passage.

The question being upon its passage,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Berry, Dominguez, Hallett, Loveland, Pearson, Widner, Willis, and Mr. President.

Those voting in the negative were,

Mr. Mitchell,

Ayes—9.

Noes—1.

Carried, and title agreed to.

Also,

H. B. No. 61.

Was read the third time and passed by a unanimous vote.

On motion of Mr. Hallett,

The committee of the Whole resumed business.

Mr. Hallett in the chair.

The committee of the Whole rose and reported as follows :

The committee of the Whole have had under consideration

H. B. No 55,

And recommend it be referred to a special committee.

Also,

H. B. No. 43,

For an act to prevent gamblers and keepers of gambling houses from serving as jurors.

And recommend that the bill be amended by striking out the words "or professional" in the third line of Sec. 1.

And recommend the bill pass as amended.

MOSES HALLETT, Ch'n.

The report was received and adopted.

Your committee on Enrolled bills respectfully report, that they have examined the enrollments of

C. B. No. 28,

For an act to provide for summoning jurors in certain counties, and for other purposes.

Also,

C. B. No. 6,

For an act to provide for the support of paupers.

And find the same correctly enrolled.

GEO. R. MITCHELL, Ch'n.

The committee on engrossed bills reported as follows:

Your committee on engrossed bills beg leave to report that they have examined the engrossments of

C. J. R. No. 6.

Providing for the expense of translating and printing the Governor's Message in Spanish.

And find the same correctly engrossed.

GEO. R. MITCHELL, Ch'n.

Report of Special Committee:

MR. PRESIDENT:—Your committee to whom was referred

H. B. No. 51,

Beg leave to report that they have considered the same and recommend that the bill be passed with the following amendments:

Strike out the word "use" in the 7th line of Sec. 4.

The report was received and adopted.

The rules were suspended, and

H. B. No. 19,

Was read first and second time,

Referred to the committee of the Whole.

Also,

H. B. No. 60,

Was read a first and second time,

Referred to the committee of the Whole.

C. J. R. No. 6,

Read a third time and put upon its final passage,

The question being upon the passage of the resolution,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Dominguez, Hallett, Loveland, Mitchell, Pearson

Willis, Widner, and Mr. President.

Those voting in the negative were,

Mr. Berry,

Ayes—9.

Noes—1.

Carried and title agreed to.

The following message was received from the House:

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

H. B. No. 60,

For an act concerning the working and claiming of coal and iron beds.

Also,

H. B. No. 19,

For an act to encourage prospecting and mining.

C. H. GROVER,

Chief Clerk of the House.

A message was received from the House, as follows:

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

H. B. No. 56,

For an act to organize the militia of Colorado Territory, and to repeal the act entitled an act to organize the militia, approved, Oct. 18, 1861.

C. H. GROVER,

Chief Clerk of the House.

The rules were suspended, and

H. B. No. 56,

Was read first and second time,

And referred to the committee of the Whole.

Message from the House:

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

H. B. No. 49,

A bill for an act supplemental to an act entitled an act to create a fund for the benefit of schools,

Also, that

H. B.

For an act to encourage the formation and equipment of volunteer companies.

Has been returned by the Governor unapproved with his reasons. The House has reconsidered said bill together with the message from the Governor accompanying it, and have adopted certain amendments attached to said bill, and passed said bill as amended.

C. H. GROVER,

Chief Clerk of the House.

On motion of Mr. Mitchell,

The Council resolved itself into a committee of the Whole.

Mr. Mitchell in the chair.

The committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration the following bills, to-wit:

H. B. No. 56,

For an act to amend an act entitled an act to organize the militia of Colorado Territory, approved Oct. 18, 1861.

And recommend said bill pass as amended, as follows:

Sec. 6. Nothing in this act contained shall be construed so as to impair or in any way effect any military organization effected or made under existing law; and further than this, after the commander-in-chief shall have assumed command under the provisions of this act, such organization shall be governed by the provisions of this act.

Also,

H. B. No. 19,

For an act to encourage prospecting and mining.

And report the same back to the Council with the recommendation that it be passed without amendment.

G. R. MITCHELL, Ch'n.

The report was received and adopted.

