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*W. S. Lincoln*  
COUNCIL JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF COLORADO. .

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SEVENTH SESSION.

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CONVENED AT GOLDEN CITY, DECEMBER 2, 1867, ADJOURNED  
TO DENVER, DECEMBER 9, 1867.

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PUBLISHED BY AUTHORITY.

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CENTRAL CITY:  
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## COUNCIL JOURNAL

OF THE

# LEGISLATIVE ASSEMBLY OF COLORADO.

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### SEVENTH SESSION.

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MONDAY, DECEMBER 2D, A. D. 1867.

At the seventh session of the Legislative Assembly of the Territory of Colorado, the Council met at Golden City, the seat of government of said Territory, the 2d day of December, A. D. 1867.

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

On motion of Mr. Cook, Mr. Steck was elected President, *pro tem.*

On motion, Mr. Butler was elected Secretary, *pro tem.*

On motion, Messrs. Pinkerton, Cook and Webster were elected a committee on Credentials.

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

Motion lost.

On motion of Mr. Cook, Council adjourned until 3.30 o'clock p. m.

## AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

On motion, Mr. Butler was excused from acting as Secretary, *pro tem.*, and Mr. Ed. C. Parmelee elected Secretary, *pro tem.*

Committee on Credentials presented the following report, which was read, and on motion of Mr. Nesmith, adopted.

The undersigned, a committee of the Council, to examine and report upon the credentials of persons entitled to seats as members of the Council of the seventh Legislative Assembly, respectfully report as follows, to wit:

That they have examined the several certificates presented by the Secretary of the Territory, the Hon. Frank Hall, and find the following named persons entitled to their seats as members of the Council, to wit:

First district, James H. Pinkerton.

Second district, Chas. A. Cook.

Second district, Amos Steck.

Third district, David D. Belden.

Third district, Hugh Butler.

Third district, J. Wellington Nesmith.

Fourth district, W. A. H. Loveland.

Fifth district, E. Norris Stearns.

Sixth district, W. W. Webster.

Seventh district, Julius C. Hughes.

Eighth district, B. B. Field.

Ninth district, J. M. Velasquez.

Tenth district, Francisco Sanchez.

JAS. H. PINKERTON,  
CHAS. A. COOK,  
W. W. WEBSTER.

Hon. Frank Hall, Secretary and Acting Governor, entered and administered the oath of office to all the members.

The Council then proceeded to the election of permanent officers.

Mr. W. W. Webster and Mr. E. N. Stearns were nominated for President.

President *pro tem.* appointed Messrs. Belden and Pinkerton tellers.

Mr. Butler moved that the first ballot be informal.

Motion lost.

The Council then proceeded to ballot for President, with the following result:

Mr. Webster received seven votes.

Mr. Stearns received five votes.

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

The oath of office was administered to the President by Hon. Frank Hall, Secretary and Acting Governor.

The President upon taking the chair made some appropriate remarks, and thanked the Council for the honor conferred on him.

The President announced the first business in order to be the election of Secretary.

Mr. Steck nominated Mr. Ed. C. Parmelee.

Mr. Butler moved that the election be by acclamation.

Motion carried, and Mr. Parmelee declared so elected.

President appointed Messrs. Loveland and Nesmith tellers.

The Council then proceeded to ballot for Assistant Secretary, with the following result:

Mr. W. J. Kram received eight votes.

Mr. H. Grannis received four votes.

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

The Council then proceeded to ballot for Enrolling Clerk, with the following result:

Mr. A. Hopkins received eight votes.

Mr. N. F. Cheesman received five votes.

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

The Council then proceeded to ballot for Engrossing Clerk, with the following result:

Mr. E. R. Harris received eight votes.

Mr. F. Chapin received five votes.

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

The Council then proceeded to ballot for Sergeant-at-Arms, with the following result:

Mr. Z. Surles received six votes.

Mr. G. W. Mann received five votes.

Mr. W. M. B. Sarell received two votes.

No election.

On the second ballot:

Mr. Surles received seven votes.

Mr. Mann received five votes.

Mr. Sarell received one vote.

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

On motion of Mr. Cook, Mr. D. Martine was elected Foreman, by acclamation.

The Council then proceeded to ballot for Page, with the following result:

Master Eddie T. Boyd received seven votes.

Master Wm. Davidson received six votes.

Master Boyd having received a majority of all the votes cast, was declared duly elected.

On motion of Mr. Steck, Mr. D. Montoga was elected Interpreter, by acclamation.

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

Mr. Cook moved to amend, by adjourning until 10 o'clock a. m. to-morrow.

Mr. Butler withdrew his motion.

On motion of Mr. Butler, Rev. T. T. Potter was elected Chaplain, by acclamation.

Mr. Steck moved that a committee of three be appointed to prepare rules for the government of the Council.

Mr. Nesmith moved to amend by adopting the rules of the last session, until otherwise ordered.

Amendment adopted.

The President then administered the oath of office to the Secretary, Assistant Secretary, Enrolling Clerk, Sergeant-at-Arms, Interpreter, Page, and Foreman.

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

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TUESDAY, DECEMBER 3D, 1867.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—none.

Quorum present.

Journal read and approved.

Mr. Loveland offered the following:

*Resolved*, That a committee of three be appointed by the President to wait upon the House and inform them that the Council is fully organized and ready to proceed to business.

Resolution adopted.

Messrs. Loveland, Cook and Nesmith were appointed such committee.

Message from the House:

HOUSE OF REPRESENTATIVES, December 3d, 1867.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House of Representatives to inform the Council that the House is now fully organized and ready to proceed to business.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Pinkerton offered the following:

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

Resolution adopted.

Mr. Butler offered the following:

*Moved,* That a committee of two be appointed, to act with a like committee on the part of the House, to wait upon His Excellency, the Governor, to inform him that both houses are now organized and ready to receive any communication he may wish to make to the Legislative Assembly.

Motion carried.

Messrs. Butler and Steck were appointed as such committee.

A committee from the House was announced, and stated they were appointed to act with a like committee from the Council, to inform the Governor that the Legislative Assembly was ready to meet in joint assembly.

Mr. Stearns offered the following:

*Moved,* That twenty-five copies of the rules adopted by the Council, be ordered printed for distribution among the members.

Motion carried.

On motion of Mr. Loveland, a committee of two were appointed to confer with a like committee of the House on Joint Rules.

President appointed Messrs. Loveland and Belden such committee.

The committee appointed to act with a committee from the House, to wait upon His Excellency, the Governor, reported that they had performed their duty, and that the Governor would meet the Legislative Assembly in joint convention at 2 o'clock this afternoon.

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

On motion of Mr. Loveland, the Council adjourned, to meet the House in joint convention at 2 o'clock p. m.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Cook and Field.

Committee from the House appeared and announced the House in session, and ready to receive the Council in joint session, to hear any communication His Excellency, the Governor, may have to make.

Messrs. Butler, Cook and Field appeared and took their seats.

The Council then went into joint convention with the House.

On motion of Mr. Butler, a committee of one from the Council and two from the House, were appointed to inform the Acting Governor that the Legislature are in joint convention, and await his pleasure.

Messrs. Butler, Miller and McCoy were appointed such committee.

Committee returned, accompanied by His Excellency, Frank Hall, Secretary and Acting Governor, who delivered the following

#### MESSAGE.

*Gentlemen of the Council and House of Representatives :*

Circumstances of a public character familiar to you all, have made it my duty to assume the office and address you in the name of the Chief Magistrate at this meeting of the seventh session of the Legislative Assembly of the Territory of Colorado.

This is perhaps the most important convention of your Honorable Body since the organization of the Territory. With the rapid growth of our community in wealth and population during the past year, have arisen new and more enlarged duties to which I will call your attention, and to the consideration and performance of which I promise my cheerful and earnest cooperation.

The most important question affecting the welfare of our people, is that of obtaining cheap, rapid, and safe communication with the great centers of wealth and population at the East, from which are drawn our supplies, save the necessaries of life, and from which is to come the capital and labor for the development of the varied resources of the country. In past years

these supplies were transported in wagons from the Missouri River, a distance of more than six hundred miles, exposed during the greater part of the journey to the destructive and murderous attacks of the savages of the plains, involving such losses as would have been fatal to the occupation of the country, had our people been less determined or our resources less abundant. The history of America nowhere else records such a steady increase of wealth and population under such peculiarly trying and disadvantageous circumstances.

The completion of the Union Pacific Railroad to a point one hundred and ten miles north of our commercial center, has by the reduction of wagon transportation to that distance, and the removal of danger from attacks of hostile indians, materially lightened the burden of expensive and uncertain communication with our base of supplies. But while I congratulate you upon this auspicious event, I would commend to your consideration the subject of further relief by actual connection by rail between the mining regions via Golden and Denver cities and the above mentioned road, and also with the Eastern Division Railway which has reached a point two hundred and fifty miles east of this city.

The Union Pacific road forming the grand trunk which is to unite the eastern and western borders of our country, has reached the base of the Rocky Mountains five hundred and twenty miles from its initial point. Extending eastward from the city of San Francisco to meet this main thoroughfare is the Central Pacific Railway, whose iron arms have already crossed the Sierra Nevadas, and which is advancing with such marvellous rapidity that within two years we shall rejoice at the completion of a grand continental highway over which will pour from the flood-gates of India the commerce of all nations to its point of distribution at the city of New York, quickening the pulse of trade and giving to the American people the commercial and monetary monopoly of the civilized world.

The Eastern Division of this main trunk is by its charter compelled to connect with the principal line at a point not more than fifty miles west of the meridian of Denver; but it is believed that the company building it propose to obtain from the present congress a change in its charter, and subsidy of land and money for the purpose of deflecting it to the southward and making a trunk road to the Pacific by way of Santa Fe and Arizona.

Assuming that this Division will be so deflected from its chartered course, Colorado will continue to suffer from the delays and increased expense of wagon transportation for all foreign supplies, and isolated like an island in mid ocean will see the commerce of nations sweep by while her shores are

untouched. To prevent this isolation and to place ourselves within the great current of trade which is to flow across the continent enriching all within its influence, and which would give to Colorado a prosperity greater than her most sanguine friends have presaged, should command our united energies. We must have no local jealousies or divided counsels.

Our citizens are manifestly unable at the present time to construct these branch railways so indispensable to the development of the Territory, and I therefore recommend the adoption of a joint memorial to congress asking that a subsidy of lands and money be granted by the general government to accomplish their completion. Such a subsidy would be simply a loan which would be more than repaid in a few years by the greater revenue derived from our stimulated industries, and most certainly would not equal the expense of military occupation and defense, of which the construction of these roads would obviate the necessity.

Mining, our great industry, the foundation upon which rests our whole business prosperity, has, during the past year yielded to well directed labor most satisfactory returns. This encouraging result is partly due to a vigorous working of long abandoned lodes and placers to the exclusion of the exciting search for new mines, which in former years so generally diverted the efforts of the miner by the alluring hope of sudden wealth, but mainly to the introduction of new machinery and methods adapted to the proper treatment of refractory ores.

These processes seem to embrace all the chemical and mechanical appliances necessary for the certain and economical extraction of the precious metals from their matrices, having given under sufficiently practical tests with all varieties of ores the most gratifying results. We may confidently look forward to a period in the not very remote future, when we shall be able to obtain gold, silver, and copper from the abundant material in which our mountains abound, to an extent practically limited only by the amount of machinery and capital employed for those purposes.

The discovery and partial development of numerous and surprisingly rich silver mines in the vicinity of Georgetown, in Clear Creek County, during the past year, offers a fresh guarantee of diversity of labor and increased production of wealth in the brightening future. Under the act of Congress, approved July 26, 1866, the mineral lands of the United States, surveyed and unsurveyed are laid open to pre-emption and occupation—pursuant to certain prescribed regulations—by citizens of the United States and those who have declared their intention to become such. Since the passage of this act, a multitude of applications for government titles to mines have

been filed in the Land-Office at Denver, but the Surveyor General having found no one until a very recent date who would accept the contract to establish meridian lines within the mining districts, owing to the inadequate pay allowed by law for such service, but one final survey has been made. This first location, by the filing of an adverse claim under the provisions of section six of the Congressional Act, which authorizes parties having adverse claims to file them at any time prior to the approval of the survey, has been duly prepared by the agents of the general government and forwarded to the Interior Department to be submitted as a test case, demanding such adjudication as will establish a reliable precedent for the guidance of future decisions. This proceeding will necessarily suggest by its thorough investigation, beneficial amendments to the law, which as it now stands is practically inoperative in such cases. When there are no adverse claims its operation is rapid and complete, but when complications exist, arising from inaccurate surveys, multiplicity of local titles, or the causes before stated, the law does not clearly delegate to any established tribunal the power to adjust them, or if it does, its meaning is so obscure as to obstruct most effectually every step taken to the permanent and definite establishment of the rights of parties litigant. The case now pending will doubtless develop the hidden construction which is to determine future action.

General Lessig has kindly furnished me with the following account of surveys made to facilitate locations under the act referred to.

The first correction line south, has been run from the base of the mountains near Bradford, west eighteen miles. The second correction line south, extends from a point on the divide near the head waters of Plum and Monument creeks at the foot of the mountains, west through the South Park, to a point on the Arkansas River about two miles north of Twin Lakes. The line passes twelve miles north of the salt works of Park County and six miles south of Fairplay. The 9th guide meridian has been run from the second correction line south, from a point on the eastern border of the South Park, north, to a point twelve miles north of the base line, the latter passing about one half mile east of Idaho, through the Briggs mill between Central and Black Hawk to South Boulder and Columbia City. The base line is also extended one and a half miles beyond Blue River. The exterior lines of township 3 south, range 73 west, are established, taking in the lands and mining claims to a point six miles above Idaho. The Surveyor-General has authorized the survey of mineral lands lying within three miles of any of these lines. Within the limits described are em-

braced nearly all of the mining districts of Boulder, Gilpin, and Clear Creek counties. Empire and Georgetown though now excluded, will receive early attention, the townships in which they are located be defined, and the people enabled to assume their legal prerogative as in other jurisdictions covered by the congressional statute.

During the year, the various interests of Colorado have been admirably represented at the Universal Exposition in Paris. In the fall of 1866, a large and valuable collection of minerals was made for this purpose by Geo. W. Maynard, Esq., who was subsequently appointed Territorial Commissioner; but events transpiring shortly afterward to prevent his contemplated tour through Europe, J. P. Whitney, a gentleman of fine attainments, and possessing a thorough practical knowledge of our country, was appointed to the vacancy. Having a magnificent cabinet of specimens, some 3000 in number, many of them new to the science of mineralogy, gathered for private use, they were added to the Territorial collection and with them exhibited to the world at Paris. Maps illustrating the topography of our mountains and valleys, photographic and pencil sketches showing their prominent characteristics, decorated the quarter devoted to his use, so that the stranger might gather at a glance a correct and comprehensive view of the region represented. Pamphlets setting forth a statistical review of our varied resources, agricultural as well as mineral, were published in three languages, English, French and German, which ultimately became widely distributed among the scientific and industrial classes of Europe. As the result of this wholesale advertising we have

1st. The first gold medal awarded to minerals.

2nd. The appointment of an Imperial Commissioner who has visited the Territory, and reported his observations therein for the benefit of capital and science in France.

3rd. The selection of an agent by the German Emigrant Aid Society of Prussia to visit and investigate the advantages offered by Colorado for the early colonization of a large number of Germans.

4th. The diffusion throughout Europe of such useful knowledge as will have a direct tendency to invite the industrial classes of all nations to make new homes among our people.

It is impossible to overestimate the value of the service rendered the Territory through the indefatigable energy of Commissioner Whitney. His return in October last was hailed with universal manifestations of appreciation and esteem. When we consider all that has been accomplished by his almost unaided efforts, at great personal sacrifice and a large burden of expense in which we have borne no share, the inestimable results likely

to accrue in connection with the future welfare of the Territory, it is eminently proper for this Assembly to deliberate upon some fitting testimonial of the estimation in which this service is held; and I would therefore suggest the adoption of a series of complimentary resolutions expressive of the same, a copy of which engrossed on parchment to be presented Mr. Whitney in the name of this commonwealth.

Although in consequence of destruction in places from grasshoppers, the crops of the present have not equaled those of the previous year, yet more than sufficient of all kinds of produce has been gathered to supply every want. This may be regarded as another demonstration of the gratifying fact that Colorado is equal, even in the most adverse seasons, to the production of ample subsistence for her population. The fact that farmers have readily adapted themselves to the system of irrigation demanded by the peculiar climate and soil, the abundance of water which can easily and without great expense be made to flow over and enrich these beautiful valleys, and the vast area of fertile country susceptible to irrigation, assures the ability to subsist from internal resources alone even the population which the full development of the mining region will eventually attract within our borders.

The Territorial Agricultural Society incorporated in 1865, has thus far been conducted under the most gratifying auspices, expanding its sphere of usefulness with the growing interest it was formed to promote. Its second annual exhibition in October, elicited the most flattering commendation from strangers present, while the uniform excellence of the products displayed, challenged competition from any section of the Great West.

Through the kindness of E. C. Holmes, Esq., Register of the Land-Office, I am enabled to incorporate the following exhibit of lands filed upon for purposes of actual settlement within the year ending Oct. 31, 1867:

Under Military Bounty Land Warrants,.....	36,334	65-100	Aeres.
Cash Series Act 4th, Sept. 1841,.....	10,022	48-100	"
Homestead Act May 20, 1862,.....	11,059	08-100	"
Total No. of Acres taken up for Actual Settlement,.....	57,416	21-100	"
No. of Acres filed upon under Act of 4th of Sept. 1841,.....	103,000		"

The necessity for the immediate organization of a Bureau of Statistics is becoming urgent. I have been forced to this conviction by the fact of having received in my official character a large number of communications addressed from various quarters of the United States making inquiries with regard to the soil, climate, present and projected railroads, productions, society, and general prospects of the Territory, the writers being actuated by a desire to establish permanent homes here

and avail themselves of the advantages presented by the rising development of a new and prosperous country. That such immigration is needed to assist in perfecting the enterprises which we but a few years since initiated in the desolation and solitude of the wilderness, and have already brought to such a gratifying stage of progression, cannot be controverted, nor can the apprehension be disguised that without the aid of this potent auxiliary we must eventually languish, if not entirely fail to consummate the glorious mission we came to fulfill. Various agencies have combined to draw from us a large portion of the laboring class, upon which we are mainly dependent for the cultivation of the broad acres of fertile lands which surround us, and the enlargement of mining operations. Measures for the recuperation of our overtaken energies through foreign channels should receive earnest attention. Statistics should be collated, printed, and scattered broadcast over the land, showing our incomparable resources, and inviting to our friendly soil the industrial classes of every quarter of the globe. Let the advantages which our Territory affords to those seeking new homes be more generally known, and a tide of immigration would speedily flow hither that would place Colorado on a footing of equality with a majority of the older States, members of the federal Union.

The indian question may now be regarded as one that is no longer capable of seriously disturbing our domestic tranquillity. The peace commission, of whose movements ample notice has been afforded by the press, have succeeded in negotiating terms with the various hostile tribes which mainly place them beyond immediate contact with present or projected thoroughfares. The boundaries established for the Kiowas and Comanches embrace the tract of country which begins on the intersection of the thirty-fifth parallel with the ninety-eighth meridian, continuing west on that parallel to the north fork of Red River, thence down the same to the main stream of that name, and along the same to the ninety-eighth meridian, thence to the point of beginning, covering an area of nearly six thousand square miles. It is stipulated that in lieu of the annuities formerly provided by the government, the indians shall annually receive supplies of clothing commensurate with and suited to their wants, and in addition the sum of twenty-five thousand dollars, to be expended yearly by the Interior Department for such other necessary articles as may be demanded by their new condition. Efforts will be made to induce these and other tribes treated with to adopt agricultural pursuits, and gradually abandon their nomadic habits. They agree to interpose no obstruction to the advancement of the several railroad lines, and to preserve a lasting peace.

The Cheyennes and Arapahoes have been made the objects of especial care, they being removed as far as possible from Colorado influences, "because," says Senator Henderson, "the people of that Territory seem to be so much excited and embittered against them." The district selected for these bands is located south of and bordered by the Arkansas River, extending north to the Kansas border and south to the Cimarron, comprising a magnificent section of nine thousand square miles, within which there are no considerable settlements. Like the Kiowas and Comanches, they agree to withdraw their opposition to emigrants, settlers, and the lines of railroad, submitting peacefully to the new regulations prescribed for them, with the single exception of the right to hunt for game over a much wider range of country than that designated as their grant. A few other bands enumerated as members of the warlike confederation have been similarly disposed of by their retirement to ample reservations, removed from present routes of travel. While doubts exist in the minds of western men, particularly in Colorado, whose citizens have suffered most severely from the murderous incursions of these tribes, as to the permanency of these wholesome arrangements, all will rejoice at the prospect of peace, after an almost continuous warfare of three years duration. Whether these treaties are observed forever, or violated within the year, will make little difference with our commercial interests, because the Union Pacific Railroad, which can and will be protected against all danger and obstruction, has by its extension become available to us as a means of communication with our base of supplies.

In this connection it is proper to advert to the Ute nation, whose friendship and uniform good conduct is a subject for universal congratulation, and should commend these worthy people to the favorable consideration of the parent government. During the bloody conflict that has passed with the tribes of the plains, they have steadily maintained their allegiance to treaty stipulations. They have mingled freely with our citizens without the slightest collision, until they have come to be regarded not only as friends but allies, and their necessities cheerfully relieved by private contributions.

But something more is necessary. The general government, while caring for the interests of those whose record is written in the blood of our people, should certainly extend its beneficent offices to those who are manifestly entitled to the first place in its confidence. Through the occupancy of their lands by the white settlers, all opportunity for self maintenance by the only means they know how to employ is sacrificed, leaving them greatly dependent upon charity for support. Life annuities similar in extent to those granted the other bands referred

to, should be provided by congress, and their distribution regularly and honestly made. The Utes are now in a condition to receive instruction, properly tendered, in the ways of civilization. Agencies established among them, upon reservations wisely chosen for their adaptation to agricultural and pastoral pursuits, and missionaries appointed to teach them these new duties would, I am convinced, be followed by immediate good effects.

The laws of our Territory through a necessity incident to all young communities have received many important amendments, since the first session of the Legislative Assembly. These amendments, distributed through the legislation of all succeeding years, make our statutes in their present form an embarrassment even to the legal profession, while to the people at large they are almost a sealed book. To effect a judicious compilation of them would entail but a trifling expense, and render to all classes an essential service. In anticipation of such action being taken by the Seventh Assembly, and in view of the fact that a period of two years must elapse before such a work could be performed and submitted for approval, which would only augment the difficulty now complained of, a method for the obviation of so lengthy a postponement has been adopted by the legal fraternity and carried into effect by Col. E. T. Wells, an attorney of acknowledged ability who has made a thorough compilation of the statutes, to which your attention will be called at an early day. The labor has been long and arduous—the expense a material consideration—and the work has been done in a manner to meet the unqualified approval of the supreme judges, whose certificate it bears. While I believe that a comprehensive codification would be more acceptable, the form to which I have alluded, will remove the principal obstructions to a general and correct knowledge of our laws, and afford a safe and intelligible basis upon which to erect a more elaborate structure when demanded.