On motion of Mr. Loveland

The Council concurred in House amendments to

H. B.

For an act to encourage the formation of volunteer companies.

The rules were suspended, and

H. B. No. 49,

Was read first and second time,

And it was referred to the committee of the Whole.

On motion of Mr. Berry,

The Council resolved itself into a committee of the Whole,

Mr. Berry in the chair.

The Committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration

H. B. No. 49,

For an act to create a fund for the benefit of schools.

And report the same back with the recommendation that it be referred to a special committee.

R. BERRY, Ch'n.

Messrs. Pearson, Baxter, and Widner,

Were appointed a special committee, to whom was referred,

H. B. No. 45,

On motion,

The Council adjourned until seven o'clock this evening.

EVENING SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following message was received from the House:

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

C. B. No. 7.

For an act to amend an act entitled an act to establish the common school system.

Also,

C. J. R. No. 6,

Herewith transmitted.

Also,

H. B. No. —,

For an act to amend an act entitled "An act regulating Elections."

C. H. GROVER,

Chief Clerk.

The following communications were received from his Honor, the Acting Governor of Colorado Territory:

EXECUTIVE DEPARTMENT, C. T.,
February 10th, 1865.

To the Honorable, President of the Council:

SIR:—I have the honor to inform the Council that I have this day approved and signed the following bills:

For an act to provide for the summoning of jurors and other purposes.

Also,

An act to provide for the support of paupers.

Very Respectfully,

Your Obedient Servant,

SAMUEL H. ELBERT,
Acting Governor of Colorado.

The rules were suspended, and

H. B. No. 20,

Was read first and second time, and

Referred to the committee of the Whole.

C. B. No. 9, and C. J. R. No

Were ordered enrolled.

On motion of Mr. Hallett,

The Council resolved itself into a committee of the Whole,

Mr. Hallett in the chair.

The committee of the Whole rose and made the following report:

The committee of the Whole have had under consideration the following, to-wit:

H. B. No. 20,

And recommend the blank be filled with the word "fifty."

Also,

Strike out the word "of" in the 18th line of Sec. 2, and insert the word "for" instead.

Also,

Insert the word "day" after the word "said" in the 9th line from the bottom of Sec. 5.

Also,

Strike out the word "of" in the 2d line from the bottom of Sec. 6, and insert "on" instead.

Also add,

Sec. 11. That all acts and parts of acts inconsistent with the provisions of this act, be and the same is hereby repealed.

And report the same back to the Council with the recommendation that it pass as amended.

MOSES HALLETT, Ch'n.

The report was received and adopted.

The Committee on Enrolled bills made the following report:

Your committee on enrolled bills beg leave to report that they have examined the enrollment of

C. B. No. 6,

For an act providing for the support of paupers.

Also,

H. B. No. 61,

For an act to amend an act entitled an act prescribing rules and regulations of trusts arising under the act of Congress entitled "An act for the relief of citizens of towns upon lands of the United States, under certain circumstances.

Also,

H. B. No. 26,

For an act to incorporate the Denver and San Luis Valley Wagon Road Company.

And certify that the same is correctly enrolled.

GEO. R. MITCHELL, Ch'n.

The following message was received from the House:

MR. PRESIDENT—I am instructed to inform the Council that the House has adopted the House Concurrent Resolution herewith transmitted.

C. H. GROVER,
Chief Clerk.

The committee on enrolled bills reported as follows:

Your committee on enrolled bills, beg leave to report that they have examined

C. B. No. 9,

For an act to establish the common school system.

Also,

C. J. R. No. 6.

Providing for the expense of translating and printing the Governor's Message in Spanish.

And find the same correctly enrolled.

GEO. R. MITCHELL, Ch'n.

The following message was received from the House:

MR. PRESIDENT:—I am instructed to inform the Council that the House has adopted the House Concurrent Resolution herewith transmitted.

C. H. GROVER,
Chief Clerk of the House.

H. B. No. 20,
Was read third time and passed by a unanimous vote.

A message was received from the House, as follows:

MR. PRESIDENT—I am instructed to inform the Council that the House has passed
H. B. No. 62.