For various reasons it is desirable that the organization, whether partial or complete, of each county throughout the Territory, should be known to the Executive Department. The election returns on file in the Secretary's office cannot be relied upon for such information, for the reason that a large number of county officers elected, fail to execute their bonds and qualify within the time prescribed by law, thus creating many vacancies to be supplied by the commissioners. Many of the county clerks have neglected to forward the election returns for local officers, from the fact that in their judgment no practical advantage could be derived from it, and for the reasons before given no special effort has been made to obtain them. Being often called upon to authenticate, for use in for-

eign countries and in the United States, the signatures and official acts of such officers, and possessing no accurate knowledge of the same, I caused the several county clerks to be furnished, some weeks previous to the last general election, with printed blanks, designed when properly filled, to exhibit the signature, date of commencement, and expiration of term of office, and post-office address of each qualified officer: but a majority of those addressed on the subject—they being under no legal obligation so to do—have failed to return these lists in the form requested. The information thus sought, which is essential to public convenience, necessary to the validity of transfers of property, the delegation of important trusts, and the facilitation of much official business, having been withheld, I recommend to your honorable body such amendment of the general election law as will meet the exigency.

While discussing affairs relative to county organizations, it is well to consider the question long agitated, but never decided, bearing upon the matter of revenue in such counties as have effected but partial and incomplete organizations. The Auditor's and Treasurer's reports exhibit from year to year the mortifying fact that a number of counties have failed to contribute their proportionate share toward the maintenance of the public burden, though enjoying all the privileges of representation and protection under the laws, granted to those whose revenue is promptly and regularly paid. The excuse has been that having no local organization, no officers had been appointed to levy assessments and collect taxes, hence none had been returned. It is not only unwise, but positively unjust to the great masses of the tax payers to permit the further continuance of this ruinous policy. The counties referred to are no less prosperous with their internal affairs than those which occupy a more central position. Their lands produce abundantly, labor is far less expensive than on the eastern or northern border, and ample markets are provided for the disposal of all they may produce, at rates profitable to the producer.

An amendment to the revenue law is called for by these circumstances, which will provide for the appointment of territorial officers whose duty it shall be to levy assessments and gather the territorial tax from such counties as have neglected to make provision for defraying their portion of the general expenses.

It is evident that further legislation is required for the prevention of election frauds. Too much importance cannot be attached to the purity of the ballot box, nor too much care taken for its preservation. Without essential safeguards, popular elections become a farce and republican government a fable. The demagogue supplants the statesman, and the dearest inter-

ests of the people are sacrificed to the promotion of partisan ends and personal aggrandizement. It is reasonable to conclude that the charges of fraud, so freely preferred at each succeeding election, are not entirely without foundation. Under present statutory regulations, fraudulent votes may be deposited notwithstanding the exercise of the utmost vigilance of the election boards, and it is literally impossible to correct the wrong thus perpetrated, by attempting to eliminate the illegal from the legal votes, because one class is indistinguishable from the other. Rejecting returns *in toto*, as has in some instances been done, is, to say the least, a harsh remedy, for you thereby disfranchise legal voters, and punish the many for the faults of the few. Good citizens should not thus be deprived of the most valuable prerogative of American citizenship. A registry law, similar in its provisions to those successfully operated in many of the States, has been suggested as a cure for this rapidly growing evil. While the efficiency of such a law has hardly been questioned, doubts have been expressed as to its immediate practicability. It has been objected with much force that the system proposed is too intricate and expensive for satisfactory application in our sparsely populated territory. This argument prevailed, and prevented the enactment, in the session of '65, of a wholesome registry law. We are now called upon to take the broadest possible view of this question. The official declarations of the results of subsequent elections have been seriously questioned, and in some instances appeals taken therefrom to tribunals of last resort, and there is a very generally expressed desire that such legislative action may be had as will, if possible, place the regularity of future elections beyond the power of contravention. This subject commends itself to careful investigation, as a matter eminently worthy the consideration of a free and order-loving people. Good citizens must be protected in the exercise of the elective franchise, and the evil disposed prevented from overcoming this right by fraudulent agencies in the same direction.

The recent amendment to the organic act, providing that hereafter the sessions of the legislature shall occur biennially, will necessitate radical modifications of the law regulating general elections, and requiring annual reports of certain territorial officers entrusted with the collection and disbursement of the public revenue, to be submitted to the Legislative Assembly while in session. Since it will henceforth be impossible for such officers to comply with former custom in this regard, it is proper to devise measures which will satisfy the public demand for annual exhibits. I therefore suggest that at the close of each alternate year, intervening between the sessions, such reports shall be made to the Executive, who shall cause the same

to be published in one or more newspapers having the largest general circulation, so that the people may be officially advised each year of all matters pertaining to the organization of the militia, the public schools, and the condition of the finances.

The partial abridgment of mail facilities, is a question full of interest to every inhabitant. The law of congress enacted in 1864, which has to this day deprived us of a large share of periodical literature, was inflicted upon us through the influence of mail contractors, to whom we are indebted for other and even more serious deprivations. If at any time a cause existed for the interposition of congress to prevent abuses in the overland mail system, that cause is now wholly removed, and there can be no occasion for its further continuance. Congress should be vigorously memorialized upon this subject, and our delegate instructed to use his utmost endeavors to relieve this people from the odious law that has so long been a measure of oppression.

There has been considerable discussion through the press, and elsewhere, in reference to the establishment of a new Territory, with its seat of government located at Cheyenne, the present western terminus of the Pacific railroad. The marvelous growth of cities known only in the region west of the Alleghanies, whereby a complete solitude is transformed as if by magic into a busy and populous city, replete with all the appliances of a progressive civilization, has been again illustrated at a point but a few miles removed from the northern boundary of our Territory. Within the short space of four months a vigorous town has grown from an unpeopled waste, to a population estimated to exceed three thousand souls. From a commencement so auspicious, generating that sanguine hope of the future, which is so characteristic of American frontier life, arose the discussion of a proposition to establish a distinct territorial government, which led to definite action in the election of a delegate to congress, who has been sent to Washington to advocate its adoption by the federal legislature. Further than incidental allusion to these facts would be unwarranted at this time, were it not that in the event of the favorable consideration by congress of the proposition in question, there is reason to apprehend that an important portion of Colorado will be appropriated to form a part of the area of the proposed Territory. Regarding at all times as we do with unfeigned pride the rapid growth and prosperity of our common country, and feeling an especial interest in that so near at hand, we nevertheless could ill afford to cripple our own resources to the extent contemplated by our aspiring neighbor. The benefit to be derived from our dismemberment would be measured by our injury. Just in proportion as it would be beneficial to an-

other, it would be injurious to us. The necessity of an immediate organization of another Territory is to say the least somewhat problematical, especially when it must necessarily involve serious injury to one already organized and prepared for admission as a State. Colorado has labored from its first settlement against innumerable adversities, but none that foreshadowe' a permanent injury to the whole people as does this. The subject is brought to your notice not because the danger is imminent, but in order that you may be prepared to check and defeat any such movement if inaugurated during your present session.

The recent act of congress decreeing civil and political equality throughout the Territories, practically cancels and repeals the provisions of our local statutes defining the qualifications of voters and jurors. It is not my purpose at this time to discuss the wisdom or propriety of this measure, since discussion could in no way affect the result. Its operation has met with no opposition in the several municipal and county elections, where prejudice and principle have been brought face to face, the former being lost before the mighty presence of the latter. The ordeal though bitterly severe to many, has been generally accepted cheerfully as one of the inevitable fruits of a great political revolution. As loyal citizens, we should hasten to render legal obedience to the national will, by harmonizing our legislative acts with those of the general government.

The annual report of the Adjutant General is submitted herewith. The exhibit therein is a subject which calls for more than ordinary attention from your honorable body, which is made urgent by the almost inextricable confusion which prevails in this department. The importance of an efficient militia law to supersede the statutes which, though entirely inoperative and worthless, are still in force, need not be recited. The proceedings of His Excellency, Governor Hunt, under this law, which transpired during the summer, when furnished will be made the subject of a special message.

Although repeated efforts have been made by the Executive to obtain reliable information respecting the disposition made of our Territorial claims against the United States government for the services of militia in the years 1864-5, nothing definite has as yet been elicited. Through private sources, however, I learn that the accounts (of which a full history will be found in the Adjutant General's report) have been duly authenticated by Generals Sherman and Hancock, and are before the War Department for submission to Congress. Such other intelligence as may be received during your present session, will be forthwith transmitted.

I find that the report of Adjutant General Lewis N. Tappan,

forming an important part of the military history of this territory, prepared in 1866, has neither been submitted to the Legislative Assembly nor published, as required by law, though why not is beyond my power to explain. It is to be hoped that this Assembly will take the requisite steps for its incorporation with the usual reports.

To close this message—though already extended far beyond the limits of my original design—without reverting to the State question which has long occupied the public mind, might be regarded as an unpardonable neglect of duty, especially since my predecessor devoted so large a portion of his last address to its discussion. Four years ago a legislature was elected which petitioned congress for an enabling act as a preliminary step to the organization of Colorado as a State. It being granted, a constitutional convention was called, a constitution framed, submitted to the people, and rejected. The following spring the rebellion closed, returning to their homes in the Territory, our soldiers which the war had called to the field. After universal discussion it was decided to attempt a second organization of the State forces, and accordingly another convention was called and a new and more acceptable constitution framed. On being submitted to the people it was ratified by a majority of 155. The election of State officers followed, succeeded in due time by the selection of two senators to represent the new State in the superior branch of the national legislature. The bill for admission twice passed both houses of congress, and was twice vetoed by the President. A third bill was introduced which is now pending. The principal argument urged against the measure by the disaffected of all parties was the inadequacy of population. During the legislative session of 1865, a census bill was passed, and the census taken, which resulted in placing the number of resident inhabitants at less than 30,000. Every unprejudiced mind declared at once against this unquestionably false return, but its effect had already gone abroad to tell the world that Colorado was being depopulated, and would soon become a mere blank upon the broad map of the nation. The result is well known, and need not therefore be recapitulated. That our numbers have largely increased during the year is incontrovertible. As an evidence of this fact, I need only point to the returns of the last popular election held in August, whereby we have, estimating five persons to each voter, a population but little short of that claimed by Nebraska, now an honored member of the galaxy of States.

It seems to me that to allow this persistent effort to achieve state sovereignty, running through four years, to fail at last, leaving us in the Territorial condition, with no influence in national affairs, and but little in our own, would be little less

than suicidal to every vital interest. What may be called the Rocky Mountain system of railroads has sufficiently developed itself to show that without a voice in the government at Washington we are to be deprived of all benefits arising from its inauguration and completion. The events of the past twelve months to which reference is unnecessary, fully establish this view of the question. We find that even in the matter of connection with one or both of the great lines of railway, we have nothing but our own resources, unaided by public land grants as in new States, to encourage the enterprise. The advantages accruing from the construction of one such line of connection with the east, would, I venture to say, outweigh tenfold the additional taxation requisite for the support of State government.

By virtue of the act of congress, approved January 22, 1867, the net proceeds of the internal revenue of this Territory, to an amount not exceeding forty thousand dollars, is set aside and appropriated to and for the purpose of erecting, under the direction of the Secretary of the Interior, a penitentiary building. Although no instructions have been received from the Interior Department with reference to the preliminary steps which are to insure the early completion of work upon this very necessary public edifice, it is safe to conclude that the location of a suitable site by your assembly, would be eminently proper. It is hoped that a central position may be chosen, in order that all parts of the Territory may be accommodated in its use.

The reports of the Auditor, Treasurer, and Superintendent of Public Instruction, which are herewith, will show the condition of the public schools, and the general financial standing of the Territory. The subjects for legislation enumerated in the foregoing pages are committed to your care as the faithful guardians of the public weal. I trust the deliberations upon which you are about to enter, will be guided by wisdom, justice and harmony. To this end I invoke the blessing of the Almighty Disposer of human events and all earthly destinies, to rest upon and crown your great and noble mission.

FRANK HALL.

The message having been received, on motion of Mr. Miller, the joint convention adjourned *sine die*.

The Council resumed its sitting.

Mr. Belden moved a reconsideration of the vote on the resolution passed on yesterday, by which the parliamentary rules and regulations of former sessions of this body were adopted for the government of the present session.

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

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton, Sanchez, Stearns and Velasquez—8.

Nays—Messrs. Belden, Cook, Field, Steck and Mr. President—5.

Motion carried.

Message from the House:

HOUSE OF REPRESENTATIVES, December 3d, 1867.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform the Council that the House has this day passed H. B. No. 1, An act to locate the seat of government of the Territory of Colorado. The same is herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Pinkerton offered the following:

*Resolved*, That a committee of two be appointed by the Council, to act with a like committee on the part of the House, in reference to printing the message of Acting Governor Hall.

Resolution adopted, and Messrs. Pinkerton and Belden were appointed such committee.

Mr. Loveland moved to adjourn until 10 o'clock a. m. to-morrow.

Motion lost.

Mr. Steck moved that the bill just received from the House, be read the first time.

Mr. Loveland moved to adjourn until 10 o'clock a. m. to-morrow.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

The fourth order of business was called and passed.

Mr. Butler moved to adjourn until to-morrow at 10 o'clock a. m.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

The fifth, sixth and seventh orders of business were then called and passed.

Mr. Butler moved to adjourn until 10 o'clock a. m. to-morrow.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

The eighth, ninth and tenth orders of business were called and passed, and the eleventh order of business called.

Mr. Butler moved to adjourn until 8 o'clock this evening.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Mr. Steck called for the question on the reading of the bill.

Mr. Butler made a point of order, that the bill could not be read on the day of its reception from the House.

Point overruled.

Mr. Butler appealed from the decision of the chair.

Ayes and nays demanded.

Ayes—Messrs. Belden, Cook, Field, Steck, Sanchez and Velasquez—6.

Nays—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Appeal sustained.

Mr. Butler moved to adjourn until 10 o'clock a. m. to-morrow.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Mr. Steck moved that the H. B. No. 1, on the Secretary's desk, for the removal of the capital of the territory, be read for the first time.

Mr. Loveland made a point of order, that the motion could not be considered at this time.

The President referred the point to the Council for decision.

Mr. Stearns moved to adjourn until 10 o'clock a. m. to-morrow.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Ayes and nays demanded on Mr. Loveland's point of order.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Point overruled.

Mr. Butler moved to adjourn until 10 o'clock a. m. to-morrow.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

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

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Mr. Stearns moved to adjourn until to-morrow morning.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

So the motion was lost.

Mr. Butler moved that the consideration of the motion of Mr. Steck be postponed until to-morrow at 10 o'clock a. m.

The ayes and nays being demanded, there were:

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

So the motion was lost.

Mr. Butler moved to adjourn until 10 o'clock a. m. to-morrow.

Ayes and nays being demanded, there were:

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

So the motion was lost.

Mr. Loveland moved that the motion of Mr. Steck be made the special order for to-morrow at 11 o'clock a. m.

The ayes and nays being demanded, there were:

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

So the motion was lost.

Mr. Pinkerton moved to adjourn until 10 o'clock a. m. to-morrow.

The ayes and nays being demanded, there were:

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

So the motion was lost.

Mr. Steck moved the previous question.

The ayes and nays being demanded, there were:

Ayes—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Nays—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Motion carried.

Mr. Butler moved to adjourn until 10 o'clock a. m. to-morrow.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Mr. Butler moved that this subject be referred to a committee of three, to be appointed by the chair, to report at 10 o'clock a. m. to-morrow.

Motion ruled out of order.

The ayes and nays being ordered on the main question, there were:

Ayes—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Nays—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

So the previous question prevailed.

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

WEDNESDAY, DECEMBER 4TH, 1867.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—none.

Prayer by the Chaplain.

Journal read and approved.

Special committee to confer with a like committee of the House, on Joint Rules, reported verbally, and recommended the adoption of the joint rules of last session.

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

Mr. Steck offered the following:

*Resolved*, That one hundred copies of the permanent rules of the Council, and the joint rules of the two houses, be printed in the English language, and one hundred copies of the same in the Spanish language, for the use of the members of the Council.

Resolution adopted.

On motion of Mr. Steck, the rules were suspended, and Concurrent Resolution No. 1, in relation to a revision of the statutes, was read first, second and third times, and passed unanimously.

Mr. Cook offered the following:

*Resolved*, That the Secretary furnish a copy of all resolutions to the Interpreter.

Adopted.

Mr. Hughes gave notice that he would, on to-morrow or some subsequent day, introduce a bill for An act to establish the capital of Colorado Territory at Pueblo, Pueblo county, and the penitentiary at Canyon City, Fremont county.

H. B. No. 1, a bill for An act to locate the seat of government of the Territory of Colorado, was read first time.

On motion of Mr. Butler, Council took a recess until 12 o'clock.

Council resumed its sitting.

The President announced the following standing committees of the Council:

*Judiciary*—Messrs. Steck, Butler and Pinkerton.

*Finance, Ways and Means*—Messrs. Butler, Loveland and Cook.

*Education*—Messrs. Field, Stearns and Belden.

*Military Affairs*—Messrs. Stearns, Nesmith and Belden.

*Highways and Bridges*—Messrs. Pinkerton, Hughes and Sanchez.

*Expenditures*—Messrs. Nesmith, Butler and Hughes.

*Territorial Affairs*—Messrs. Cook, Hughes and Sanchez.

*Elections*—Messrs. Steck, Nesmith and Stearns.

*Counties*—Messrs. Pinkerton, Field and Velasquez.

*Federal Relations*—Messrs. Hughes, Loveland and Nesmith.

*Agriculture*—Messrs. Field, Pinkerton and Sanchez.

*Mining Interest*—Messrs. Belden, Stearns and Hughes.

*Indian Affairs*—Messrs. Butler, Velasquez and Steck.

*Printing*—Messrs. Loveland, Hughes and Velasquez.

*Enrolling and Engrossing*—Messrs. Stearns and Butler.

The special committee on the printing of the Governor's message, submitted the following report :

*Mr. President:* We your committee appointed to confer jointly with a similar committee appointed on the part of the House of Representatives, in relation to printing the Governor's message, Auditor's and Treasurer's reports, beg leave to report that we have had the matter under consideration, and have agreed upon fifteen hundred copies, to be printed in pamphlet form, in the English language, and five hundred copies in the Spanish language, for the use of the respective houses, and for public distribution. The same to be bound in paper covers. All of which is respectfully submitted.

JAS. H. PINKERTON,  
D. D. BELDEN.

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

Leave being granted, Mr. Pinkerton gave notice that he would, on to-morrow or some subsequent day, introduce a bill regulating roads and bridges.

Mr. Steck offered the following :

*Resolved,* That the Treasurer, Auditor, and School Superintendent be severally requested to make their annual reports to the Legislative Assembly, at the earliest practicable day.

Adopted.

Mr. Steck offered the following :

*Resolved,* That the several subjects contained in the message of Acting Governor Hall, be referred to respective appropriate committees of the Council.

Adopted.

Mr. Cook moved to adjourn until 3 o'clock p. m.

Mr. Butler moved to amend, by adjourning until 10 o'clock a. m. to-morrow.

Amendment lost.

Mr. Cook's motion prevailed, and Council adjourned until 3 o'clock p. m.

AFTERNOON SESSION.

Council met at 3 o'clock p. m., pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Hughes and Stearns.

Message from the House:

HOUSE OF REPRESENTATIVES, December 4th, 1867.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform your honorable body that the House has concurred in and adopted C. C. R. No. 1., and have appointed B. B. Stiles, G. W. Miller and Thos. Macon the committee on the part of the House, under said resolution.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

The President appointed Messrs. Steck and Butler, committee on the part of the Council, under said resolution.

On motion of Mr. Pinkerton, Council adjourned until 10 o'clock a. m. to-morrow.

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THURSDAY, DECEMBER 5TH, 1867.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—none.

Prayer by the Chaplain.

Journal read and approved.

Mr. Loveland gave notice that he would, on to-morrow or some subsequent day, introduce a bill for an act to provide a territorial library.

H. B. No. 1 was read the second time.

Mr. Loveland moved to refer H. B. No. 1 to a special committee of two.

Message from the House:

HOUSE OF REPRESENTATIVES, December 5th, 1867.

*To the Honorable, the President of the Council:*

SIR: I have the honor to inform your honorable body that the House has adopted H. C. R. No. 1, a resolution relative to furnishing this House with newspapers, and respectfully ask the concurrence of the Council. The same is herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

On motion of Mr. Loveland, the Council adjourned until 3 o'clock p. m.

AFTERNOON SESSION.

Council met at 3 o'clock p. m., pursuant to adjournment.

President in the chair.

Roll called.

Absent—none.

Ayes and nays demanded on Mr. Loveland's motion to commit H. B. No. 1.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Mr. Loveland moved to erase the words "Denver City, Arapahoe County," where they occur in the bill, and insert "Central City, Gilpin County," instead thereof.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Mr. Loveland offered the following:

*Resolved*, That the words "Denver City, Arapahoe County," be erased, and "Canyon City, Fremont County," be inserted in lieu thereof, wherever they occur in the bill.

Ayes and nays demanded:

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Resolution lost.

Mr. Pinkerton offered the following:

*Resolved*, That the words "Denver City, Arapahoe County," be erased, wherever they occur in the bill, and the words "Latham, Weld County," be inserted in lieu thereof.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Resolution lost.

Mr. Loveland moved to strike out the words "Denver City, Arapahoe County," wherever they occur in H. B. No. 1, and the words "Boulder City, Boulder County," be inserted in lieu thereof.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Mr. Steck moved that H. B. No. 1 be put upon the general file for its third reading and final passage on to-morrow, and moved the previous question.

Mr. Loveland objecting that the motion could not be entertained, as it done away with the action of the committee of the whole on the bill.

Objection overruled.

Ayes and nays demanded, ordered and called, on the putting of the main question, there were:

Ayes—Messrs. Belden, Butler, Cook, Field, Hughes, Nesmith, Pinkerton, Steck, Sanchez, Velasquez and Mr. President—11.

Nays—Messrs. Loveland and Stearns—2.

So the motion for the previous question prevailed.

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

Mr. Steck made a point of order, that the motion was out of order.

Point sustained.

Mr. Butler appealed from the decision of the chair.

The ayes and nays being demanded, there were :

Ayes—Messrs. Belden, Cook, Field, Steck, Stearns, Sanchez and Velasquez—7.

Nays—Messrs. Butler, Hughes, Loveland, Nesmith and Pinkerton—5.

So the decision of the President was sustained.

Mr. Loveland offered the following :

COUNCIL CHAMBER, GOLDEN CITY, COLORADO TERRITORY,  
December 5th, 1867.

*To Hon. W. W. Webster, President, and the Hon. members of the  
Council of Colorado Territory :*

I hereby protest against the passage of the Council resolution introduced by Hon. Amos Steck, member of this honorable body from Arapahoe County, viz.: "I move that H. B. No. 1 be put upon the general file for its third reading and final passage to-morrow," on the ground of informality, such resolution being in contravention of Rule No. 27 of the rules of this Council, as adopted and established by legal action of the Council, I having made objection to the introduction of such resolution at the time of its introduction, upon the ground that a suspension of the rules was necessary to do away with the consideration of said House Bill No. 1, entitled An act to locate the seat of government of Colorado, in "committee of the whole," and further declare that law, to be valid and effective, must be made in accordance with established precedent.

Respectfully,

W. A. H. LOVELAND.

Ayes and nays being demanded on the motion of Mr. Steck, there were :

Ayes—Messrs. Belden, Butler, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—8.

Nays—Messrs. Hughes, Loveland, Nesmith, Pinkerton and Stearns—5.

Motion carried.

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

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FRIDAY, DECEMBER 6TH, 1867.

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

President in the chair.

Roll called.

Absent—none.

Prayer by the Chaplain.

Journal read, corrected and approved.

H. C. R. No. 1, relative to furnishing members of the House and Council with newspapers, was read, and on motion of Mr. Loveland, the rules were suspended and the resolution was placed on its passage.

On motion of Mr. Loveland, the resolution was passed unanimously.

Mr. Hughes introduced C. B. No. 1, a bill for An act to locate the penitentiary at Golden City, which was read first time by its title.

Mr. Butler moved that the rules be suspended, and C. B. No. 1 be read the second time.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Mr. Stearns gave notice that he would, on to-morrow or some subsequent day, introduce a bill to amend an act entitled An act to preserve game in the Territory of Colorado.

Mr. Steck moved that H. B. No. 1 be read a third time, and passed, and on that motion, the previous question,

Mr. Loveland objected as follows :

*Mr. President:* I object to the suspension of the rules on the third reading of H. B. No. 1, said bill not having been considered in the committee of the Whole.

Ayes and nays being called on the previous question, there were:

Ayes—Messrs. Belden, Cook, Field, Steck, Sanchez and Velasquez—6.

Nays—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

So the previous question did not prevail.

Reading of H. B. No. 1 called for.

Mr. Loveland objected.

Message from the House :

HOUSE OF REPRESENTATIVES, December 6th, 1867.

*To the Honorable, the President of the Council:*

SIR: I have the honor to inform the Council that the House

has passed H. B. No. 2, An act to amend an act entitled an act concerning venue. The same is herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Loveland moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

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

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Mr. Butler appealed from the decision of the chair, in this, that the chair decided that it is now in order to read H. B. No. 1 the third time, that the refusal of the house to sustain the demand for the previous question on the motion of Hon. Amos Steck, does not postpone the reading or consideration of the bill until to-morrow, from which decision Mr. Butler appeals.

Ayes and nays demanded on sustaining the President's decision, there were:

Ayes—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Nays—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

So the decision of the President was sustained.

Mr. Butler objected to the reading of H. B. No. 1, under rule 27.

The President decided that the bill could be read, as it had been "otherwise ordered."

Mr. Butler appealed from the decision of the chair.

Ayes and nays being called for on sustaining the decision of the President, there were:

Ayes—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Nays—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

So the decision of the President was sustained.

Mr. Loveland moved to adjourn until 3 o'clock p. m.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Mr. Steck moved that H. B. No. 1 be read a third time, and put upon its passage, and on that motion moved the previous question.

Mr. Butler moved to go into committee of the Whole on H. B. No. 1.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Mr. Butler moved to adjourn until 3 o'clock.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Mr. Loveland moved to refer H. B. No. 1 to a special committee of two.

President decided motion out of order.

Mr. Butler moved to lay the bill on the table.

President decided motion out of order.

Mr. Butler moved to adjourn until 2½ o'clock p. m.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Mr. Loveland moved to adjourn until 1½ o'clock p. m.

Mr. Steck objected to motion of Mr. Loveland to adjourn, upon the ground that it follows another motion to adjourn, just defeated, without the intervention of other business.

President decided Mr. Loveland's motion out of order.

Mr. Loveland appealed from the decision of the President.

Ayes and nays demanded on sustaining the decision of the President.

Ayes—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Nays—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

So the decision of the President was sustained.

Mr. Loveland moved to adjourn until 2 o'clock and 40 minutes.

Decided out of order.

Mr. Butler moved to adjourn.

Decided out of order.

Ayes and nays demanded on Mr. Steck's motion for the previous question.

Ayes—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Nays—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

So the previous question prevailed.

Mr. Loveland moved to adjourn.

Motion decided out of order.

Ayes and nays being called on the main question, there were:

Ayes—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Nays—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Carried.

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

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

H. B. No. 1 was read third time in full.

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

Mr. Loveland moved a point of order under the decision of the President, that a motion to adjourn cannot be considered by the Council but once when any question is pending.

Point overruled.

Mr. Loveland appealed.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Cook, Field, Hughes, Nesmith, Pinkerton, Steck, Stearns, Sanchez, Velasquez and Mr. President—12.

Nays—Mr. Loveland—1.

So the decision of the President was sustained.

Ayes and nays demanded on Mr. Stearns' motion to adjourn.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Mr. Loveland moved to refer H. B. No. 1 to the committee on Finance, Ways and Means.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Mr. Butler moved that H. B. No. 1 be committed to the Judiciary committee, and that said committee be instructed and required to report to-morrow morning at 9 o'clock.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

Nays—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Motion lost.

Mr. Steck moved the previous question on the passage of the bill.

Ayes and nays demanded.

Ayes—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Nays—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

So the previous question prevailed.

Mr. Butler asked leave to file a protest.

Leave granted.

Ayes and nays demanded on the passage of H. B. No. 1, there were:

Ayes—Messrs. Belden, Cook, Field, Sanchez, Steck, Velasquez and Mr. President—7.

Nays—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

So H. B. No. 1, An act to locate the seat of government of the Territory of Colorado, passed.

Mr. Steck moved that the vote by which the bill passed, be reconsidered.

Mr. Belden moved that the motion of Mr. Steck be laid on the table.

Ayes and nays demanded.

Ayes—Messrs. Belden, Cook, Field, Sanchez, Steck, Velasquez and Mr. President—7.

Nays—Messrs. Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—6.

So the motion of Mr. Steck was laid upon the table.

On motion of Mr. Steck, Council adjourned until 10 o'clock a. m. to-morrow.

SATURDAY, DECEMBER 7TH, 1867.

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

President in the chair.

Roll called.

Absent—Mr. Nesmith.

Prayer by the Chaplain.

Mr. Nesmith appeared and took his seat.

Journal read.

Mr. Steck moved that it be approved.

Mr. Loveland offered the following:

*Mr. President:* I hereby give notice that I shall file a protest against the record of yesterday's journal.

W. A. H. LOVELAND.

The ayes and nays being demanded on Mr. Steck's motion, there were:

Ayes—Messrs. Belden, Cook, Field, Steck, Sanchez, Velasquez and Mr. President—7.

Nays—Messrs. Loveland and Stearns—2.

Messrs. Butler, Hughes and Pinkerton excused from voting.

So the journal was approved.

Message from the House:

HOUSE OF REPRESENTATIVES, December 7th, 1867.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform the Council that the House has passed H. J. R. No. 1, a resolution asking Congress to pass an act to re-open the Camp Collins Reserve for pre-emption. The same is herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Butler offered the following:

*Resolved,* That the Council now take up and proceed to consider and make some disposition of the contested election case, pending in this body between the Hon. Geo. A. Hinsdale and Hon. B. B. Field, for the membership of Councilman from the eighth district.

Resolution adopted.

Mr. Butler moved that the contested election case between the Hon. Geo. A. Hinsdale and Hon. B. B. Field, be referred to the committee of the Whole.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Hughes, Loveland, Stearns, Sanchez and Velasquez—7.

Nays—Messrs. Cook, Nesmith, Pinkerton and Steck—4.

Motion carried.

Mr. Steck offered the following:

*Resolved*, That the Acting Governor be requested to communicate to this Council all information, if any he may have, respecting the action of the Secretary of War concerning the settlement of accounts due the several counties for the services of the militia forces of the Territory, under the act of Congress of July 28th, 1866.

Adopted.

Mr. Steck gave notice that on Monday next, or some subsequent day, he would introduce a bill to prohibit the sale of intoxicating beverage on days of general elections.

Previous notice having been given, Mr. Stearns introduced C. B. No. 2, An act to amend an act to preserve game in the Territory of Colorado.

Mr. Pinkerton gave notice that he would, on to-morrow or some subsequent day, introduce a bill regulating marks and brands.

Also, a bill to amend the estray laws.

C. B. No. 2 was read the first time in full.

H. B. No. 2, An act to amend an act entitled an act concerning venue, was read first time in full.

On motion of Mr. Steck, the rules were suspended, and bill read second time by title, and referred to joint committee on revision of statutes.

H. J. R. No. 1, asking Congress to pass an act to re-open the Camp Collins Reserve for pre-emption, was read first time in full.

C. B. No. 1 was read second time in full, and on motion of Mr. Loveland, was referred to committee of the Whole.

On motion of Mr. Butler, the Council resolved itself into committee of the Whole, on the contested election case.

Mr. Butler in the chair.

The committee rose, reported progress and asked leave to sit again at 2 o'clock.

Report received and adopted.

On motion of Mr. Butler, Council adjourned until 2 o'clock p. m.

## AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Belden and Loveland.

The President announced Messrs. Belden and Cook on joint committee on Enrollment.

On motion of Mr. Steck, Council resolved itself into committee of the Whole on the contested election case.

Mr. Steck in the chair.

The President resumed the chair for the purpose of receiving the following report:

*Mr. President:* Your joint committee on Enrolled Bills beg leave to report that they have, in conjunction with a like committee from the House, examined H. B. No. 1, and report the same correctly enrolled.

D. D. BELDEN,  
CHAS. A. COOK.

The report having been received, the committee of the Whole resumed its sitting.

Committee rose and reported as follows:

*Mr. President:* The committee of the Whole, to which was referred the contested election case of Messrs. Field and Hinsdale, respectfully report progress and ask leave to sit again.

AMOS STECK, *Chairman.*

Report adopted.

The committee on Enrolled Bills, submitted the following:

*Mr. President:* Your committee on Enrolled Bills, with a like committee on the part of the House of Representatives, have this day at 3½ o'clock p. m. placed in the hands of the Governor of the Territory of Colorado, a bill for An act to locate the seat of government of Colorado.

D. D. BELDEN,  
CHAS. A. COOK.

Report received.

On motion of Mr. Butler, the Council adjourned until 11 o'clock Monday morning.

MONDAY, DECEMBER 9TH, 1867.

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

President in the chair.

Roll called.

Absent—Messrs. Belden, Butler, Cook, Loveland and Steck.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Messrs. Belden, Butler, Cook, Loveland and Steck appeared and took their seats.

Mr. Nesmith gave notice that he would, on to-morrow or some subsequent day, introduce a bill to prevent election frauds.

C. B. No. 2 was read second time by its title, and on motion of Mr. Stearns, was referred to a special committee of three.

Messrs. Stearns, Belden and Steck were appointed said committee.

H. J. R. No. 1 was read first time by its title, and on motion of Mr. Loveland, was referred to the committee on Judiciary.

On motion of Mr. Loveland, the Council resolved itself into committee of the Whole.

Mr. Loveland in the chair.

The President resumed the chair for the purpose of receiving the following message from the House:

HOUSE OF REPRESENTATIVES, December 9th, 1867.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform the Council that the House has this day passed H. B. No. 6, An act to amend an act entitled an act to incorporate the City of Central, approved March 11th, 1864. The same is herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

The message having been received, the committee of the Whole resumed its sitting.

The committee rose and reported as follows:

*Mr. President:* Your committee of the Whole have considered C. B. No. 1, and report the same back with the recommendation that it do pass, with the following amendments:

SEC. 3. The site selected, as aforesaid, shall contain not less than ten acres of land, situated not more than one mile distant from the business part of Golden City, such site to be donated to the Territory for said purpose, without charge or expense.

That sections Nos. 3 and 4 of the bill be numbered 4 and 5.

Respectfully,

W. A. H. LOVELAND, *Chairman.*

Mr. Loveland moved that the report be received and adopted.

Motion lost.

On motion of Mr. Stearns, 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—none.

Message from the House:

HOUSE OF REPRESENTATIVES, December 9th, 1867.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform the Council that the House has this day passed H. J. R. No. 2, in relation to United States postal laws. The same is herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

A committee from the House appeared upon the floor of the Council and delivered the following message:

*Mr. President:* We are requested by the House to inform the Council that the Governor has approved and signed H. B. No. 1, a bill for An act to locate the seat of government of the Territory of Colorado, and has communicated the same to the House of Representatives this day, and the House is ready to adjourn.

B. B. STILES,  
J. C. McCOY.

On motion of Mr. Butler, the Council adjourned until 2 o'clock p. m. to-morrow, to meet in Denver City.

TUESDAY, DECEMBER 10TH, 1867.

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

President in the chair.

Roll called.

Absent—Messrs. Belden, Loveland and Nesmith.

Journal read and approved.

Messrs. Loveland and Nesmith appeared and took their seats.

H. B. No. 6, An act to amend an act entitled an act to incorporate the City of Central, approved March 11th, 1864, was read first time in full.

On motion of Mr. Butler, the rules were suspended, and H. B. No. 6 was read second time by its title, and referred to the Judiciary committee.

H. J. R. No. 2, a resolution in relation to United States postal laws, was read first time by its title.

On motion of Mr. Butler, the report of the committee of the Whole on C. B. No. 1 was received, and bill laid over by general consent.

Mr. Belden appeared and took his seat.

On motion of Mr. Stearns, the Council resolved itself into committee of the Whole, on the contested election case.

Mr. Stearns in the chair.

Committee rose and reported as follows:

*Mr. President:* Your committee of the Whole have had under consideration evidence in case of contested election between Mr. Field and Mr. Hinsdale, and report progress and ask leave to sit again.

E. N. STEARNS, *Chairman.*

On motion of Mr. Butler, the report was received and adopted.

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

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WEDNESDAY, DECEMBER 11TH, 1867.

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

President in the chair.

Roll called.

Absent—Mr. Belden.

Prayer by the Chaplain.

Journal read, corrected and approved.

Mr. Belden appeared and took his seat.

H. J. R. No. 2 was read second time in full, and on motion of Mr. Loveland, the rules were suspended, the resolution read third time, and passed unanimously.

On motion of Mr. Loveland, the title was changed to House Joint Memorial.

On motion of Mr. Loveland, C. B. No. 1 was laid over until to-morrow.

The Council then resolved itself into committee of the Whole, on the contested election case.

Mr. Belden in the chair.

The President resumed the chair for the purpose of receiving the following

Message from the House:

HOUSE OF REPRESENTATIVES, December 11th, 1867.

*To the Honorable, the President of the Council:*

SIR: I have the honor to inform the Council that the House has passed H. B. No. 8, An act to change the name of Octavius H. Tubbs. The same is herewith transmitted.

And that the House has concurred in Council amendment to H. J. R. No. 2.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

The message having been received, the committee of the Whole resumed its sitting.

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

*Mr. President:* Your committee of the Whole have had under consideration evidence in the contested election case, and beg leave to report progress, and ask leave to sit again.

Respectfully,

D. D. BELDEN, *Chairman.*

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

Mr. Butler offered the following:

*Be it resolved by the Council,* That the Secretary of the Territory be respectfully requested to furnish a more commodious and convenient room for the use of the Council, than the one now occupied.

*Be it further resolved,* That the Secretary of the Council be

requested to furnish a copy of these resolutions to the Secretary of the Territory, and to report his answer to the Council.

Resolution adopted.

Mr. Steck offered the following:

*Resolved*, That the time for the meeting of the Council, daily, shall be at 10 o'clock a. m. and 2 o'clock p. m., until otherwise ordered.

Adopted.

On motion of Mr. Loveland, the Council adjourned.

#### AFTERNOON SESSION.

Council met at 2 o'clock p. m.

President in the chair.

Roll called.

Absent—Mr. Cook.

On motion of Mr. Steck, the Council resolved itself into committee of the Whole, on the contested election case.

Mr. Steck in the chair.

The President resumed the chair, for the purpose of receiving the following:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, December 11th, 1867.

*Hon. W. W. Webster, President of the Council:*

SIR: I have the honor to acknowledge the receipt of a resolution from the Honorable Council, requesting me to furnish more commodious apartments for its use.

It has been my desire to provide in all respects for the comfort and convenience of the Legislature, to the full extent of the facilities at my command. I am fully cognizant of the fact that the rooms now occupied by the Council are inadequate for the purpose required, but my search for better ones has thus far been fruitless.

I would therefore ask the appointment of a select committee to co-operate with me in selecting, from the number volunteered in various parts of the city, such as will meet the approval of the house over which you have the honor to preside.

I have the honor to be,

Very respectfully, your ob't serv't,

FRANK HALL,  
*Secretary.*

On motion of Mr. Stearns, a committee of three (3) were appointed to confer with Secretary Hall in regard to a room for the meeting of the Council.

Messrs. Stearns, Steck and Cook were appointed such committee.

The message having been received and committee appointed, the committee of the Whole resumed its sitting.

Committee rose and reported as follows :

*Mr. President:* The committee of the Whole, to which was referred the consideration of the contested election case of Messrs. Field and Hinsdale, beg leave to report progress, and ask leave to sit again.

AMOS STECK, *Chairman.*

On motion of Mr. Belden, the report was received and adopted.

Leave being granted, Mr. Butler presented a petition from members of the bar of Denver, protesting against the passage of H. B. No. 2, An act concerning venue.

On motion of Mr. Pinkerton, the Council adjourned.

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THURSDAY, DECEMBER 12TH, 1867.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Messrs. Cook, Field, Hughes, Loveland, Nesmith and Sanchez.

Quorum present.

On motion of Mr. Stearns, Council adjourned to meet in new room provided by the Secretary of the Territory, on Larimer street.

AFTERNOON SESSION.

Council met at 2 o'clock.

President in the chair.

Absent—none.

Journal read and approved.

Mr. Butler presented a petition of several citizens of Central, asking for the repeal of the charter of said city.

On motion of Mr. Butler, the petition was received, and referred to the committee on Judiciary.

Mr. Stearns presented the following :

*Mr. President:* Your committee appointed to confer with the Governor with reference to a more suitable room for the use of the Council, report in favor of procuring the room in Barney's building, on Larimer street.

E. N. STEARNS, *Chairman.*

On motion, the report was received and committee discharged.

H. B. No. 8, An act to change the name of Octavius H. Tubbs, was read first time.

On motion, the consideration of C. B. No. 1 was postponed.

Mr. Steck presented the following:

*Mr. President:* The committee on Judiciary, to whom was referred H. J. R. No. 1, asking Congress to re-open Camp Collins Reserve to pre-emption, beg leave respectfully to report the resolution to the Council with the recommendation that the same be passed, with the change of title to H. J. Memorial. All of which is respectfully submitted.

AMOS STECK,  
JAS. H. PINKERTON,  
HUGH BUTLER.

On motion of Mr. Stearns, the report was received and adopted.

Mr. Stearns presented a petition of citizens of Park county, asking the Legislature to adopt measures to secure the prompt admission of the State of Colorado into the Union.

On motion of Mr. Butler, the petition was laid upon the table, the same to be taken up at any time by a majority vote.

Mr. Steck offered the following:

*Resolved,* That the contested case of election between Hon. B. B. Field and Geo. A. Hinsdale, be referred to a committee of three, with instructions to report to the Council at the earliest practicable day.

Adopted.

Messrs. Steck, Belden and Butler were appointed such committee.

Mr. Loveland moved that when the Council adjourn this evening, it adjourn to meet at 2 o'clock Monday next.

Carried.

On motion of Mr. Butler, the rules were suspended, for the purpose of considering H. B. No. 8.

Bill read second time in full.

On motion of Mr. Stearns, the bill was referred to committee of the Whole.

Mr. Stearns in the chair.

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

*Mr. President:* Your committee of the Whole House have had under consideration H. B. No. 8, An act to change the name of Octavius H. Tubbs, beg leave to report the same back to the Council, with the recommendation that it do pass without amendment.

E. N. STEARNS, *Chairman.*

On motion, the report was received and adopted.

H. B. No. 8, An act to change the name of Octavius H. Tubbs, was read third time and passed unanimously.

On motion of Mr. Steck, the rules were suspended, for the purpose of considering H. J. R. No. 1.

H. J. R. No. 1, asking Congress to pass an act to re-open the Camp Collins Reserve for pre-emption, was read third time, and passed unanimously, and title changed to H. J. Memorial.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver City, December 12th, 1867.

*Hon. W. W. Webster, President of the Council:*

SIR: I have the honor to acknowledge the receipt of a Council resolution, requesting me to communicate to that body all information in my possession respecting the action of the Secretary of War upon the accounts of this Territory rendered for the service of its militia.

The following copy of a telegram received this morning, comprehends the present situation of said accounts:

WASHINGTON, D. C., December 11th, 1867.

*Hon. Frank Hall, Acting Governor:*

Settlement has been made with the War Office, and the matter is now in the hands of a Congressional committee. Will go through at once, after the holidays.

[Signed,]

A. C. HUNT, *Governor.*

Any further intelligence referring to this subject that may reach me during your present session, will be transmitted without delay, for the consideration of the Council.

Very respectfully, your ob't serv't,

FRANK HALL,  
*Acting Governor.*

Mr. Butler offered the following:

*Resolved*, That hereafter all bills, resolutions or memorials, which have been or may be received or introduced in the Council, after having been read a second time, be immediately printed, unless otherwise ordered.

Adopted.

On motion of Mr. Butler, the special committee on the Revision of the Statutes, were requested to return H. B. No. 2, and that the same be printed.

Mr. Steck offered the following:

*Resolved*, That the Governor be requested to furnish to this Council the amount of moneys claimed by the several counties, which moneys were expended by them, for the equipment of the militia of the Territory in the years 1864 and 5, as well as the amount due the Territory for the payment of said troops.

Adopted.

On motion of Mr. Cook, the Council adjourned.

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MONDAY, DECEMBER 16TH, 1867.

Council met at 2 o'clock p. m.

President in the chair.

Roll called.

Absent—Messrs. Belden, Loveland and Nesmith.

Journal read and approved.

Message from the House:

HOUSE OF REPRESENTATIVES, December 16th, 1867.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform your honorable body that the House has passed the following bills:

H. B. No. 9, An act to amend section 32 of an act to define county boundaries and to locate county seats in Colorado Territory.

And H. B. No. 10, An act to amend an act to enable road, ditch, and manufacturing companies to become bodies corporate, and the several acts amendatory thereto.

The same are herewith transmitted.

Very respectfully, your ob't serv't,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Steck introduced C. B. No. 3, An act relating to intoxicating liquors on days of elections.

Mr. Steck gave notice that he would, on to-morrow or some subsequent day, introduce a bill amendatory of an act relating to attachments.