For an act making an appropriation to defray the expenses for the year 1865, and Territorial officers, and for other purposes.

C. H. GROVER,
Chief Clerk of the House.

On motion of Mr. Berry,
The Council resolved itself into a committee of the Whole,
Mr. Berry in the chair.
The Committee of the Whole rose and reported as follows:

The committee of the Whole have had under consideration
H. B. No. 62,

For an act making appropriations to defray the expenses of the Legislative Assembly for the year 1865, and to pay the salaries of the Territorial officers, and for other purposes.

And recommend that the same be amended by striking out the words and figures "for the bridge over Clear Creek at Golden City the sum of twelve hundred dollars, (\$1200)," in the 16th, 17th and 18th lines.

Also,
To insert after the word "translating" in the 19th line, the words "and printing."

And report the same back to the Council with the recommendation that it pass as amended.

The following communications were received from his Honor, the Acting Governor of Colorado Territory:

EXECUTIVE DEPARTMENT, C. T.,
February 10th, 1865. }

To the Honorable, President of the Council:

SIR:—I have the honor to inform the Council that I have this day approved and signed the following bills and Joint Resolution:

For an act to repeal an act entitled "an act to incorporate the Colorado and Pacific Wagon, Telegraph, and Rail Road Company.

An act to amend an act entitled an act to establish the common school system.

C. J. R. to defray the expense of translating the Governor's Message into the Spanish language, and to pay for printing the same.

Very Respectfully,
Your Obedient Servant,
SAMUEL H. ELBERT,
Acting Governor of Colorado.

H. B. No 62,
Was read third time and passed by a unanimous vote of the Council.

H. B. No. 19.
Was read third time and lost on its final vote.

Your committee on Enrolled bills respectfully report that they have examined the enrollments of

H. B. No. 33,
For an act to incorporate the Overland Wagon Road Company.

Also,
Council amendments to
H. B. No. 17,

For an act fixing the compensation of the members of the Legislative Assembly of the Territory of Colorado, and amendatory to the several acts heretofore passed regulating the fees of officers, jurors, and witnesses.

Also,
H. B. No. 49,

For an act to amend an act entitled an act to incorporate the City of Central, approved March 11, 1864.

Also,
H. B. No. 51,

For an act to amend an act entitled an act to incorporate the City of Black Hawk, approved March 11, 1864.

Also,
H. B. No. 52,

For an act relating to powder houses and magazines.

Also,
H. B. No. 43,

For an act to prevent gamblers and keepers of gambling houses from serving as jurors.

Also,
H. B. No. 32,

For an act to incorporate the Colorado Iron, Engine and Mill Manufacturing Company.

Also,
H. B. No. 62,
For an act asking an appropriation to defray the expenses of the Legislative Assembly.

Also,
H. B. No. —,
For an act to amend an act entitled "An act regulating Elections."

Also,
H. B. No. 56,
For an act to organize the militia of Colorado Territory, and to repeal the act entitled an act to organize the militia, approved, Oct. 18, 1861.

And find the same correctly enrolled.

GEO. R. MITCHELL, Ch'n.

The report was received and adopted.

Messrs. Hallett and Loveland, were appointed a committee to wait upon the Governor and enquire whether he had any other communication to make to the Council.

The committee who was appointed to wait upon the Governor reported as follows:

Message from the Governor:

EXECUTIVE DEPARTMENT, C. T. }
February 8th, 1865. }

Gentlemen of the Council:

You will please say to the Council that I have no further communication to make. That in parting with them I beg leave to assure them of my appreciation of their uniform courtesy and kindness, and of my belief that their session has resulted in much usefull legislation.

Very Respectfully,

Your Obedient Servant,

SAMUEL H. ELBERT,
Acting Governor of Colorado.

Messrs. Hallett and Loveland were appointed a committee to wait upon the House and inform them that the Council has no further communication to make, and inquire if the House has any further communication to make to the Council.

The committee reported that they had attended to the duty assigned to them.

MOSES HALLETT, Ch'n.

A committee from the House of Representatives made the following communication:

The House has no further communication to make to the Council.

Whereupon the Council of Colorado Territory adjourned *sine die*.

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