C. B. No. 3, An act relating to intoxicating liquors on days of elections, was read first time in full.

H. B. No. 9, An act to amend section 32 of an act to define county boundaries and to locate county seats in Colorado Territory, was read first time in full, and on motion of Mr. Butler, the rules were suspended, the bill read second time by title, ordered printed, and referred to committee on Counties.

Mr. Nesmith appeared and took his seat.

H. B. No. 10, An act to amend an act to enable road, ditch and manufacturing companies to become bodies corporate, and the several acts amendatory thereto, was read first time by its title.

Mr. Steck moved that C. B. No. 1 be indefinitely postponed.

Mr. Butler moved to amend by postponing the bill until Wednesday afternoon.

Mr. Butler moved a call of the house.

During the call, Messrs. Belden and Loveland appeared and took their seats.

Mr. Butler withdrew his motion for a call of the house.

Ayes and nays demanded on Mr. Butler's amendment to Mr. Steck's motion.

Ayes—Messrs. Belden, Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—7.

Nays—Messrs. Cook, Field, Steck, Sanchez, Velasquez and Mr. President—6.

Amendment adopted.

Leave being granted, Mr. Butler gave notice that he would, on to-morrow or some subsequent day, introduce a bill for An act to repeal part of section 1 of an act to amend an act entitled, an act to incorporate the City of Central, approved March 11th, 1864.

On motion of Mr. Butler, Council resolved itself into executive session.

The executive session being dissolved,

On motion of Mr. Butler, H. B. No. 2 was referred to committee on Judiciary.

On motion, Council adjourned.

TUESDAY, DECEMBER 17TH, 1867.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Mr. Cook.

Prayer by the Chaplain.

Journal read and approved.

Mr. Pinkerton moved that the proceedings of the executive session be spread upon the journal.

Mr. Nesmith moved that rule 33 be suspended for the purpose of spreading the proceedings of executive session of yesterday upon the journal.

Ayes and nays demanded.

Ayes—Messrs. Loveland, Nesmith, Pinkerton, Steck and Mr. President—5.

Nays—Messrs. Belden, Butler, Field, Hughes, Stearns, Sanchez and Velasquez—7.

Motion lost.

Mr. Hughes, from committee on Printing, presented the following:

*Mr. President:* The committee on Printing would report H. B. No. 2, An act to amend an act entitled an act concerning venue, as having been printed as ordered, and returned.

J. C. HUGHES, *Chairman.*

Mr. Nesmith introduced C. B. No. 4, a bill for An act to establish a board of registry of electors.

Mr. Steck introduced C. B. No. 5, An act amendatory to an act entitled an act to amend an act regulating the mode of proceeding in attachment in the district court.

Mr. Loveland gave notice that he would, on to-morrow or some subsequent day, introduce a bill providing for a Territorial Assayer.

C. B. No. 4, a bill for An act to establish a board of registry of electors, was read first time in full, and on motion of Mr. Belden, the rules were suspended, the bill read a second time by its title, and on motion of Mr. Loveland, the bill was referred to committee on Elections.

C. B. No. 5, An act amendatory to an act entitled an act to amend an act regulating the mode of proceeding in attachment in the district court, was read first time in full, and on motion of Mr. Butler, the rules were suspended, the bill read a second time by its title, and referred to the joint committee on Revision of Statutes.

C. B. No. 3 was read second time, and on motion of Mr. Loveland, was referred to committee on Elections.

H. B. No. 10 was read second time in full.

Mr. Loveland moved that the bill be referred to committee on Corporations.

Mr. Cook appeared and took his seat.

Ayes and nays demanded on Mr. Loveland's motion to refer.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith and Pinkerton—5.

Nays—Messrs. Belden, Cook, Field, Steck, Stearns, Sanchez, Velasquez and Mr. President—8.

Lost.

Mr. Loveland moved to refer the bill to a special committee of three.

Message from the House:

HOUSE OF REPRESENTATIVES, December 17th, 1867.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform the Council that they have passed H. B. No. 11, a bill for An act to locate the site and establish a penitentiary for the Territory of Colorado.

Also, H. J. M. No. 3, relative to relief for the Ute Indians.

Also, that the House has concurred in Council amendment to title of H. J. M. No. 3.

The same are herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Steck moved to amend Mr. Loveland's motion, by referring the bill to a special committee, consisting of Messrs. Belden, Butler and Steck.

Mr. Butler moved to amend Mr. Steck's motion, by referring the bill to a committee of five, consisting of Messrs. Belden, Butler, Steck, Stearns and Loveland.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Cook, Field, Hughes, Loveland, Nesmith, Pinkerton, Stearns, Sanchez and Velasquez—11.

Nays—Messrs. Steck and Mr. President—2.

So the amendment of Mr. Butler carried.

Leave being granted, Mr. Butler gave notice that he would, on to-morrow or some subsequent day, introduce a bill for An act in regard to the writ of ne exeat.

A communication from Hon. Moses Hallet, Chief Justice of Colorado, transmitting copies of the Revised Laws of the State of New York, was read, and on motion of Mr. Butler, was referred to a special committee of three.

Messrs. Butler, Belden and Steck were appointed such committee.

On motion, the Council adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock p. m.

President in the chair.

Roll called.

Absent—Mr. Stearns.

H. J. M. No. 3, relative to relief for the Ute Indians, was read first time by its title, and on motion of Mr. Butler, the rules were suspended, and memorial read second time by its title, and referred to committee on Indian Affairs.

H. B. No. 11, a bill for An act to locate the site and establish a penitentiary for the Territory of Colorado, was read first time in full.

On motion, the Council adjourned.

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WEDNESDAY, DECEMBER 18TH, 1867.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Mr. Stearns.

Prayer by the Chaplain.

Journal read and approved.

The committee on Printing submitted the following report:

*Mr. President:* Your committee on Printing beg leave to report H. B. No. 9, An act to amend section 32 of an act to define county boundaries and to locate county seats in Colorado Territory, and H. B. No. 10, An act to amend an act to enable road, ditch, manufacturing and other companies to become bodies corporate, and the several acts amendatory thereto, as properly printed.

The same are herewith submitted.

J. C. HUGHES, *Chairman.*

On motion, the report was received.

Mr. Butler introduced C. B. No. 6, a bill for An act in regard to the writ of ne exeat.

C. B. No. 6 was read first time by its title, and on motion of Mr. Butler, the rules were suspended, the bill read second time

by its title, and referred to joint committee on Revision of Statutes.

H. B. No. 11 was read the second time by its title, and on motion of Mr. Loveland, was postponed until Saturday morning next.

On motion, the Council adjourned.

#### AFTERNOON SESSION.

Council met at 2 o'clock.

President in the chair.

Roll called.

Absent—Mr. Stearns.

On motion of Mr. Butler, the third reading of C. B. No. 1 was postponed until Saturday next.

On motion of Mr. Belden, the Council adjourned until to-morrow at 3 o'clock p. m.

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#### THURSDAY, DECEMBER 19TH, 1867.

Council met at 3 o'clock p. m., pursuant to adjournment.

President in the chair.

Roll called.

Absent—Mr. Stearns.

Journal read and approved.

Mr. Pinkerton submitted the following:

*Mr. President:* Your committee on Counties, to whom was referred H. B. No. 9, entitled An act to amend section 32 of an act to define county boundaries and to locate county seats in Colorado Territory, have had the same under consideration, and would respectfully report the same back to the Council with the following amendment, viz.: that the word "east," where it occurs in the eighteenth line, be stricken out, so as to read north boundary of Saguache county.

All of which is respectfully submitted.

JAS. H. PINKERTON,  
JESUS M. VELASQUEZ,  
BENJ. B. FIELD.

On motion, the report was received and adopted.

On motion of Mr. Butler, the Council resolved itself into executive session.

The executive session being dissolved,

Mr. Hughes gave notice that he would, on to-morrow or some

subsequent day, introduce a bill to legalize the records of Lake county.

Also, a bill for An act to amend an act to authorize the county commissioners of the county of Lake to appropriate to the construction of roads and bridges, the military fund raised by virtue of an act entitled An act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865.

Mr. Pinkerton gave notice that he would, on to-morrow or some subsequent day, introduce a bill for An act in regard to improvements upon public lands donated to public uses.

H. B. No. 9 was read second time by its title, and on motion of Mr. Butler, the bill was amended by striking out the word "east," in the eighteenth line.

Message from the House:

HOUSE OF REPRESENTATIVES, December 19th, 1867.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform the Council that they have passed H. B. No. 3, An act concerning fines and forfeited recognizances.

Also, House Bill No. 13, An act to amend an act to provide for limitations of actions.

The same are herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

H. B. No. 9, An act to amend section 32 of an act entitled an act to define county boundaries and to locate county seats in Colorado Territory, was read third time, and on motion, passed unanimously.

On motion of Mr. Butler, the rules were suspended, and H. B. No. 3, An act concerning fines and forfeited recognizances, and H. B. No. 13, An act to amend an act entitled an act to provide for limitations of actions, were read first time in full.

Leave being granted, Mr. Butler introduced C. B. No. 7. An act to amend an act entitled an act to provide for limitation of action, approved November 5th, 1861, which was read first time by its title, and on motion of Mr. Belden, the rules were suspended, and the bill read second time by its title, and H. B. No. 3 read second time in full, and H. B. No. 13 read second time in full, and referred to the committee on Judiciary.

On motion, Council adjourned.

FRIDAY, DECEMBER 20TH, 1867.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Messrs. Field, Nesmith and Stearns.

Journal read and approved.

Mr. Belden submitted the following :

*Mr. President:* Your joint committee on Enrollment have examined House Joint Memorial No. 1, asking Congress to pass an act to re-open the Camp Collins Reserve for pre-emption, and House Joint Memorial No. 2, in relation to United States postal laws; also, House Bill No. 8, An act to change the name of Octavius H. Tubbs, and find the same correctly enrolled.

CHAS. A. COOK,  
D. D. BELDEN.

Report received.

Mr. Nesmith appeared and took his seat.

Mr. Hughes introduced C. B. No. 8, An act to legalize the records of Lake county.

Mr. Pinkerton introduced C. B. No. 9, An act in regard to improvements of public lands donated to public uses.

C. B. No. 8, An act to legalize the records of Lake county, and C. B. No. 9, An act in regard to improvements of public lands donated to public uses, were read first time by their titles.

Mr. Field appeared and took his seat.

Leave being granted, Mr. Steck introduced C. B. No. 10, An act in relation to an adopted child of Major E. B. Kirk.

Leave being granted, Mr. Butler gave notice that on to-morrow, or some subsequent day, he would introduce a general incorporation law for cities, towns and villages.

Leave being granted, Mr. Butler gave notice that on to-morrow, or some subsequent day, he would introduce a bill for an act authorizing and empowering the counties of Arapahoe, Gilpin and Jefferson to borrow money for the erection of county buildings and repealing the act for the same purpose, approved January 11th, 1867.

On motion, Council adjourned.

#### AFTERNOON SESSION.

Council met at 2 o'clock.

President in the chair.

Roll called.

Absent—Messrs. Loveland and Stearns.

On motion, Council took a recess of half an hour.

Time of recess having expired, the Council resumed business.

Mr. Loveland appeared and took his seat.

Message from the House:

HOUSE OF REPRESENTATIVES, December 20th, 1867.

*To the Honorable, the President of the Council:*

SIR: I am instructed to inform your honorable body that you took action on the wrong bill, when you considered H. B. No. 9, as the bill passed by your honorable body and returned to the House, was not the bill sent with the communication notifying your body of the passage of the same by the House and asking your concurrence.

I herewith return a correct engrossment of the bill passed by the House, for your consideration.

Very respectfully, your ob't serv't,

C. J. McDIVITT,

*Clerk of the House.*

Mr. Belden presented the following:

*Mr. President:* Your special committee to whom was referred House Bill No. 10, An act to amend an act to enable road, ditch, manufacturing and other companies to become bodies corporate, and the several acts amendatory thereto, beg leave to report that they have considered the same and respectfully report the bill back to the Council, with the recommendation that the same be read a third time and passed.

D. D. BELDEN,

AMOS STECK,

HUGH BUTLER,

W. A. H. LOVELAND.

Report received.

Mr. Steck presented the following:

*Mr. President:* The committee on Elections, to whom was referred C. B. No. 4, a bill for An act to create and establish a board of registry of elections, beg leave to report as follows, to wit: That in examining and considering said bill, they recommend the following amendments to the consideration of the Council, to wit: Strike out of section 1, after the word "precinct," in line seven, and add, "whenever at the last election of said precinct prior to said meeting, the number of votes cast in said precinct exceeded three hundred, the said board

may continue the session for the purpose of making said list ten days if necessary." Strike out the word "four." in section 2, line twenty-three (23), and insert the word "three" instead thereof. Strike out all of line twenty-four, after the words "are known to them." Also all of line twenty-five (25), and the words "proper county and," in line twenty-six (26), in said section 2.

After the word "same," in line twenty-nine (29) add the words "and one list shall be forwarded to the office of the county clerk of the proper county, to be filed by him, together with the returns of election, as now provided by law." Strike out the word "such," in line thirty (30), and insert the words "any registry." Strike out of section 5, line 1, the word "again," and the words "the said," and insert after the word "proceeding," in said line, the words "each general or municipal." Insert after the word "open," in line seventy-four (74), section 6, the words "the week preceding each general or municipal election." Insert after the word "who," in line seventy-nine (79), section 7, the words "whom they shall know or." Strike out in line eighty-six, the words "given for illegal voting at the election," and insert the words "hereinafter provided for an illegal registry." In line ninety (90) insert after the word "is," the words "or will be," and strike out the words "will be," in said line, and insert the word "and." Insert after the word "general," in line one hundred and one, the words "or municipal." Strike out the word "knowingly," in line one hundred and fifteen, and insert said word "knowingly" between the words "make" and "shall" in said line. Strike out in line one hundred and twenty-two, the words "and the said," and insert the word "every," instead thereof; and strike out the word "thus," in said line. Add section 13, as follows: Section 24 of an act regulating elections, approved November 6, 1861, and also all acts or parts of acts inconsistent herewith, are hereby repealed.

All of which is respectfully submitted.

AMOS STECK,  
J. WELLINGTON NESMITH.

Report received, and bill referred to committee of the Whole.

Leave being granted, Mr. Steck introduced a substitute for C. B. No. 5, a bill for An act amendatory to an act entitled an act to amend an act regulating the mode of proceeding in attachments in district court.

C. B. No. 10, An act in relation to an adopted child of Major E. B. Kirk, was read first time in full.

H. B. No. 9, An act to amend section 32 of an act entitled an act to define county boundaries and to locate county seats in

Colorado Territory, was read first time in full, and on motion of Mr. Steck, the rules were suspended, the bill read second time by its title, and referred to committee on Counties.

Substitute for C. B. No. 5, a bill for An act amendatory to an act entitled an act to amend an act regulating the mode of proceeding in attachments in district court, was read first time by its title.

H. B. No. 10, a bill for An act to amend an act to enable road, ditch, manufacturing and other companies to become bodies corporate, and the several acts amendatory thereto, was read a third time, and the question being upon its final passage, the ayes and nays were:

Ayes—Messrs. Belden, Butler, Cook, Field, Hughes, Nesmith, Pinkerton, Steck, Sanchez, Velasquez and Mr. President—11.

Nays—Mr. Loveland—1.

Absent—Mr. Stearns.

So the bill passed and title agreed to.

On motion of Mr. Nesmith, the Council resolved itself into executive session.

Executive session being dissolved.

On motion of Mr. Hughes, H. B. No. 9 was referred to committee on Counties without printing.

On motion, Council adjourned.

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### SATURDAY, DECEMBER 21ST, 1867.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Messrs. Butler, Cook, Field, Loveland and Pinkerton.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Messrs. Butler, Cook, Loveland and Pinkerton appeared and took their seats.

Mr. Hughes submitted the following:

*Mr. President:* Your committee on Printing beg leave to report C. B. No. 4, a bill for An act to establish a board of registry of electors, and C. B. No. 6, a bill for An act in regard to the writ of ne exeat, and C. B. No. 7, a bill for An act to amend an act entitled an act to provide for limitation of actions, approved November 5th, 1861; also, H. B. No. 3. An act concerning fines and forfeited recognizances; also, H. B. No. 13,

An act to amend an act entitled an act to provide for limitation of action, properly printed.

The same are herewith submitted.

Respectfully,

J. C. HUGHES, *Chairman.*

Mr. Field appeared and took his seat.

Mr. Hughes gave notice that he would, on to-morrow or some subsequent day, introduce a bill for An act to repeal an act to prohibit the introduction of Texas cattle into Colorado Territory, approved January 10th, 1867.

Substitute to C. B. No. 5 was read second time by its title, and on motion, was referred to joint committee on Revision of Statutes.

C. B. No. 8, An act to legalize the records of Lake county, was read second time in full, and on motion of Mr. Belden, the rules were suspended, and the bill read third time, and passed unanimously and title agreed to.

Absent—Mr. Loveland.

C. B. No. 8 was read second time in full, and referred to committee on Judiciary.

C. B. No. 10, An act in relation to an adopted child of Major E. B. Kirk, was read second time by its title, and on motion of Mr. Steck, the rules were suspended, the bill considered engrossed, read third time, and passed unanimously and title agreed to.

On motion of Mr. Butler, the consideration of C. B. No. 1 was postponed until Monday next at 3 o'clock p. m.

On motion of Mr. Butler, the Council resolved itself into committee of the Whole, on the general file.

Mr. Pinkerton in the chair.

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

*Mr. President:* Your committee of the Whole beg leave to report that they have had under consideration C. B. No. 4, a bill for An act to establish a board of registry of electors, and have made some progress, and ask leave to sit again.

JAS. H. PINKERTON, *Chairman.*

On motion, the report was received and adopted.

On motion, Council adjourned.

#### AFTERNOON SESSION.

Council met at 2 o'clock p. m.

President in the chair.

Roll called.

Absent—Messrs. Cook, Hughes and Pinkerton.

Mr. Nesmith moved that the Council resolve itself into committee of the Whole.

Motion carried.

Message from the House:

HOUSE OF REPRESENTATIVES, December 21st, 1867.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House of Representatives to inform your honorable body that the House has passed the following bills:

H. B. No. 16, An act to repeal an act entitled an act to amend an act for support of paupers, approved January 11th, 1867.

Also, has passed H. J. M. No. 4, A memorial to the Congress of the United States, relative to an additional appropriation for the purpose of building a penitentiary in Colorado Territory. Your concurrence is respectfully requested.

The same are herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Messrs. Cook, Hughes and Pinkerton appeared and took their seats.

The Council then resolved itself into committee of the Whole.

Mr. Belden in the chair.

Committee rose and reported as follows:

*Mr. President:* Your committee of the Whole House have had under consideration C. B. No. 4, and beg leave to recommend that the bill be referred back to committee on Elections.

D. D. BELDEN, *Chairman.*

Report received and adopted.

On motion, the Council resolved itself into executive session.

Executive session being dissolved.

On motion, the Council adjourned.

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MONDAY, DECEMBER 23D, 1867.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Messrs. Belden and Loveland.

Prayer by the Chaplain.

Journal read and approved.

Mr. Belden appeared and took his seat.

Mr. Stearns presented the following :

*Mr. President:* The committee on Elections, to whom was referred C. B. No. 3, An act relating to intoxicating liquors on days of elections, respectfully report the bill to the Council, with the recommendation that it do pass.

AMOS STECK,  
J. WELLINGTON NESMITH,  
E. NORRIS STEARNS.

Report received.

Mr. Steck presented the following :

*Mr. President:* The committee on Elections, having in charge the bill concerning registry of electors, beg leave to report the same with amendments herewith presented.

AMOS STECK,  
J. W. NESMITH,  
E. N. STEARNS.

Report received.

Mr. Loveland appeared and took his seat.

Mr. Pinkerton presented the following :

*Mr. President:* Your committee on Counties, to whom was referred House Bill No. 9, being An act to amend section 32 of an act entitled an act to define county boundaries and to locate county seats in Colorado Territory, have had the same under consideration, and would respectfully report the same back to the Council with the following amendment, viz.: Strike out the word "east," where it occurs in the thirteenth line of the manuscript bill.

All of which is respectfully submitted.

JAS. H. PINKERTON,  
BENJ. B. FIELD,  
JESUS M. VELASQUEZ.

Report received.

Leave being granted, Mr. Steck introduced C. J. M. No. 1, in relation to the Las Animas Grant.

Mr. Hughes introduced C. B. No. 11, a bill for An act to authorize the county commissioners of the county of Lake to appropriate to the construction of roads and bridges, the military

fund raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865.

Leave being granted, Mr. Butler presented the following:

The undersigned, a majority of your committee to whom was referred the contested election case of Hon. Geo. A. Hinsdale against Hon. B. B. Field, would respectfully report as follows:

That Hon. B. B. Field, the sitting member, claims his seat by a majority of fifty-seven (57), upon which was based his certificate of election, and an additional majority of twelve votes, which by mistake were not counted, making in all a majority of sixty-nine (69) votes. The contest is confined to the returns from different precincts in the counties of Huerfano and Las Animas, the returns from the other counties not being attacked by either party. The first precinct, the returns from which were examined by your committee, was known as "Dodson's Ranch," in Huerfano county. The return showed that twenty-two (22) votes were returned for Mr. Field and two for Mr. Hinsdale, being a majority of twenty votes in favor of Mr. Field.

The evidence adduced before your committee in regard to that precinct for fraud and irregularity, was so plain and unmistakable, that your committee, without any hesitation, unanimously concluded to reject the returns from said precinct.

Next comes the precinct called the Lower Cucharas, from which were returned and counted for Mr. Field, fifty-five votes, and three votes for Mr. Hinsdale, a majority of fifty-two votes for Mr. Field.

The certified copy of the poll-book adduced in evidence before the committee, does not show the number of the district or precinct, but a blank space is left, apparently to be filled up by inserting the number. The oath at the head of the poll-book, recites that the election was to be held at the house of Jose B. Attencio, which oath was signed by John Alberts, Jose Rafel Esquebel, and Mariano Valdez, as judges of election of said precinct.

The certificate of the judges at the foot of the poll-book, recited that the election was held at the house of Santa Labrada, and was signed by John Albeus, Jose Rafel Esquebel and Mariano Valdez. Here are two very important discrepancies, to say the least, which have not been explained, and which cannot be accounted for by your committee.

First, the election was not held at the house of Jose B. Attencio, being the place mentioned in the oath of the judges, where it was to be held, but at the house of Labrada, a different

house, and for aught that your committee know, at an entirely different place. It does not appear, nor is it claimed, that the polls were opened at the first place named, and adjourned to the latter, and your committee in the entire absence of all testimony on that point, cannot presume that the election was properly held at the house of Labrada.

If this were a mere informal omission, it might easily have been explained by obtaining an amended certificate from the judges and clerks of election, or shown by their testimony; and we are of the opinion that where such a gross discrepancy as the one referred to appears, that it is incumbent on the party who claims under it, to explain. However, there is another objection to said poll-book, equally serious and unaccountable. The signature of one of the judges to the oath is John Alberts, but to the other certificate, as to the number of votes cast, &c., it is John Albeus. This your committee regard as a suspicious circumstance. It is a presumption of law, and indeed of common sense, that every man knows his own name, and that when he writes or signs it, he does it correctly. It sometimes happens that when a name is recited in the body of a written instrument or certificate, that the signature to it is a little different; but that can be readily accounted for from the fact that the instrument or certificate is written by somebody else than the parties signing, one perhaps who is not familiar with the name or person, but even in such cases, it is a rule of law that the discrepancy must be satisfactorily explained. In this case no such mistake could occur, as both purport to be the signature of one of the judges. In the absence of evidence or explanation, the conclusion is inevitable, either that the two names represent two different persons, or that one or both are a forgery.

The same objection exists in regard to the names of the clerks. The names subscribed to the oath are Jose Anastacio Valdez and Jose Denicio Valdez, and the name subscribed to the certificate is to the number of votes cast, &c., Anastacio Valdez and Dabid Valdez.

Neither can your committee account for this discrepancy, for it is not possible to believe that two men would make such mistakes and omissions in signing their own names.

In the next place, there was no evidence before your committee that the house of Jose B. Attencio or Santa Labrada was a place established or authorized for holding an election.

The precinct established by the board of county commissioners for the Lower Cucharas, was established in July, 1866, and was designated as Precinct No. 6, in District No. 3, and the place selected for holding the polls was the house of German Pineda. There was no evidence showing that the place had

since been changed by the county commissioners, but on the contrary it was proved that the place had not been changed. Even if the objections already referred to did not exist, it certainly ought to appear from the poll-books or other evidence, that the election had been held at the place designated by the county commissioners, or that the polls had been adjourned from the place designated by the county commissioners, to the place mentioned in the poll-books.

In the opinion of your committee it is absolutely essential that the election be held at the place designated by law, that it is just as essential that it be held at the proper place, as at the proper time.

If it appeared that the election had been held on the twelfth or fourteenth day of August, instead of the thirteenth, it would certainly have been illegal. But if it be said that an election can be held at some other place than that designated by law, it may be said with equal propriety and justice, that it can be held on the day prior or subsequent to the day fixed by law, because the statute is as imperative on the one point as the other, and the evil and injustice would be just as great from the violation of one requirement as the other. The evidence before your committee failed to show that either the house of Jose B. Attencio or Santa Labrada was an authorized place, or if it be admitted that one was the proper place, the evidence does not show which it was. If the house of Jose B. Attencio was the proper place, why was, or how could the election be held at the house of Labrada—or *vice versa*?

But the evidence is seriously defective in another point. It does not appear that the house of Attencio or Labrada was in the precinct, or if so, how far apart. For aught that appears before your committee, the two houses might be fifty miles apart. The Lower Cucharas country, as appeared from the map in evidence before your committee, is quite an extensive tract of country, and the presumption as to distance would not be unreasonable. Certainly if the fact be that the two places are a considerable distance apart, aside from the objection already made, the inconvenience and injustice of an authorized change of place would be obvious, and good moral cause for rejecting the returns from such a precinct.

But it is contended by the minority of the committee that if injustice and inconvenience were occasioned by such irregularity, the contestant ought to show it. Your committee, as before intimated, are of the opinion that where irregularities appear on the face of the returns and the poll-books, the burden of proof is on the party claiming under the returns, to explain and show that the irregularities were such as could not or did not materially affect the election.

For these reasons, the majority of your committee are of the opinion that the returns from the said precinct ought to be rejected.

The next precinct to which the committee would invite your attention, is the one known as the Purgatoire. In that precinct it was claimed that an election was held at the store of Jewett and Thompson, near the mouth of the Purgatoire River, from which twenty-one votes were returned and counted for Mr. Field, and none for Mr. Hinsdale.

John H. Brown, the county clerk of Huerfano county, testifies that there was no such precinct, and it appears from the testimony that no judges or clerks were appointed for that pretended precinct, and of course the persons who acted in such capacities were unauthorized. It further appears from the map of Colorado Territory, examined by your committee, that the place known as the store of Jewett and Thompson, was seventy-five miles from any authorized place of holding elections in Huerfano county, nor was there any evidence showing that an election had ever before been held at the store of Jewett and Thompson, or in that vicinity, but on the contrary, it did appear that no returns had ever before been received from that precinct. The returns from that pretended precinct, when received by the county clerk, were in an envelope which was postmarked Fort Lyon, Aug. 24th, 1867, and were not actually received until about Sept. 23d, 1867. Upon these facts comment is unnecessary, and the Council can readily form their own conclusions.

The majority of your committee were of the opinion that the returns from that precinct ought to be rejected.

Objection was made by the contestant to Fort Union precinct, but although there were many and serious irregularities, your committee were of the opinion that the returns ought to be counted, but the contestant further claims, and we think with justice, that by reason of these irregularities he was deprived of the votes of two persons who went there to vote, but could not vote as the polls were closed, which was between four and five o'clock in the afternoon. Their names were J. D. Patterson and one Myers. Patterson testified that he would have voted for Mr. Hinsdale, and that Myers expressed the same intention. Your committee were unanimously of the opinion that Patterson's vote ought to be counted for Mr. Hinsdale, but the minority seem to think that Myers' vote ought not to be counted, because the evidence was insufficient to show for whom he would have voted. The majority of your committee, however, think that Myers' wish and intention sufficiently appeared, and that the vote ought to be counted. The objection was made that the evidence was secondary, but we believe the au-

thorities to be that where the voting is by ballot, as the voter is not compelled to disclose his vote, it is admissible to show what were the political opinions of the voter, or to what party he belonged at the time of the election. See Sec. 199, Cushing's Parliamentary Law and Practice. Testing this case by that rule, we are of the opinion that Myers' vote ought to be counted for Mr. Hinsdale.

In the Badito precinct, the contestant claims that two illegal votes were cast for Mr. Field. The returns were that Mr. Field received seventy votes, being all the votes cast in said precinct. The poll-book contained the names of three Jose Pinos, one of whom had a middle name, Sotello, which partially corresponded with the name of one of the judges of election, being Antonio Sotello Pino. Wm. H. Chapman, who was one of the judges of election, testified that he had resided in that precinct eight months; that he knew personally two-thirds of the voters of said precinct; that he knew Jose Pino, but he did not know his age except from what his father told him, which was that he was twenty-one years of age. He did not speak of any other Jose Pino, or that he knew any other, but the inference can be fairly drawn from his testimony that he did not know any other Jose Pino. While this is a circumstance calculated to excite suspicion, yet in our opinion it is not sufficient of itself to reject the votes.

If the report of your committee be correct, and the votes and precincts be counted and rejected as suggested, the result would be as follows, to wit:

Field's majority as before stated .....	69 votes.
From that deduct Dodson's Ranch .....	20 maj.
"    "    " Lower Cucharas.....	52 "
"    "    " Jewett and Thompson's.....	21 "
	—
	93
	69
	—
Majority for Hinsdale.....	24
Add two votes at Fort Union Crossing.....	2
	—
Total majority for Hinsdale.....	26 votes.

In answer to these facts and the foregoing summary, the minority claim that there were sufficient irregularities in different precincts in Las Animas county to more than overcome the majority above stated in favor of Mr. Hinsdale. One of them, known as the Burns precinct, from which six votes were returned for Mr. Hinsdale, and none for Mr. Field. Your com-

mittee were unanimously of the opinion that the returns ought to be rejected, and so decided. Hence a statement of the facts is unnecessary.

The other precincts objected to by the minority, are Hicklin's, Apodaca, and Barrilla; but while the majority of your committee admit that there were many irregularities in said precinct, they are of the opinion that they are not sufficient to authorize rejecting their returns.

There was more or less irregularity and carelessness in almost every precinct, but in many cases, in particular where the law was directory and not imperative, and where no injury or injustice was occasioned by such irregularities. In such cases, the rule is that the election is not thereby necessarily vitiated.

Hicklin's precinct is the one about which most objections were made. All these objections have been carefully considered, and the evidence fully examined, but in the opinion of your committee they are not more numerous or serious than to be found at Doyle's precinct and Fort Union Crossing. If the objections to the Hicklin's precinct are to be sustained, the same objections would exclude the returns from Doyle's and Fort Union Crossing, and the result would still be in favor of Mr. Hinsdale.

The minority of the committee in his report has referred at length to a communication received from Governor Hall, in regard to the appointment of the county commissioners of Huerfano county, and has stated it as if it had been received in evidence before the committee. We do not attach any importance to it, nor do we see in it a circumstance of fraud or suspicion. But your committee must state that such communication was not in evidence before them; that it was not referred to either by the contestant or sitting member, and was not drawn out until after the evidence had been closed, the case argued by the parties, and submitted to the committee. It was sent to the minority at his request, and was not seen by either of the undersigned, until after a considerable part of the minority report had been written.

In conclusion, the majority of your committee, after the patient, tedious, and laborious examination they have made, are firmly convinced that Mr. Hinsdale is clearly entitled to his seat as Councilman from the eighth district, and would respectfully recommend that he be admitted.

All of which is respectfully submitted.

HUGH BUTLER,  
D. D. BELDEN,  
*Committee.*

Report received.

Leave being granted, Mr. Steck presented the following :

The undersigned, a minority of the special committee appointed to investigate and report upon the contested election of Hon. B. B. Field by Hon. Geo. A. Hinsdale, beg leave respectfully to report as follows :

The Council district number eight, now represented in the Council by Hon. B. B. Field, is composed of the counties of El Paso, Fremont, Pueblo, Huerfano and Las Animas.

In the counties of Fremont and El Paso no charge of fraud in the several election precincts is made by either party. But in the remaining counties, particularly Huerfano and Las Animas, grave irregularities in conducting the elections, are proven, and in some instances such suspicious and even criminal conduct is alleged, as it is claimed ought to throw out the several precincts wherein the latter charges have been preferred.

It appears from the certificate of the Secretary of the Territory, that the vote returned from the several counties of the district is as follows, to wit :

NAMES.	LAS ANIMAS.	PUEBLO.	EL PASO.	HUERFANO.	FREMONT.	TOTAL.	ERROR.
B. B. Field .....	111	139	119	336	73	778 plus 11,	789
Geo. A. Hinsdale.....	343	151	86	63	78	721 less 1,	720

Field's majority..... 57 True maj. 69

The majority for Mr. Field, as returned above, is 57 votes, but an error in the return of the poll-book of a precinct giving Mr. Hinsdale seven votes, while it is apparent from the inspection of the same should be six, adds therefore to the majority of Mr. Field.

From the footings of the several precincts in Las Animas county, it is found that eleven votes less than the true number, were certified to the Secretary of the Territory in favor of Mr. Field. These eleven votes added to the fifty-eight majority, make the true majority of Mr. Field, as the returns to the Secretary should have shown, sixty-nine votes.

To reduce this majority, Mr. Hinsdale introduces a vast amount of testimony respecting many of the precincts, which it is my purpose to review *seriatim*.

First. It is claimed that a precinct known as Dodson's, in Huerfano county, was conducted in so irregular a manner, and with such improper regard to every rule of law, that it was

deemed proper by the committee to reject the whole return, to wit: 20 majority for Mr. Field.

Second. It is further claimed by Mr. Hinsdale that a precinct known as Lower Cucharas, in the county of Huerfano, should be entirely excluded from the count for Mr. Field. At that precinct there were fifty-five (55) votes for Mr. Field and three (3) for Mr. Hinsdale. The ground upon which this claim is based is purely a technical one, in the opinion of your committee. There has not been shown by any testimony, nor indeed even claimed by the contestant, that any actual fraud was practiced at that precinct. But it is strongly urged that upon the face of the return itself the whole vote should be excluded from the count.

It appears that in the year 1866, the election precinct of the Lower Cucharas was established by the commissioners of Huerfano county, and the election in that year was to have been held at the house of one German Pineda. It is admitted that no election was held at this precinct in that year. On the thirteenth day of August last, the day of general election, a poll was opened somewhere in that region of Huerfano county, at the hour of 8 a. m., and closed at 7 p. m. There appears to have been no irregularity whatever, other than what appears on the face of the poll-books, copies of which the committee had before them.

In the oath of the judges found in the poll-book, they swear that they will perform the duties of judges of election, &c., at the house of Jose B. Attencio, in (blank) precinct, district (blank), &c. The clerks swear the usual oath, but name no house or the number of the precinct or district, one of the clerks signing the oath is Jose Denicio Valdez, but the name of the clerk certifying the return is Dabid Valdez. The other clerk signs both the oath and the return. In the return the judges certify that the election was held at the house of one Santa Labrada, and not at the house of German Pineda, as fixed by the county commissioners in 1866, or at the house of Jose B. Attencio, as stated in the oath.

The contestant claims that it is not shown that the polls were held at or near the same place at all, but may have been held ten or more miles away from the house of German Pineda. Upon this question it was most certainly competent for the contestant to have shown by abundance of witnesses that it was held at another and very distant point from the house or neighborhood of German Pineda. It may be answered that the fact of its being held at or near the house of German Pineda, could have been as readily shown by the sitting member. But your committee think that the presumption is always in favor of the regularity of official acts, and the onus of proof must come from the party alleging irregularity.

It is contended that to constitute an election return valid it must be shown, 1st, That the persons voting are qualified to exercise the elective franchise: 2d, That the election must be held at the place pointed out and authorized by law; 3d, That it must be regular and without the badges of fraud on the face of the returns themselves. To each of these propositions, as a general rule, your committee assent; but say that the presumption of the law is that all persons returned as having voted at any precinct were duly qualified, and the proof of any want of qualification falls upon the party assailing their rights to this franchise. This was certainly competent to be shown by the contestant, in respect to the persons returned as voters from the precinct of the Lower Cucharas. But no such evidence appears, and the legal presumption undoubtedly is that each and every of the fifty-eight votes returned were legal and authorized voters. But it is said the polls were not held at the place authorized by the order of the county commissioners of the county. It will scarcely be averred that the neglect, whether willful or because of inconvenience to hold the polls at the house of German Pineda, constitutes such a departure from the order of the county commissioners as would invalidate and disfranchise the electors of that precinct, unless it affirmatively appears that it was held at a place so distant from that authorized as to work injury to the qualified voters of the election precinct. The rule of the law upon this subject, we believe to be, that the omission of officers conducting elections, whether through ignorance, mistake, inadvertence, or even willful disobedience to the law, shall not work a forfeiture of the rights of the citizen to be heard through the ballot-box, as to the selection of the men whom he may desire to serve in official positions. The true rule of the law, we think, is that neither negligence nor ignorance, mistake, or even fraud, shall invalidate an election, in all cases where by going behind the returns it can be shown what was the expressed will of the qualified voters of any precinct. (People vs. Cook, 14 Barbour R.) It also appears in the return in the poll list that German Pineda, at whose house the election was to have been held, voted on that day, giving as a presumption additional to the legal presumption that the polls must have been held near to the house authorized in the order of the commissioners, in the year 1866. It may be said that there may be another German Pineda on the Lower Cucharas, and if there be, the appearance of that name on the poll-book proves nothing; this might be true. But if true, it was competent for the contestant to show it, and he has not attempted it, leaving us to infer that the attempt to prove it would be a failure.

Besides it is of record that J. H. Brown, the clerk of Huer-

fano county, was duly commissioned one of the commissioners of Huerfano county, and was duly commissioned as such two months before the late general election, and although acting as clerk of that county, and as in proof, voting for the contestant, he, with the justice, canvassed the votes of the Lower Cucharas, and sent them up to the Secretary's office as a part of the legally authorized voting precincts of Huerfano county, without, as we are aware, any intimation of irregularity. It is true that the face of the return is not in all respects as regular as it could have been. The clerk in the oath is not the same person who appears to have been sworn, but this is so immaterial that the objection should not have been urged to the validity of the precinct on that ground. Instances of grosser irregularities have been held not to invalidate elections, and in a case where there were no competent persons to act as clerks, and for a time there were no clerks at all, but one of the judges acted as such, it was held as no objection to the validity of the return. (People vs. Cook, 14 Barbour R.)

The whole claim of the contestant stands upon the technical point that the poll-books returned are not the poll-books of the Lower Cucharas precinct, and this technical point we are asked to presume, from the fact that the return merely shows the election at the house of Santa Labrada, and not at that of German Pineda. Why, we may ask, did not the contestant show, as he could have shown by Mariano Valdez, one of the judges, whom he cross-examined in person, that the precinct was held at such distance from the house of Pineda as to work injury to the other electors of the precinct? He asks us to presume this, and upon this presumption to disfranchise the 58 voters of this precinct. The Council will see that upon this one precinct hangs the fate of the contestant, and we have therefore extended the discussion of it beyond what might otherwise seem to be required. We may here add that no authority has been adduced by the contestant upon this point, nor has he thought proper to produce testimony, so readily available, to substantiate the presumption, if it was the truth. On the contrary, we have the theory of our form of polity resting on the basis of the ballot, cast in good faith, as the expression of opinion of our citizens, without which opinion, discovered by the forms of law as near as may be, the country would speedily lapse into despotism.

Fraud we maintain is a fact, not a presumption. Frauds in elections must be proved as they must be in all things, at all times, and everywhere. There are no presumptions of fraud in elections. It cannot be that the failure to hold an election at a house designated a year gone by, shall of itself work the disfranchisement of freemen. The rules which are made re-

specting elections, are designed to facilitate the expression of the public will, not to drown it in unwarrantable or unjust presumption. There can be no presumption against the rights of freemen. The presumptions are all in his behalf. The citizen clothed with the ballot is a power everywhere in our land, and no assumption or presumption, we confidently affirm, shall take away that power, unless it shall be established affirmatively as a fact. Let the contestant show that these 58 men ought to be deprived of the privilege of the franchise, or rather the rights of freemen, by some tangible and actual facts, wherein others shall have been injured, before we can entertain presumptions, which, in their results, reduce men to the condition of slaves.

This precinct of Lower Cucharas was established by law. It was created that the citizens within its limits might be heard, and even if it affirmatively appeared to have been held twenty miles away from the house of German Pineda, as it does not appear, if it could be shown that the electors of the precinct voted there, and no injury ensued to others in the precinct, it ought to stand as the ascertained will of the people.

German Pineda voted there, if he did not the contestant can show it. The poll-books show he did vote. If he be not the German Pineda intended in the order at whose house the election was to have been held, he could show it. If he is the same person, it is clear that the election was held near enough to accommodate him. The complaint is not made from that precinct by any one who voted there that day, on the ground that the polls were either at the house of Jose Attencio, or at the house of Labrada instead of Pineda, they were deprived of their suffrage. It comes from one who is ambitious to serve in the ill-paid distinction of a Territorial Senator.

It must not be that men shall be evicted of such a franchise without proof of adequate and clear infraction of the law, in such material and essential particulars that the injury to others shall work the forfeiture of their own rights. The testimony of Mariano Valdez, one of the judges, bears upon its face, in every particular, the marks of truth. He is an old man, and the clear and concise story of the integrity of that day's election, leaves no room to doubt its honesty. We reiterate the rule of justice, and we believe of the law, that this precinct must affirmatively appear to be held at some point or place so distant as to raise the presumption that injury would result to the electors in depriving them of their suffrage, by reason of the distance, want of notice of its being held, and inconvenience to the people, before it can with justice be thrown out of the count for Mr. Field.

But to clear up all reasonable doubt, if any there may be, that these polls were held at the Lower Cucharas, and in addi-

tion to the presumption of fact from German Pineda having voted there, we have the positive evidence of the contestant himself in his notice to the sitting member that there was a poll held at the pretended precinct of the Lower Cucharas. He says in that notice that there were received and counted for Mr. Field fifty-five illegal votes at the pretended precinct of the Lower Cucharas, in Huerfano county. Here we have the number of votes for Mr. Field corrected, stated as having been received at this pretended Lower Cucharas precinct. The contestant may claim that the notice given by him is no evidence in the case, and expended its entire force as a notice to the sitting member. If such is the case, there is no contest at all over the Lower Cucharas precinct. But your committee think it is affirmatively shown by the testimony of Mariano Valdez that this election was held at the precinct of the Lower Cucharas; that he lives on the Cucharas; that he was present at the election of the Lower Cucharas that day; that he was one of the judges of election. The poll-books returned show that he was one of the judges.

The contestant claims that Mr. Valdez does not show that the polls were held at the Lower Cucharas, and it is therefore necessary to quote his evidence to settle the question:

Question.—State your name, age, residence and occupation.

Answer.—My name is Mariano Valdez, age sixty years, residence on the Cucharas, occupation farmer.

Ques.—State where you were on the 13th day of August, A. D. 1867, the same being the election day.

Ans.—I was at the Lower Cucharas, and was present at said election.

Ques.—In what official position did you serve on that day?

Ans.—As one of the judges of election.

In the face of this testimony, we see no possible interpretation that would exclude this return from the count for Mr. Field, on the ground that it was held at an unusual place.

But assuming that these electors shall be disfranchised thus at this stage of the investigation, leaving the result favorable to Mr. Hinsdale, we proceed to state the facts concerning another precinct, to wit: Fort Union Crossing.

At that precinct, situate in Huerfano county, there were 28 votes cast, 23 for Mr. Field and 5 for Mr. Hinsdale, leaving a majority of 18 for Mr. Field. This majority is sought to be thrown out upon the same presumption, to wit: that the polls were ordered to be held in the year 1866 at the house of Felix St. Vrain, and were held at Fort Union Crossing. The clerk of the county, one John H. Brown, who was commissioned as a commissioner of the county, on the 12th of June, 1867, by the Governor, in his testimony, says that he gave notice of the

election to be held in the precinct theretofore known to have been holden at Felix St. Vrain's, at Fort Union Crossing, a point distant about two miles from St. Vrain's. Mr. Brown says he gave the notice officially and within the legal time. He adds that he acted as clerk of the election, and that the polls were closed between 4 and 5 o'clock. One Patterson and Myers came to vote after the close of the polls. Patterson testifies that he would have voted for Hinsdale, and Myers told him he would have voted for Hinsdale. The vote of Mr. Patterson clearly should be counted for the contestant, and whatever may be said relative to the competency of the testimony about how Myers would vote, your committee would be inclined to allow this vote also, although not strictly within the rule of law. The great difficulty of getting witnesses in respect to such facts may make secondary evidence admissible, but it ought first to be shown that Myers was out of the county, or his testimony otherwise not to be had.

The contestant claims that the entire poll should be excluded on the ground that the statute provides that the polls shall be held at the same place as the preceding year, unless changed by the commissioners of the county, and that the clerk of the county having given notice that the polls would be held at Fort Union Crossing, it was an invalid notice, and was nothing more than the act of any other man giving a like notice. We do not admit the claim of the contestant in this respect. A county clerk is capable of infinite mischief, if this claim shall be allowed, and the fact appears that Mr. Brown himself had a commission in his pocket as a county commissioner, as is now known, or if there was no organized board of commissioners in the county to do business, the claim of this contestant to oust this poll from the count in behalf of Mr. Field, is still less admissible.

There is no charge of fraud or unfair management, no voter's right questioned, no complaint except a technical one of notice, by which the citizens of that precinct were misled by the action of the only known acting officer in Huerfano county of whom we have any knowledge. It appears by an official note from the Governor, that the petitions setting forth two vacancies in the board of commissioners of Huerfano county, and asking the appointment of Matt Riddlebarger and John Brown, were filed in the Governor's office in June last, and on the 12th day of that month they were duly commissioned as commissioners of that county. Whether they acted or not does not appear, but the preponderance of proof is that the board did not act at all. It looks like a piece of machinery, to be used if necessary, or not used if found impracticable for their purposes. But be this as it may, the notice of Mr. Brown officially as clerk must

be presumed to have been the act of the board, if there was one, or was used as a fraud in the interest of Mr. Hinsdale, if this poll should be thrown out. We think the technicality of the contestant to disfranchise these honest voters at Fort Union Crossing, another of the same sort of special pleas as that of the Cucharas. The same reasoning applies to it. The free citizen is not to be buried beneath the technicalities of special pleading like this. He it is for whom these notices, rules and regulations were made, and shall they be so construed in the interest of a petty arbitrar, as to cut them off from the highest privilege known to our form of government, to wit: the right of voting? It was shown by the contestant that more votes were polled in November, 1867, at a special election, than at the August election previously, and from this it may be inferred that injury to other qualified electors resulted. But it is of common knowledge to us all that the August election was held in the midst of the grain harvest, and the pressing necessity of the labor before the people at such times in an agricultural community precludes their attendance in large numbers at places of elections held in a sparsely settled country such as the one in question. It was proper, and in the opinion of your committee it was incumbent upon the contestant to show fraud and damage to the other qualified electors of the precinct, by reason of the poll having been held two miles from the house of Felix St. Vrain, and failing in that, we see no reason to invalidate this poll.

The majority of twenty at the precinct of the Purgatoire for Mr. Field, we concede to have been given to him at a poll there held without any authority from the board of commissioners of Huerfano county. It is, however, submitted to the Council respectfully, that there being no active board of commissioners of that county, or if so, no board that was known to them, in what way could the people of that election district have been enabled to vote, except as they did vote? To whom could they petition for a precinct? The statute says the county commissioners. There is no proof of any. They were commissioned by the Governor, as herein above stated, but there is no proof of their having qualified. May not this suggestion be authorized from all the facts known to us, that they were acting, if the result was in their interest, and not acting, if otherwise.

Suppose, however, that these 20 votes be thrown out of the count for Mr. Field, which, in the entire absence of fraud or irregularities, we think under all the facts ought to be counted for Mr. Field.

The contestant also claims two votes to have been illegal at the precinct of Badito, there having appeared three persons of

the name of Jose Pino on the tally list, and some evidence that a witness was well acquainted in the precinct, and did not know but the one Pino. We think this testimony as secondary and clearly insufficient. It should be shown that there were not three Pinos in that precinct, qualified to vote, or these votes should stand as returned.

The next precinct examined by the committee was that held, or rather authorized to be held, at Alexander Hicklin's house. At this precinct there were returned 36 votes, all for Mr. Hinsdale. One Matt Riddlebarger, a witness, being examined, states substantially that the polls were opened at near 9 o'clock; that he was there part of the morning and part of the afternoon; that one McAlroy acted as judge, and one of the Hicklins, he thinks, also, but don't state positively. McAlroy, he thinks, could read, but didn't think he could write. He further testifies that the box used for depositing the votes was a match-box, and a small one at that, made of paper. When asked where the polls were opened, he answered, it was not in an enclosed room; that the voting did not continue at the same place during the entire day, but he understood, but he don't say from whom, that the election board adjourned to Zan Hicklin's house. The polls were opened very near two miles from Hicklin's house; that it was on the lower part of Hicklin's ranch, about a half or quarter of a mile from any house, and a mile from a road. It must have been in an open field, most probably in the harvest field, that all this voting was done on the lower part of the ranch. At noon, one of the judges, he don't recollect which, (another singular case of forgetfulness) gave him the match-box and poll-list, and he went to Zan Hicklin's house and put it in a room, and gave it to one of the judges four or five hours afterwards. He don't know that A. Hicklin was a judge of election, nor that one Carter was. It is admitted, and it is proven, that the poll-book returns are in Riddlebarger's handwriting; that he took the poll-books and gave them to the county clerk; Brown, county clerk, testifies that there was no certificate to the poll-book but the judges'; that there was no jurat showing that they were sworn. It appears that the adjournment from the field was made because the men in the lower part of the ranch had all voted down there.

This precinct, your committee think, under all the circumstances, ought not to be counted, and so irregular was it that a stranger was charged with the keeping of the ballots and poll-list, if really there was such a thing as a poll-list properly headed, and acting judges and clerks, or any election at all.

The testimony of Mr. Riddlebarger is so evasive, so wanting in full statement, such as—Where were the polls opened?  
Ans.—It was not in an enclosed room. And, who were the

judges? Ans.—Mike McAlroy, and I think one of the Hicklins—and others of like character—that it appears to your committee to have been a mere farce. And yet if this poll should be counted, the returns at Lower Cucharas, Fort Union Crossing, and even the Purgatoire, ought also to be counted, which would give a large majority to Mr. Field, and we do not despair of counting for Mr. Field the majority of 20 at the Dodson ranch, which in all its appointments were at least equal in propriety of conduct to the election on the Hicklin ranch; the difference being that the witness, one B. C. Leonard, who was a judge that day, had more conscience under the solemn responsibility of his oath, than appears from the internal evidence in the deposition of the witness to the Hicklin election.

At the house of one Burns, an election was held, at which seven, or probably six votes were cast, all for Mr. Hinsdale, but there being only two judges, and one of them left at noon and did not return again, although his name appears to the poll-book, which he swears is a forgery. In this case, the contestant admits it should be thrown out, which your committee has accordingly done.

At the house of one Barela, a poll was opened, and closed, as the witness says, between 12 and 1 o'clock, when the officers went to Trinidad, which is believed to be about 12 or 15 miles distant. One of the clerks lived in Trinidad. They all left, as your committee understand the evidence, and were in Trinidad before the closing of the polls that day. At this precinct were 28 votes polled, 25 for Hinsdale and 3 for Field.

The contestant claims that this poll should be counted, and if so, it is necessary to state, that in the opinion of your committee, 4 votes counted for Mr. Hinsdale should be thrown out, to wit: Francisco Gonzales, No. 2, Abano Acosta, Julian Gonzales, Vincent Herrera, J. T. Medina, and J. R. Montoya, 6 votes clearly illegal, and proven out of their own mouths, and one for Mr. Field, Francisco Gonzales, No. 1, Field having received but 3 votes, one of them Gonzales, No. 1, the remaining 6 illegal votes, deducting two less for Mr. Field, leaves four. These four votes are clearly illegal, the parties having been under age, or just arrived from New Mexico, and not entitled to vote.

But your committee think the whole return should be excluded from the count. The election appears to have been holden in the interest of parties in Trinidad, and by men more or less from that town. The inexcusable closing of the polls at midday, the abandonment of the place forthwith, the carrying off of the ballot-box and poll-list to the town of Trinidad, the fact that the judges do not appear to have been sworn, although the form of an oath is returned, but no evidence of its

being administered; that the oath is signed with the usual sign of an X to each of the judges' names; the indecency of the voting, where a quarter of all the voters were found to have been unqualified; one of the officers a resident of Trinidad; one of the clerks not a citizen of the Territory; all stamp this return with every mark of impudent irregularity. We think this return should be thrown out without question.

At the precinct of Harrimillo one illegal vote is proven to have been cast for Mr. Hinsdale. This precinct is not in any other respect challenged by the sitting member. It is proper to state the whole return of votes from this district are in favor of Mr. Hinsdale, Mr. Field receiving none. It is also proper to state that the polls were closed at 3 o'clock p. m., according to the testimony of Pedro de Aquero, but no other irregularity appearing, the committee do not think that of itself this ought to exclude the return from this precinct. One Jose Miguel Archileta voted at this precinct, and is stated on the oath of Mr. A. W. Archibald to be about 17 years old, on the declaration of his father to him, but as this evidence is secondary only, the committee think the proof not admissible, but stands in the exact position of the evidence respecting Myers' declaration at the Fort Union Crossing, to Patterson, which in strict rule in law ought to be excluded.

The last precinct which the committee examined, was that held at the house of Appidaca, in Las Animas county. At this precinct none of the officers were sworn, although it is in proof that one judge said he was sworn in Trinidad. We do not think this of itself should operate to disfranchise the voters of this precinct, but added to this irregularity, it is shown that the polls were closed at 3 o'clock in the afternoon; that one of the clerks was seen at a distance of about 2 miles from the polls, between the hours of 3 and 4 o'clock; that nobody was challenged but one, and that on non-age, and he voted without swearing, as is required by law; that the judges wrote the numbers of the votes on their ballots; that all the judges opened the ballots and examined them. We do not assail this precinct merely on account of the irregularity in the fact that the judges and officers were not sworn as they were required to be by the mandatory language of the statutes; although the decisions have repeatedly been made in Congress that the neglect or willful refusal of the officers of an election to be sworn vitiates the whole return. (McFarland vs. Culpepper, Contested Elections, page 221.) (Draper vs. Johnson, C. E., page 702.) But your committee think that the better opinion appears to be from authority in 14th Barbour, and upon reason that the neglect or refusal to take the oath required by the law, when unaccompanied by other irregularities, is not sufficient

to disfranchise a whole voting precinct. The mass of voters are certainly not to be held not to have a voice in the government of the country on account of this one irregular official action of the judges and clerks of elections, yet these officials ought to be held to a strict account of their official stewardship. In the investigation of this case we see much reason, and perhaps as a warning, an imperative necessity that officers delinquent in this respect should be subjected to the severest judgment of the laws, as public offenders.

But the neglect to be sworn, the closing of the polls at 3 o'clock, the writing of the names or number of the voter on the ballots, the opening of the same, and their examination by the judges, the want of challenging persons unqualified to vote, the acceptance of at least one vote after challenge, clearly illegal, as is proven, without oath, as is imperatively required by law, the return of the poll unsealed, all constrain us to say that there can be no safety of the citizen against frauds and outrages upon the elective franchise, unless such voting precinct shall be thrown out.

For no slight cause, for no single unintentional irregularity, would we be disposed to disfranchise a precinct for the sins of the few. But absolute safety to us all in the decision of measures, so far as they may be represented by men or candidates at elections, renders it incumbent upon all good citizens to purge the elective franchise of such irregular and criminal management as must sooner or later totally subvert the purposes of the law and sap the institutions of the country.

There are other precincts where the judges were not sworn, and where irregularities, perhaps unintentional, most probably inadvertent, were practiced, to which we might object in the interest of the sitting member. But we waive these irregularities, not because of want of authority to successfully oust the returns, but because we think that in a new country, thinly populated, and in this case inhabited by persons not familiar with our language nor educated in the forms of this free government, in a field entirely new, where proceedings are conducted in a foreign language, and possessing but limited educations, as a rule, in their own native tongue, we are not disposed to hold to such strict accountability, officials who come short of the requirements of the law.

Summing up this case as your committee understand it from the foregoing statements and arguments, the case would stand thus :

Field's vote as returned by the Secretary of the Territory:

Las Animas County .....	111
Pueblo " .....	139
El Paso " .....	119
Huerfano " .....	336
Fremont " .....	73
	778

Add votes error of clerk of Las Animas county in footing of returns.....	11
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Total for Field .....	789
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Hinsdale's vote as returned by the Secretary of the Territory:

Las Animas County .....	343
Pueblo " .....	151
El Paso " .....	86
Huerfano " .....	63
Fremont " .....	78
	721

One vote in Burns's precinct, error in footing.....	1	720
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Majority for Field.....	69	
Dodson's precinct thrown out, majority for Field .....	20	
Purgatoire precinct thrown out, majority for Field....	21	41

Field's majority.....	28
Fort Union Crossing, one vote for Hinsdale, Patterson's.....	1

Majority for Field.....	27	
A. Hicklin's precinct thrown out, majority for Hinsdale .....	36	
W. Burns's precinct, Hinsdale's majority .....	6	
Jose M. Barilla precinct, Hinsdale's majority.....	22	
Harrimilla precinct one illegal vote, Jenio Pochento, for Mr. Hinsdale.....	1	
Apodico precinct thrown out, majority for Hinsdale 40 less 3.....	37	102

True majority for B. B. Field.....	129
But allowing the two Pinos' votes, which are not satisfactorily proven to have been fraudulent, to Hinsdale.....	2

And Myers's at Fort Union Crossing, not proven by proper evidence.....	1	
And the Lower Cucharas, which we think regular and right, majority for Field.....	52	
And Fort Union Crossing, majority for Field, not including Patterson.....	17	72
		<hr/>
And we think on honest true votes, Mr. Field is still elected by a majority of.....		57

Your committee insist that the true majority for Field is 129, but if the whole claim of Mr. Hinsdale be allowed, as to Dodson's, Purgatorie, Lower Cucharas, and Fort Union Crossing, it would stand thus :

Allowing Field's majority.....	69	
Hicklin's ranch.....	36	
		<hr/>
		105
Burns's precinct admitted.....	6	
Harramilla precinct, illegal vote,.....	1	
Barilla's precinct, votes clearly illegal, see Gonzales' testimony, .....	4	
		<hr/>
Majority for Fields.....		116
Dodson's ranch.....	20	
Purgatoire .....	21	
Lower Cucharas.....	52	
Fort Union.....	18	111
		<hr/>
Majority for Field.....		5

All of which is respectfully submitted to the Council.

AMOS STECK.

Message from the House :

HOUSE OF REPRESENTATIVES, December 23d, 1867.

*To the Honorable, the President of the Council:*

SIR: I am instructed to inform the Council that the House has passed H. J. M. No. 5, a memorial to the Congress of the United States relative to increased compensation for survey of public lands.

Also, has passed H. C. R. No. 2, relative to adjournment. The same are herewith transmitted.

And the concurrence of the Council is respectfully requested.

Respectfully,  
C. J. McDIVITT,  
*Clerk of the House.*

On motion of Mr. Cook, the majority and minority reports were referred to the Interpreter, so that the gentlemen from the ninth district can have both the reports interpreted to them, and that they have until to-morrow to interpret the same.

C. B. No. 11, a bill for An act to authorize the county commissioners of the county of Lake to appropriate to the construction of roads and bridges, the military fund raised by virtue of an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865, and C. J. M. No. 1, in relation to the Las Animas Grant, and H. J. M. No. 4, relative to an additional appropriation for the purpose of building a penitentiary in Colorado Territory, and H. J. M. No. 5, relative to increased compensation for survey of public lands, and H. B. No. 16, An act to repeal an act entitled an act to amend an act for support of paupers, approved January 11th, 1867, were read first time by their titles.

Leave being granted, H. J. R. No. 2, relative to adjournment, was read.

Mr. Butler moved to amend by striking out the words "this House," after the word "when," in the second line, and inserting "House and Council," and striking out the word "it," in the third line, and inserting the word "they," instead.

Amendment adopted.

Ayes and nays on passage of resolution as amended.

Ayes—Messrs. Loveland, Nesmith, Pinkerton and Sanchez—4.

Nays—Messrs. Belden, Cook, Field, Hughes, Steck, Stearns, Velasquez and Mr. President—8.

Mr. Butler excused.

So the resolution did not pass.

Leave being granted, Mr. Hughes submitted the following:

*Mr. President:* Your committee on Printing beg leave to report C. B. No. 9, a bill for An act in regard to improvements upon public lands donated to public uses, and H. B. No. 11, a bill for An act to locate the site and establish a penitentiary for the Territory of Colorado, as properly printed.

The same are herewith transmitted.

Respectfully,  
J. C. HUGHES, *Chairman.*

Mr. Butler moved that H. B. No. 11 be referred to the committee of the Whole.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—7.

Nays—Messrs. Cook, Field, Steck, Sanchez, Velasquez and Mr. President—6.

Carried.

On motion, the Council resolved itself into committee of the Whole.

Mr. Nesmith in the chair.

After some time spent therein, the committee rose and the chairman was granted time to prepare his report.

On motion, Council adjourned.

#### AFTERNOON SESSION.

Council met at 2 o'clock.

President in the chair.

Roll called.

Absent—Mr. Loveland.

Committee of the Whole reported as follows:

*Mr. President:* The committee of the Whole beg leave to report that they have had under consideration C. B. No. 3, An act relating to intoxicating liquors on election day, and beg leave to report the said bill back to the Council with the recommendation that it do pass.

Also, H. B. No. 9, An act to amend section 32 of an act entitled an act to define county boundaries and to locate county seats in Colorado Territory, and report the same back to the Council with the recommendation that the amendment reported by the committee on Counties be adopted, and that the bill so amended do pass.

Also, H. B. No. 11, a bill for An act to locate the site and establish a penitentiary for the Territory of Colorado, pending the consideration of which the committee rose.

J. W. NESMITH, *Chairman.*

Report received, and on motion, the amendment recommended by the committee of the Whole to H. B. No. 9, was adopted.

Leave being granted, Mr. Steck introduced C. B. No. 12, An act amendatory of an act relating to counties and county officers, approved November 6th, 1861, and the several acts amendatory thereto.

On motion, C. B. No. 3 was ordered engrossed and placed on file for third reading.

Mr. Loveland appeared and took his seat.

H. B. No. 9, An act to amend section 32 of an act entitled an act to define county boundaries and to locate county seats in Colorado Territory, was read third time, and passed unanimously, and title agreed to.

On motion, the Council resolved itself into committee of the Whole, on H. B. No. 11.

Mr. Hughes in the chair.

After some time spent therein, the committee rose, and

On motion, the Council resolved itself into committee of the Whole, on C. B. No. 4.

Mr. Butler in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Report received.

Mr. Pinkerton moved that the majority and minority reports of the special committee on the contested election case of Hinsdale vs. Field be printed.

Mr. Cook moved to amend, by having the same printed in both Spanish and English.

Mr. Butler moved a call of the house.

Absent—Mr. Loveland.

Sergeant-at-Arms dispatched after absentee.

On motion of Mr. Sanchez, the Council adjourned.

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TUESDAY, DECEMBER 24TH, 1867.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Messrs. Belden and Cook.

Prayer by the Chaplain.

Mr. Belden appeared and took his seat.

Journal read and approved.

On motion, the reading of the majority and minority reports in the contested election case was dispensed with.

Mr. Hughes presented the following:

*Mr. President:* The committee of the Whole have had under consideration H. B. No. 11, and adopted the following amendments, to wit:

Strike out the words "Canon City," wherever they occur, and insert thereof the words "Golden City."

Strike out the word "Fremont," where it occurs, and insert instead thereof the word "Jefferson."

Also, strike out the word "half," in the fourth line of the printed bill, and report the bill back to the Council with the recommendation that the bill do pass as amended.

J. C. HUGHES, *Chairman.*

On motion, report was received and adopted.

Mr. Stearns presented the following:

*Mr. President:* Your committee on Engrossed Bills, to whom was referred Council Bill No. 3, a bill for An act relating to the sale of intoxicating liquors on days of election, beg leave to report the same back to the Council as correctly engrossed.

E. N. STEARNS, *Chairman.*

HUGH BUTLER.

On motion, the special committee on the contested election case were discharged.

Mr. Butler gave notice that he would, on to-morrow or some subsequent day, introduce a bill for An act concerning the incorporation of Masonic bodies.

C. B. No. 12, An act amendatory of an act relating to counties and county officers, approved March 6th, 1861, and the several acts amendatory thereto, was read first time in full, and on motion of Mr. Stearns, the rules were suspended, the bill read the second time by its title, and referred to the committee of the Whole.

Mr. Butler offered the following:

*Resolved,* That hereafter it shall be taken as the sense of this Council, when a bill, resolution or memorial has been referred to a standing, special or select committee, and has been reported on by such committee, that the same shall be placed on the general file, to be considered by the committee of the Whole, unless the Council, by motion, proceed to take up said bill, resolution or memorial.

Adopted.

C. B. No. 11, C. J. M. No. 1, and H. J. M. No. 4, were read second time in full, and referred to the committee of the Whole.

H. J. M. No. 5, relative to increased compensation for survey of public lands, was read second time by its title, and on motion of Mr. Loveland, the rules were suspended, the memorial read the third time, and passed unanimously and title agreed to.

Absent—Mr. Cook.

H. B. No. 16 was read second time by its title, and referred to the committee of the Whole, without printing.

On motion of Mr. Butler, amendments reported by the committee of the Whole on H. B. No. 11, were adopted.

H. B. No. 11, a bill for An act to locate the site and establish a penitentiary for the Territory of Colorado, was read third time, and passed by the following vote:

Ayes—Messrs. Belden, Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—7.

Nays—Messrs. Field, Steck, Sanchez, Velasquez and Mr. President—5.

Absent—Mr. Cook.

Title agreed to.

Mr. Pinkerton moved that C. B. No. 3 be referred back to the Engrossing committee.

Motion lost.

On motion of Mr. Butler, the vote by which Mr. Pinkerton's motion was lost, was reconsidered, and the question being on the adoption of Mr. Pinkerton's motion, the motion prevailed, and the bill was referred back to the Engrossing committee.

On motion of Mr. Butler, C. B. No. 1, a bill for An act to locate the penitentiary at Golden City, was indefinitely postponed.

Under the head of unfinished business, the President called up Mr. Pinkerton's motion to print the committee reports on the contested election case, and Mr. Cook's amendment thereto.

The question being put on the amendment, it was declared lost.

Ayes and nays demanded on the original question.

Ayes—Messrs. Field, Nesmith, Pinkerton, Steck, Velasquez and Mr. President—6.

Nays—Messrs. Belden, Butler, Hughes, Loveland, Stearns and Sanchez—6.

Motion lost.

On motion, the Council resolved itself into committee of the Whole, on C. B. No. 4.

Mr. Butler in the chair.

After some time spent therein, the committee rose.

On motion, Council adjourned.

#### AFTERNOON SESSION.

Council met at 2 o'clock p. m.

President in the chair.

Roll called.

Absent—Messrs. Cook, Pinkerton, Sanchez and Velasquez.

Quorum present.

Message from the House:

HOUSE OF REPRESENTATIVES, December 24th, 1867.

*To the Honorable, the President of the Council:*

SIR: I have the honor to inform the Council that the House has concurred in Council amendments to H. B. No. 9. Also has passed C. B. No. 8, An act to legalize the records of Lake county, and C. B. No. 10, An act in relation to an adopted child of Major E. B. Kirk. Also, has passed H. B. No. 18, An act to provide for publishing the laws of the Territory in the Spanish language.

All of which are herewith transmitted, and your concurrence is respectfully requested.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Butler submitted the following :

*Mr. President:* The committee of the Whole House have had under consideration C. B. No. 4, An act to establish a board of registry, and adopted sections 14, 15, 16, 17 and 18, as reported by the committee on Elections, and refer the same back to the Council with the recommendation that the bill as amended, be engrossed, read a third time, and passed.

All of which is respectfully submitted.

HUGH BUTLER, *Chairman.*

On motion, the report was received and adopted.

On motion of Mr. Butler, the amendments reported by the committee of the Whole, to C. B. No. 4, were adopted, the bill ordered engrossed and placed on file for third reading.

Mr. Stearns, from committee on Engrossed Bills, verbally reported C. B. No. 3 correctly engrossed.

Mr. Butler offered the following :

*Resolved,* That B. B. Field is not entitled to the seat as a member of this Council from the eighth district.

*Resolved,* That Geo. A. Hinsdale is entitled to the seat as a member of the Council from the eighth district, and he be now sworn in.

Mr. Belden moved a call of the house.

Absent—Messrs. Cook, Sanchez and Velasquez.

Sergeant-at-Arms dispatched after absentees.

In a short time he announced all present.

Mr. Cook moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs. Cook, Field, Nesmith, Pinkerton, Steck, Sanchez, Velasquez and Mr. President—8.

Nays—Messrs. Belden, Butler, Hughes, Loveland and Stearns—5.

So the Council adjourned.

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WEDNESDAY, DECEMBER 25TH, 1867.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Mr. Loveland.

Journal read and approved.

Mr. Cook moved to adjourn until to-morrow at 10 o'clock a. m.

Ayes and nays.

Ayes—Messrs. Cook, Field, Pinkerton, Steck, Sanchez, Velasquez and Mr. President—7.

Nays—Messrs. Belden, Butler, Hughes, Nesmith and Stearns—5.

Absent—Mr. Loveland.

So the Council adjourned.

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THURSDAY, DECEMBER 26TH, 1867.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Messrs. Belden, Loveland, Stearns and Sanchez.

Prayer by the Chaplain.

Journal read and approved.

Messrs. Belden and Sanchez appeared and took their seats.

Mr. Hughes presented a petition from citizens of Lake county, asking the Legislature to take such measures as shall best be calculated to secure the prompt admission of the State of Colorado into the Union.

Mr. Butler moved to lay the petition on the table.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Hughes, Sanchez and Velasquez—5.

Nays—Messrs. Cook, Nesmith, Pinkerton, Steck and Mr. President—5.

Absent—Messrs. Field, Loveland and Stearns—3.

Motion lost.

Mr. Cook moved to refer the petition to the committee on Elections.

Messrs. Loveland and Stearns appeared and took their seats.

Mr. Butler moved to indefinitely postpone the petition.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Hughes, Loveland, Sanchez, Stearns and Velasquez—7.

Nays—Messrs. Cook, Field, Nesmith, Pinkerton, Steck and Mr. President—6.

Motion carried.

Mr. Stearns presented the following:

*Mr. President:* Your special committee to whom was referred C. B. No. 2, entitled An act to amend an act entitled an act to preserve game in Colorado Territory, beg leave to report the same back to the Council with the recommendation that it be referred to the committee of the Whole House.

E. N. STEARNS.

AMOS STECK,

D. D. BELDEN.

On motion, the report was received and adopted.

Mr. Steck presented the following:

*Resolved,* That in considering the contested case of Messrs. Field and Hinsdale, the several precincts in dispute shall be discussed and voted upon separately, whether the same shall be counted in full as returned, counted only in part, or thrown out of the count entirely, as the law and evidence in each case may seem to require.

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

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Hughes, Loveland and Stearns—5.

Nays—Messrs. Cook, Nesmith, Pinkerton, Steck and Mr. President—5.

Excused—Messrs. Sanchez and Velasquez.

Not voting—Mr. Field.

Motion lost.

H. B. No. 18, a bill for An act providing for the publication of the laws of the Territory of Colorado in the Spanish language, was read first time by its title.

C. B. No. 3, An act relating to intoxicating liquors on days of election, was read third time, and passed by the following vote:

Ayes—Messrs. Butler, Field, Hughes, Loveland, Nesmith, Pinkerton, Sanchez, Stearns, Steck, Velasquez and Mr. President—11.

Nays—Messrs. Belden and Cook.

And title agreed to.

Pending the discussion of Mr. Butler's resolution on the contested election case,

The Council adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock p. m.

President in the chair.

Roll called.

Absent—Messrs. Cook, Loveland and Nesmith.

Mr. Belden submitted the following :

*Mr. President:* Your joint committee on Enrolled Bills, have examined H. B. No. 10, a bill for An act to amend an act to enable road, ditch, manufacturing and other companies to become bodies corporate, and the several acts amendatory thereto, and report the same correctly enrolled.

D. D. BELDEN, *Chairman.*

Report received.

Messrs. Cook, Loveland and Nesmith appeared and took their seats.

Pending the discussion of Mr. Butler's resolution on the contested election case,

The Council adjourned.

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FRIDAY, DECEMBER 27TH, 1867.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Messrs. Butler and Nesmith.

Journal read and approved.

Messrs. Butler and Nesmith appeared and took their seats.

Mr. Stearns presented the following :

*Mr. President:* Your committee on Engrossed Bills beg leave to report that they have examined the engrossment of C. B. No. 4, a bill for An act to establish a board of registry of electors, and find the same correctly engrossed.

E. N. STEARNS, *Chairman.*

Report received.

Mr. Hughes presented the following :

*Mr. President:* Your committee on Printing beg leave to report the following bills and memorials correctly printed :

C. J. M. No. 1, joint memorial in relation to the Las Animas Grant.

H. J. M. No. 4, relative to an additional appropriation for the purpose of building a penitentiary in Colorado Territory.

Also, C. B. No. 11, a bill for An act to authorize the county commissioners of the county of Lake to appropriate to the construction of roads and bridges, the military funds raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865.

Also, C. B. No. 12, An act amendatory of an act relating to counties and county officers, approved November 6th, 1861, and the several acts amendatory thereto.

All of which are respectfully submitted.

J. C. HUGHES, *Chairman.*

Report received.

Leave being granted, Mr. Butler introduced C. B. No. 13, a bill for An act to amend an act entitled an act to amend an act entitled an act to divide the Territory of Colorado into judicial districts, and to provide for the holding of courts in the same, approved February 10th, 1865, and for other purposes, approved January 11th, A. D. 1867, which was read first time by its title.

H. B. No. 18 was read second time by its title, and referred to committee of the Whole.

On motion of Mr. Butler, the rules were suspended, and C. B. No. 13 read second time by its title, and referred to committee of the Whole.

C. B. No. 4, a bill for An act to establish a board of registry of electors, was read third time.

Message from the House :

HOUSE OF REPRESENTATIVES, December 27th, 1867.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to return to the Council H. B. No. 11, An act to locate a site and establish a penitentiary for the Territory of Colorado, and the House respectfully request your honorable body to recede from your amendments to said bill, the House not having concurred therein.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Steck offered as an amendment to C. B. No. 4, an additional section, and on motion, the rules were suspended, the amendment read first and second times and ordered engrossed.

Mr. Nesmith moved that the Sergeant-at-Arms be sent after the Engrossing Clerk.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Loveland, Nesmith, Stearns and Velasquez—6.

Nays—Messrs. Cook, Field, Hughes, Pinkerton, Sanchez, Steck and Mr. President—7.

Lost.

Mr. Cook moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs. Cook, Field, Hughes, Pinkerton and Steck—5.

Nays—Messrs. Belden, Butler, Loveland, Nesmith, Sanchez, Stearns, Velasquez and Mr. President—8.

Lost.

Mr. Steck moved that the Council recede from its amendments to H. B. No. 11.

Ayes and nays demanded.

Ayes—Messrs. Cook, Field, Sanchez, Steck, Velasquez and Mr. President—6.

Nays—Messrs. Belden, Butler, Hughes, Loveland, Nesmith, Pinkerton and Stearns—7.

Lost.

Mr. Butler moved that a committee of three (3) be appointed to confer with a like committee on the part of the House on H. B. No. 11.

Carried.

Mr. Stearns verbally reported the amendment to C. B. No. 4, as correctly engrossed.

On motion of Mr. Stearns, the amendment to C. B. No. 4 was read third time, and the bill passed by the following vote:

Ayes—Messrs. Belden, Butler, Hughes, Loveland, Nesmith, Pinkerton, Stearns, Steck and Mr. President—9.

Nays—Messrs. Cook, Field, Sanchez and Velasquez—4.

And title agreed to.

On motion, Council adjourned.

#### AFTERNOON SESSION.

Council met at 2 o'clock.

President in the chair.

Roll called.

Absent—none.

The President appointed as the committee of conference, on the part of the Council, Messrs. Butler, Cook and Stearns.

Leave being granted, Mr. Cook introduced C. B. No. 14, An act to amend an act entitled an act concerning practice in civil cases, approved November 5th, 1861.

Mr. Cook moved that the Council resolve itself into committee of the Whole.

Ayes and nays demanded.

Ayes—Messrs. Cook, Field, Nesmith, Pinkerton, Steck and Mr. President—6.

Nays—Messrs. Belden, Butler, Hughes, Loveland, Sanchez, Stearns and Velasquez—7.

Lost.

Mr. Butler moved that the House be requested to appoint a committee of conference to act with the committee appointed by the Council on H. B. No. 11.

Carried.

Pending the discussion of Mr. Butler's resolutions on the contested election case,

Mr. Cook moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs. Cook, Field, Nesmith, Pinkerton, Steck and Mr. President—6.

Nays—Messrs. Belden, Butler, Hughes, Loveland, Sanchez, Stearns and Velasquez—7.

Lost.

Discussion continued.

Mr. Nesmith moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs. Cook, Field, Nesmith, Pinkerton, Steck and Mr. President—6.

Nays—Messrs. Belden, Butler, Hughes, Loveland, Stearns and Velasquez—6.

Absent—Mr. Sanchez.

Lost.

Discussion continued.

On motion, Council adjourned.

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SATURDAY, DECEMBER 28TH, 1867.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—none.

Journal read and approved.

Mr. Stearns presented the following :

*Mr. President:* Your committee on Enrolled Bills beg leave to report that they have examined C. B. No. 8, An act to legalize the records of Lake county; also, C. B. No. 10, a bill for An act in relation to an adopted child of Major E. B. Kirk, and find them correctly enrolled.

E. N. STEARNS, *Chairman.*  
HUGH BUTLER.

C. B. No. 14, An act to amend an act entitled an act concerning practice in civil cases, approved November 5th, 1861, was read first time by its title.

Message from the House :

HOUSE OF REPRESENTATIVES, December 28th, 1867.

*To the Honorable, the President of the Council:*

SIR: I am directed by the House of Representatives to inform the Council that the House has passed H. B. No. 36, a bill for An act to provide for the revision of the general statutes of Colorado Territory, H. B. No. 38, a bill to provide for the publication of the revised statutes of Colorado Territory, H. B. No. 37, a bill for An act in regard to criminal jurisprudence.

All of which are herewith transmitted.

Very respectfully, your ob't serv't,

C. J. McDIVITT,  
*Clerk of the House.*

Pending the discussion of the contested case,  
The Council adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock p. m.

President in the chair.

Roll called.

Absent—none.

Mr. Butler moved the previous question on Mr. Steck's resolution.

Mr. Steck moved a call of the house.

Absent—Mr. Cook.

Sergeant-at-Arms dispatched after absentee.

Returned and announced all present.

The ayes and nays being demanded, there were :

Ayes—Messrs. Belden, Butler, Hughes, Loveland, Sanchez, Stearns, Velasquez and Mr. President—8.

Nays—Messrs. Cook, Nesmith, Pinkerton and Steck—4.

Not voting—Mr. Field.

So the previous question prevailed.

Ayes and nays being called on Mr. Steck's resolution, there were:

Ayes—Messrs. Cook, Nesmith, Pinkerton, Steck and Mr. President—5.

Nays—Messrs. Belden, Butler, Hughes, Loveland, Sanchez, Stearns and Velasquez—7.

Resolution lost.

Not voting—Mr. Field.

Mr. Butler moved the previous question on his resolutions.

Ayes—Messrs. Belden, Butler, Hughes, Loveland, Sanchez, Stearns and Velasquez—7.

Nays—Messrs. Cook, Nesmith, Pinkerton, Steck and Mr. President—5.

Not voting—Mr. Field.

So the previous question prevailed.

Ayes and nays being called on Mr. Butler's resolutions, there were:

Ayes—Messrs. Belden, Butler, Hughes, Loveland, Sanchez, Stearns and Velasquez—7.

Nays—Messrs. Cook, Nesmith, Pinkerton, Steck and Mr. President—5.

Not voting—Mr. Field.

So the resolution prevailed.

Mr. Cook moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs. Cook, Hughes, Nesmith, Pinkerton, Steck and Mr. President—6.

Nays—Messrs. Belden, Butler, Loveland, Sanchez, Stearns and Velasquez—6.

Not voting—Mr. Field.

Lost.

Mr. Butler moved to reconsider the vote by which the resolutions were adopted, and moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Hughes, Loveland, Sanchez, Stearns and Velasquez—7.

Nays—Messrs. Cook, Nesmith, Pinkerton, Steck and Mr. President—5.

Not voting—Mr. Field.

Carried.

On motion, Council adjourned.

MONDAY, DECEMBER 30TH, 1867.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Messrs. Butler, Field and Loveland.

Prayer by the Chaplain.

Acting Governor Hall appeared and administered the oath of office to Geo. A. Hinsdale, as a member of this Council from the eighth district, vice Hon. B. B. Field.

Journal read and approved.

Mr. Steck offered the following :

*Resolved*, That Acting Governor Hall be requested to furnish to the Council a tabular statement of the number of votes cast in all the counties of the Territory, at the last general election, for members of the Council and House of Representatives of the present Legislative Assembly, so far as the same has been returned to the office of the Secretary of the Territory.

On motion, the rules were suspended, and the resolution passed unanimously.

H. B. No. 36, An act for revising and consolidating the general statutes of the Territory of Colorado, and H. B. No. 37, An act concerning criminal jurisprudence, were read first time by their title.

H. B. No. 38, a bill for An act to provide for the publication of the revised statutes of Colorado Territory, was read first time in full.

Mr. Hughes presented the following :

*Mr. President*: Your committee beg leave to report the following bills correctly printed :

C. B. No. 13, a bill for An act to amend an act entitled an act to divide the Territory of Colorado into judicial districts, and to provide for the holding of courts in the same, approved February 10th, 1865, and for other purposes, approved January 11th, A. D. 1867, and H. B. No. 18, a bill for An act to provide for the publication of the laws of the Territory of Colorado in the Spanish language.

The same are submitted.

J. C. HUGHES, *Chairman*.

Report received.

C. B. No. 14 was read second time by title, and referred to the Judiciary committee without printing.

On motion of Mr. Nesmith, the Council resolved itself into committee of the Whole, on the general file.

Mr. Stearns in the chair.

The President resumed the chair for the purpose of receiving the following

Message from the House:

HOUSE OF REPRESENTATIVES, December 30th, 1867.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform the Council that the House has passed the following resolution:

*Resolved*, By this House, that whereas it now appears that the action had on Saturday on H. B's Nos. 36 and 37, that this House was under a misapprehension as to the true character of said bills, or a portion thereof, and more especially in regard to those portions relating to the jurisdiction of the courts of this Territory, therefore be it resolved that the Council is hereby respectfully requested to return the several copies of the bills above named to this House for further consideration.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

The message from the House having been received, the committee of the Whole resumed its sitting.

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

*Mr. President:* Your committee of the Whole House beg leave to report that they have had under consideration C. J. M. No. 1, and report the same back to the Council with the recommendation that it pass without amendment.

Also, C. B. No. 2, a bill for An act to amend an act entitled an act to preserve game in the Territory of Colorado, and return the same to the Council with the recommendation that it be referred to a special committee.

Also, C. B. No. 11, a bill for An act to authorize the county commissioners of the county of Lake to appropriate to the construction of roads and bridges, the military fund raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 2d, 1865, and report the same back to the Council with the recommendation that it be referred to a special committee of three.

Also, H. J. M. No. 4, relative to an additional appropriation for the purpose of building a penitentiary in Colorado Terri-

tory, and return the same to the Council with the recommendation that it be referred to a special committee.

Also, H. B. No. 16, a bill for An act to repeal an act entitled an act to amend an act for the support of paupers, approved January 11th, 1867, and return the same with the recommendation that it do pass.

Also, C. B. No. 12, a bill for An act amendatory of an act relating to counties and county officers, and the several acts amendatory thereto, and report the same back to the Council with the recommendation that it pass as amended.

E. N. STEARNS, *Chairman.*

On motion, the report was received.

On motion of Mr. Nesmith, H. B's Nos. 36 and 37 were ordered returned to the House of Representatives, as per their request.

On motion, the Council adjourned.

#### AFTERNOON SESSION.

Council met at 2 o'clock.

President in the chair.

Roll called.

Absent—Mr. Loveland.

On motion, the report of the committee of the Whole on C. B. No. 2 was adopted, and Messrs. Hinsdale, Sanchez and Pinkerton appointed as said committee.

On motion, the report of the committee of the Whole on C. B. No. 11 was adopted, and Messrs. Stearns, Hughes and Nesmith appointed said committee.

Mr. Belden presented the following:

*Mr. President:* Your joint committee on Enrolled Bills, have examined C. B. No. 8, An act to legalize the records of Lake county; also, C. B. No. 10, An act in relation to an adopted child of Major E. B. Kirk, and report the same correctly enrolled.

D. D. BELDEN, *Chairman.*

Report received.

Mr. Loveland appeared and took his seat.

Mr. Stearns moved that H. J. M. No. 4 be referred to a special committee, consisting of Messrs. Butler, Belden and Steck.

Lost.

Mr. Hughes moved that the rules be suspended, and the memorial be put on its third reading and final passage.

Ayes and nays demanded.

Ayes—Messrs. Belden, Hinsdale, Hughes, Loveland, Sanchez, Steck and Velasquez—7.

Nays—Messrs. Butler, Nesmith, Pinkerton, Stearns and Mr. President—5.

Absent—Mr. Cook.

Lost.

On motion of Mr. Stearns, the memorial was referred to the committee of the Whole.

Mr. Steck presented the following:

*Mr. President:* The special joint committee to whom was referred the revision and compilation of the general statutes of the Territory, respectfully report that they have examined the revision and compilation of said statutes with patience and care, and agreed that the same should be first presented to the House of Representatives for their action, which has been accordingly done.

All of which is respectfully submitted.

AMOS STECK,  
HUGH BUTLER.

Report received.

Mr. Steck presented the following:

OFFICE OF SECRETARY OF COLORADO AGRICULTURAL SOCIETY,  
Denver, December 28th, 1867.

*To Hon. W. W. Webster, President Territorial Council, Denver, Colorado:*

DEAR SIR: I have the honor herewith to hand the report of the Colorado Agricultural Society for the year 1867, agreeably to a charter for the same, granted by the Territorial Legislature and approved March 7th, 1864.

This report has unavoidably been detained, and should have been submitted at the beginning of your session.

Very respectfully, your ob't serv't,

W. D. ANTHONY,  
*Secretary.*

Mr. Steck introduced C. C. R. No. 2, in relation to annual report of the Agricultural Society of Colorado Territory, which, on motion, was passed unanimously.

On motion, the report of the committee of the Whole on C. B. No. 12 was adopted, and the bill ordered engrossed.

On motion, C. J. M. No. 1 was considered engrossed, and ordered to its third reading.

On motion, the report of the committee of the Whole on H. B. No. 16 was adopted, and the bill ordered to its third reading.

Leave being granted, Mr. Hinsdale introduced C. B. No. 15, a bill for An act to repeal an act entitled an act to amend an act entitled an act to prevent the introduction of animals for the purpose of grazing within certain limits, approved November 6th, 1861, approved January 27th, 1866.

On motion, the rules were suspended, the bill read the first and second times, and referred to the committee of the Whole.

On motion, the Council resolved itself into committee of the Whole, on the general file.

Mr. Loveland in the chair.

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

*Mr. President:* Your committee of the Whole report that they have had under consideration H. B. No. 18 and C. B. No. 13, which were laid over in the committee of the Whole. Also, H. J. M. No. 4, and recommend that it be referred to the committee on Federal Relations.

W. A. H. LOVELAND, *Chairman.*

On motion, report was received and adopted.

On motion, the Council resolved itself into executive session. Executive session being dissolved,

Mr. Stearns presented the following:

DENVER, COL., December 30th, 1867.

*Mr. President:* Your special committee to whom was referred C. B. No. 11, a bill for An act to authorize the county commissioners of the county of Lake to appropriate to the construction of roads and bridges, the military fund raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865, beg leave to report the same back to the Council, with the recommendation that it do pass without amendment.

E. N. STEARNS, *Chairman.*

J. C. HUGHES,

J. W. NESMITH.

Report received.

On motion, the bill was ordered engrossed and placed on file for third reading.

On motion, Council adjourned.

TUESDAY, DECEMBER 31ST, 1867.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Mr. Belden.

Prayer by the Chaplain.

Journal read and approved.

Mr. Stearns presented the following:

DENVER CITY, COL. TER., December 31st, 1867.

*Mr. President:* Your committee on Engrossed Bills, beg leave to report that they have examined the enrollment of C. B. No. 12, a bill for An act amendatory of an act relating to counties and county officers, approved November 6th, 1861, and the several acts amendatory thereto; also, C. B. No. 11, a bill for An act to authorize the county commissioners of the county of Lake to appropriate to the construction of roads and bridges, the military fund raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1864, report the same to the Council correctly engrossed.

E. N. STEARNS, *Chairman.*

HUGH BUTLER.

Report received.

Mr. Hinsdale presented the following:

*Mr. President:* Your special committee to whom was referred C. B. No. 2, have had the same under consideration, and respectfully ask leave to report the accompanying substitute therefor, in lieu of the original bill, and recommend the adoption of the substitute.

GEO. A. HINSDALE,  
JAS. H. PINKERTON,  
FRANCIS SANCHEZ.

Mr. Butler gave notice that he would, on to-morrow or some subsequent day, introduce a bill for An act concerning probate courts.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, December 31st, 1867.

*Hon. W. W. Webster, President of the Council:*

SIR: In accordance with a resolution from the Honorable

Council, I have the honor to present herewith a true and correct abstract of election returns by counties, of an election held in and for the Territory of Colorado, on the thirteenth day of August, A. D. 1867.

Very respectfully, your ob't serv't,

FRANK HALL,  
*Acting Governor.*

Substitute for C. B. No. 2, An act to amend an act entitled an act to preserve game in Colorado, was read first time in full.

On motion of Mr. Stearns, the substitute bill was adopted.

On motion of Mr. Stearns, the bill was considered engrossed and ordered to its third reading.

H. B. No. 38 was read second time by its title, and referred to committee of the Whole.

C. J. M. No. 1, a memorial in relation to the Las Animas Grant, was read third time and passed unanimously.

Absent—Mr. Belden.

Title agreed to.

C. B. No. 11, a bill for An act to authorize the county commissioners of the county of Lake to appropriate to the construction of roads and bridges, the military fund raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865, was read third time and passed unanimously and title agreed to.

Absent—Mr. Belden.

C. B. No. 12, An act amendatory of an act relating to counties and county officers, approved March 6th, 1861, and the several acts amendatory thereto, was read third time and passed by the following vote:

Ayes—Messrs. Cook, Hinsdale, Hughes, Loveland, Pinkerton, Sanchez, Steck, Velasquez and Mr. President—9.

Nays—Messrs. Butler, Nesmith and Stearns—3.

Absent—Mr. Belden.

Title agreed to.

H. B. No. 16 was read third time, and on motion of Mr. Butler, the bill was recommitted back to the committee of the Whole.

Substitute for C. B. No. 2, An act to amend an act entitled an act to preserve game in Colorado Territory, was read third time and passed by the following vote:

Ayes—Messrs. Butler, Hinsdale, Hughes, Loveland, Nesmith, Pinkerton, Sanchez, Stearns, Steck, Velasquez and Mr. President—11.

Nays—Mr. Cook—1.

Absent—Mr. Belden.

Title agreed to.

On motion, the Council resolved itself into committee of the Whole on the general file.

Mr. Pinkerton in the chair.

After some time spent therein, the President resumed the chair for the purpose of receiving the following

Message from the House:

HOUSE OF REPRESENTATIVES, December 31st, 1867.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House of Representatives to inform your honorable body that the House has passed H. B. No. 36, An act for revising and consolidation of the general statutes of the Territory of Colorado, and ask the concurrence of the Council.

The same is herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

The message having been received, the committee resumed its sitting.

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

*Mr. President:* Your committee of the Whole have had under consideration C. B. No. 13, and refer it back to the Council with the recommendation that it be indefinitely postponed.

The same is herewith submitted.

JAS. H. PINKERTON, *Chairman.*

Report received, and on motion, adopted by the following vote:

Ayes—Messrs. Hinsdale, Pinkerton, Sanchez, Stearns, Steck and Velasquez—6.

Nays—Messrs. Butler, Hughes, Loveland, Nesmith and Mr. President—5.

Absent—Messrs. Belden and Cook.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock.

President in the chair.

Roll called.

Absent—Mr. Belden.

Mr. Steck presented the following:

*Mr. President:* The Judiciary committee, having in charge C. B. No. 9, a bill for An act in regard to improvements upon public lands donated to public uses, respectfully report the same to the Council with an amendment, inserting the word "if," in line five of the bill, between the word "improvement" and the word "the," and with this amendment respectfully recommend the bill be engrossed, read a third time and passed.

AMOS STECK,  
JAS. H. PINKERTON,  
HUGH BUTLER.

Report received, and on motion, the amendment was adopted, and the bill ordered engrossed and placed on file for third reading.

Leave being granted, Mr. Butler introduced C. B. No. 16, An act concerning probate courts, and to provide a chapter in relation thereto in the revised statutes, which was read first time by its title, and on motion, the rules were suspended, the bill read second time and ordered printed.

On motion, the Council resolved itself into executive session. The executive session being dissolved,

On motion, the Council adjourned until Thursday at 2 o'clock p. m.

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THURSDAY, JANUARY 2D, 1868.

Council met at 2 o'clock p. m.

President in the chair.

Roll called.

Absent—Messrs. Cook and Loveland.

Journal read and approved.

Mr. Stearns presented the following:

*Mr. President:* Your committee on Engrossed Bills beg leave to report C. B. No. 9, a bill for An act in regard to improvements upon public lands donated to public uses, correctly engrossed.

E. N. STEARNS, *Chairman.*  
HUGH BUTLER.

Report received.

Mr. Steck presented the following:

*Mr. President:* The Judiciary committee, to whom was referred C. B. No. 6, a bill for An act in regard to the writ of ne exeat, respectfully report the same to the Council with the recommendation that the same be indefinitely postponed.

AMOS STECK,  
HUGH BUTLER,  
JAS. H. PINKERTON.

Report received, and on motion, adopted.  
Mr. Steck presented the following:

*Mr. President:* The committee on Judiciary respectfully report C. B. No. 7, a bill for An act to amend an act entitled an act to provide for limitation of actions, approved November 5th, 1861, with the recommendation that the same be indefinitely postponed.

AMOS STECK,  
HUGH BUTLER,  
JAS. H. PINKERTON.

Report received.  
Message from the House:

HOUSE OF REPRESENTATIVES, January 2d, 1868.

*To the Honorable, the President of the Council:*

SIR: I have the honor to inform the Council that the House has passed H. B. No. 33, An act in relation to an adopted child of Samuel N. Hoyt, H. B. No. 34, An act to change the name of Sarah Thomas, and H. C. R. No. 2, tendering the thanks of the Legislative Assembly to the Hon. J. P. Whitney, Commissioner to the Paris Exposition.

Also, has concurred in and passed C. C. R. No. 2, in relation to the annual report of the Agricultural Society of Colorado Territory, with this amendment: Strike out the word "excepting," in the fourth line, and insert the word "including," in lieu thereof. In this amendment you are respectfully requested to concur.

And has passed H. B. No. 17, An act requiring persons elected or appointed to county or township offices to qualify, and H. B. No. 25, An act to provide for the payment of clerks and other officers of the Legislative Assembly.

Also, H. J. M. No. 6, a joint memorial to the Congress of the United States, relative to a subsidy of lands for railroad purposes, and H. J. M. No. 7, a joint memorial to the Congress of

the United States, relative to the boundary line between Colorado and New Mexico.

The same are herewith transmitted.

Very respectfully, your ob't serv't,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Loveland appeared and took his seat.

Mr. Steck presented the following reports:

*Mr. President:* The committee on Judiciary, having in charge H. B. No. 3, An act concerning fines and forfeited recognizances, respectfully report the bill to the Council with the following amendment, to be known in said bill sections 4 and 5, and section 4 to be known as section 6:

Sec. 4. In every case where a portion of a fine imposed upon a defendant by any statute, is now, or shall be authorized to be paid to the informer in said case, and neither the court, grand or petit jury, shall indicate who is the informer, the whole of said fine shall be paid into the treasury of the county, as is herein before provided in this act.

Sec. 5. All fines heretofore paid by any defendant in cases where a portion of said fine was by the statute appropriated to the informer, and no informer was known to the court, that portion of the fine due to said informer, now in the hands of any justice of the peace, probate court, or clerk of the district court, shall be paid into the treasury of the county wherein the conviction was had and said fine or fines were paid, and in case the office of justice of peace, probate judge, or clerk of the district court, into whose hands any such fines may have been paid, shall have expired, it shall be the duty of the attorney acting for the county into whose treasury the said fines are by this act directed to be paid, to demand the payment of said fines so remaining unpaid, and in case of refusal or neglect to pay the same, suit may be instituted in the name of the county for the recovery of the same in any court of competent jurisdiction.

All of which are respectfully submitted.

AMOS STECK,  
HUGH BUTLER,  
J. H. PINKERTON.

And:

*Mr. President:* The Judiciary committee, having referred to them H. B. No. 13, An act to amend an act entitled an act to provide for limitation of actions, approved November 5th,

1861, respectfully report the same to the Council with the recommendation that it be indefinitely postponed.

AMOS STECK,  
HUGH BUTLER,  
J. H. PINKERTON.

Reports received.

Leave being granted, Mr. Hinsdale introduced C. B. No. 17, a bill for An act to change the boundaries of the counties of Pueblo, Huerfano and Las Animas.

Mr. Butler introduced C. B. No. 18, a bill for An act to repeal part of an act entitled an act to amend an act entitled an act to incorporate the City of Central, approved March 11th, 1864.

Leave being granted, Mr. Butler introduced C. B. No. 19, a bill for An act to amend an act concerning criminal jurisprudence, approved November 5th, 1861.

Mr. Butler gave notice that he would, on to-morrow or some subsequent day, introduce a bill for An act to provide for the repeal of the charter of the City of Central.

Mr. Steck gave notice that he would, on to-morrow or some subsequent day, introduce a bill concerning grand juries in certain cases.

Also, a bill to regulate the granting of injunctions in certain cases.

Leave being granted, Mr. Steck introduced C. B. No. 20, An act amendatory of an act entitled an act to amend an act entitled an act to enable road, ditch, manufacturing and other companies to become bodies corporate.

Leave being granted, Mr. Butler introduced C. B. No. 21, a bill for An act relating to the competency of witnesses in civil cases.

H. B. No. 36, a bill for An act to provide for the revision of the general statutes of Colorado Territory, and H. B. No. 34, An act to change the name of Sarah Thomas, were read first time by their title.

C. B. No. 17, a bill for An act to change the boundaries of the counties of Pueblo, Huerfano and Las Animas, was read first time by its title, and on motion, the rules were suspended, the bill read second time and referred to the committee of the Whole.

C. B. No. 18, a bill for An act to repeal part of an act entitled an act to amend an act entitled an act to incorporate the City of Central, approved March 11th, 1864, and C. B. No. 19, a bill for An act to amend an act entitled an act concerning criminal jurisprudence, approved November 5th, 1861, and C. B. No. 20, An act amendatory of an act entitled an act to amend an act entitled an act to enable road, ditch, manufacturing and other

companies to become bodies corporate, and C. B. No. 21, a bill for An act relating to the competency of witnesses in civil cases, and H. B. No. 25, a bill for An act to provide for the payment of clerks and other officers of the Legislative Assembly, and H. B. No. 33, An act in relation to an adopted child of Samuel N. Hoyt, were read first time, and on motion, the rules were suspended, and the bills ordered to their second reading.

H. C. R. No. 2, tendering the thanks of the Legislative Assembly to the Hon. J. P. Whitney, Commissioner to the Paris Exposition, and H. J. M. No. 7, a bill for a memorial relating to the boundary line between New Mexico and Colorado, and H. B. No. 17, An act requiring persons elected or appointed county or township officers to qualify, were read first time in full.

H. J. M. No. 6, a joint memorial to the Congress of the United States relative to a subsidy of lands for railroad purposes, was read first time in full.

Mr. Stearns moved that the rules be suspended, and the memorial passed to its second reading.

Lost.

C. B. No. 18, C. B. No. 19, C. B. No. 21, and H. B. No. 25 were read second time and referred to committee of the Whole.

C. B. No. 20 was read second time and referred to committee on Incorporations.

H. B. No. 33, An act in relation to an adopted child of Samuel N. Hoyt, was read second time, and on motion, the rules were suspended, the bill read the third time and passed unanimously.

Absent—Mr. Cook.

Excused—Mr. Pinkerton.

Title agreed to.

C. B. No. 9, a bill for An act in regard to improvements on public lands donated to public uses, was read third time and passed unanimously.

Absent—Mr. Cook.

Excused—Mr. Hinsdale.

Title agreed to.

Mr. Steck moved that the Council concur in the House amendment to C. C. R. No. 2.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Stearns, Steck and Mr. President—7.

Nays—Messrs. Belden, Hinsdale, Pinkerton, Sanchez and Velasquez—5.

Absent—Mr. Cook.

So the amendment was concurred in.

Mr. Nesmith moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs. Belden, Hughes, Loveland, Nesmith, Pinkerton, Sanchez and Velasquez—7.

Nays—Messrs. Butler, Hinsdale, Stearns and Mr. President—4.

Absent—Messrs. Cook and Steck.

So the motion prevailed, and the Council adjourned.

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FRIDAY, JANUARY 3D, 1868.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Messrs. Butler and Nesmith.

Prayer by the Chaplain.

Messrs. Butler and Nesmith appeared and took their seats.

Journal read and approved.

Mr. Hughes presented a petition from citizens of Lake county, praying the Legislature to take such steps as will secure the prompt admission of Colorado into the Union.

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

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Hinsdale, Loveland, Sanchez and Velasquez—6.

Nays—Messrs. Cook, Hughes, Nesmith, Pinkerton, Stearns, Steck and Mr. President—7.

Lost.

Mr. Hughes presented another petition from citizens of Lake county, relating to admission of Colorado into the Union.

Mr. Stearns moved that the petition be referred to committee on Highways and Bridges.

Ayes and nays demanded.

Ayes—Messrs. Belden, Hinsdale, Loveland, Sanchez, Stearns and Velasquez—6.

Nays—Messrs. Butler, Cook, Hughes, Nesmith, Pinkerton, Steck and Mr. President—7.

Lost.

On motion, the petitions were referred to the committee on Federal Relations.

On motion, the petitions heretofore laid on the table were taken up and referred to the committee on Federal Relations.

Mr. Nesmith presented three petitions from citizens of Gilpin county, relative to admission of Colorado into the Union, and on motion, they were referred to the committee on Federal Relations.

The following communications were read, and on motion, were ordered spread upon the journal:

DENVER, January 2d, 1868.

*Hon. W. W. Webster, President Territorial Council:*

SIR: I have the honor of requesting you to lay before the Legislative Assembly the accompanying important document, relating to the plans and prospects of the Union Pacific Railroad Company, E. D. It also indicates the wishes of the company in regard to action by the honorable body over one branch of which you preside.

I am, very respectfully, your ob't serv't,

JOHN EVANS.

UNION PACIFIC RAILWAY, E. D.,  
St. Louis, December 18, 1867.

SIR: Much has been said, and doubts entertained respecting the intention of this company to construct and unite its road with that of the Union Pacific, as contemplated and required by the act of Congress of 1866.

I am able to affirm that the company has never contemplated avoiding its obligations in that particular, but has made at all times, and is now making its best efforts to comply with the law. Three hundred and thirty-five miles of the road from the mouth of the Kansas river, together with the Leavenworth branch of thirty-three miles, is constructed. Arrangements were made for completing fifty miles in addition of the road, which the unexpected floods, pestilence, and indian hostilities prevented.

Notwithstanding these difficulties, we are far in advance of the government requirement, and do not anticipate any state of case which will work a forfeiture of the government aid. We shall, with the opening of spring, again push forward the work with zeal, and entertain the reasonable hope that should we fail to get all the aid from Congress which we are about to ask, we shall obtain such construction of existing acts, granting us aid, as will carry us far into Colorado on our destined route. If we fail, after we pass the point to which our subsidy in bonds extends, our progress will be more slow, but will do all we can with the means within our control, and at no distant day our work will be done.

The road constructed and operated has already demonstrated that it is no longer to be regarded as an experiment. Its earnings will be forever adequate to pay the interest upon the cost of construction, and our effort now is to present such facts to

Congress as may be at hand and readily collected, as will convince that body that the extension of the road will add greatly to the security of the government for the subsidy already invested. The parties connected with this road believed, and yet believe, that there is a way through the mountains in Colorado by which the Pacific Road could have been more easily constructed, than by the route adopted by the U. P. R. Co., but that way is too far south of the parallel of Omaha to suit that line. We desire, in extending our line to its junction with the Omaha line, to so locate it as to be a part of the road which at some future day shall pass the mountains and develop the western portion of your Territory, and this we hope to be enabled to do without materially protracting our line of road, but whatever lengthened line of road there may be, it will work no injury to the people of your Territory. We think that our road, when constructed as contemplated, can have no successful rival for the traffic of Colorado, and that its traffic will reward us for all our outlay; and entertaining these opinions, you may be well assured that we shall contend for it with all the power we possess, and not for a part, but for all that our superior position will enable us to command, and to that end, and for the purpose of enabling us to cover the whole eastern boundary of your Territory, we have caused surveys to be made of the routes to the Pacific Ocean by the 35th and 32d parallels, by either of which, we are advised, the road can be rapidly constructed with an absolute certainty of enjoying upon either line a large local traffic, greater than has hitherto been estimated or imagined.

This proposed extension of our road, if it shall meet the favor of Congress, will be rapidly built, as the winter will not retard the operations of the company. You see that our lines would soon flank the entire mountain range of Colorado, and it is not, I think, unreasonable to suppose that the Territory would increase in population and wealth never before known in the settlement of a new country, not excepting California. In the carrying out of these enterprises, we had never thought of demanding pecuniary aid from Colorado, but we had not anticipated that such aid would be given to an enterprise which has ignored Colorado, and which would only serve to remove the business of Denver, and of Colorado, to Cheyenne. Our road will open up and improve your Territory, and make Denver important and permanent. The other strips it of all importance, and transfers its business to Cheyenne.

The aid we expected, and confidently hope to have, is the influence of the people of Colorado to be exerted in such potential form and manner as will arrest the attention of Congress, and cause a careful and candid examination of the subject, not

doubting that when the great advantages of this road, when completed, to the nation, are considered, we shall meet with favor. If you will permit, I would suggest a memorial from the Legislature to Congress, in which should be briefly stated the advantages to the government to be derived from the construction of the road—the probable increased product of the mines, now of great interest to the country, security against indians, &c., and such other matters as may occur to you as important to a clear and correct understanding by Congress of the subject.

If you think well of these suggestions, and will attend to having the subject properly brought before the Legislature for its considerate action, we shall be obliged, and shall also be obliged for any effort that yourself and the citizens may incline to exert in our behalf.

I will not conceal from you our regret that the citizens of Denver did not give the preference of an immediate connection with our road, rather than with the northern line, but we have no right to assume that they have misjudged their interests. Had they resolved on a connection with us, it would, I believe, have been accomplished as soon as a connection could be made with the northern line.

If the people of Colorado regard our efforts with indifference, and we shall fail to get the hoped for aid from Congress, of course we shall not be able to make the progress we have heretofore made, but still we shall persevere, confident of our success, and of enjoying the trade of Colorado in the future.

I am permitted to state that this letter has been read by the Executive Committee and the President of our company, and meets with their approval.

Very respectfully, your ob't serv't,

J. P. USHER,  
*Solicitor.*

HON. JOHN EVANS, Denver, C. T.

Mr. Steck presented the following:

*Mr. President:* C. B. No. 14, a bill for An act to amend an act concerning practice in civil cases, approved November 5th, 1861, referred to the Judiciary committee and examined by them, is herewith reported to the Council with the recommendation that the same pass.

AMOS STECK,  
HUGH BUTLER,  
JAS. H. PINKERTON.

Report received.

Mr. Hughes presented the following :

*Mr. President:* Your committee on Printing beg leave to report that they have examined H. B. No. 38, and find the same correctly printed with this exception: That the word "heretofore," which should appear between the word "have" and the word "been," in the seventh line of section 1, has been omitted.

Also, have examined C. B. No. 15, and find the same correctly printed.

The same are herewith submitted.

Respectfully,

J. C. HUGHES, *Chairman.*

Report received.

Mr. Stearns presented the following :

*Whereas,* We believe the prosperity of Colorado would be greatly promoted by its immediate admission as a State into the Union ; and,

*Whereas,* We are of the opinion that a large majority of the people of the Territory are in favor of such admission ; therefore, be it

*Resolved,* By the Council of the Legislative Assembly of the Territory of Colorado, That the Congress of the United States be respectfully requested to admit Colorado as a State into the Union at the earliest practicable day.

*Resolved,* That we respectfully ask that a portion of Dakota Territory south of the forty-second degree of north latitude, and west of Nebraska, be annexed to and made a part of Colorado.

*Resolved,* That the Secretary of the Territory be requested to forward a copy of these resolutions to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States.

On motion of Mr. Hughes, the resolutions were made the special order for 2 o'clock this afternoon.

Mr. Steck presented the following :

*Resolved,* That the newspapers published in this city be requested to publish the recapitulation of the votes cast at the last general election in the several counties, as the same appears in the tabular statement communicated by Acting Governor Hall.

Resolution adopted.

On motion of Mr. Butler, the vote by which Mr. Stearns's resolutions were made the special order, was reconsidered.

Ayes and nays demanded on Mr. Hughes's motion.

Ayes—Messrs. Cook, Nesmith, Pinkerton, Steck and Mr. President—5.

Nays—Messrs. Belden, Butler, Hinsdale, Hughes, Loveland, Sanchez, Stearns and Velasquez—8.

Lost.

Mr. Cook moved the resolutions be postponed until Monday next.

Ayes and nays demanded.

Ayes—Messrs. Cook, Nesmith, Pinkerton, Steck and Mr. President—5.

Nays—Messrs. Belden, Butler, Hinsdale, Loveland, Sanchez, Stearns and Velasquez—8.

Lost.

Mr. Butler moved to amend the resolutions as follows:

*Provided*, That no change be made in the constitution adopted in 1865, in regard to the elective franchise, that the word "white" be and remain a part of said constitution, and that negro suffrage shall not be imposed as a condition precedent for the admission of the State.

Mr. Cook moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs. Cook, Nesmith, Pinkerton, Steck and Mr. President—5.

Nays—Messrs. Belden, Butler, Hinsdale, Hughes, Loveland, Sanchez, Stearns and Velasquez—8.

Lost.

Mr. Butler moved the previous question on the amendment.

Mr. Cook moved to lay the amendment on the table.

Mr. Butler withdrew his motion for the previous question.

Mr. Butler withdrew his amendment.

On motion, Council adjourned.

#### AFTERNOON SESSION.

Council met at 2 o'clock p. m.

President in the chair.

Roll called.

Absent—Mr. Pinkerton.

On motion of Mr. Butler, the resolutions presented by Mr. Stearns were made the special order of to-morrow at 2 o'clock p. m.

Mr. Butler introduced C. B. No. 22, a bill for An act to provide for the repeal of the charter of the City of Central, which was read first time in full, and on motion, the rules were sus-

pended, the bill read second time by its title, and referred to the committee of the Whole.

H. C. R. No. 2, and H. B. No. 34, were read second time and referred to the committee of the Whole, without printing.

H. B. No. 17, H. J. M. No. 6, and H. J. M. No. 7, were read second time and referred to committee of the Whole.

H. B. No. 36 was read second time.

Mr. Butler moved that the printing of the bill be dispensed with.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Cook, Hinsdale, Hughes, Loveland, Nesmith, Sanchez, Stearns, Steck, Velasquez and Mr. President—12.

Absent—Mr. Pinkerton.

Carried.

Mr. Loveland moved that the further reading of the bill be dispensed with till Monday next at 2 o'clock p. m.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Cook, Hinsdale, Loveland, Sanchez, Stearns and Velasquez—8.

Nays—Messrs. Hughes, Nesmith, Steck and Mr. President—4.

Absent—Mr. Pinkerton.

Carried.

Mr. Hughes presented the following:

*Mr. President:* Your committee on Printing beg leave to report the following bills correctly printed:

C. B. No. 18, a bill for An act to repeal part of an act entitled an act to amend an act entitled an act to incorporate the city of Central, approved March 11th, 1864, and C. B. No. 16, An act concerning probate courts and to provide a chapter in relation thereto in the revised statutes.

Herewith transmitted.

J. C. HUGHES, *Chairman.*

Report received.

On motion, the Council resolved itself into committee of the Whole.

Mr. Nesmith in the chair.

After some time spent therein, the President resumed the chair.

Mr. Pinkerton appeared and took his seat.

Message from the House:

HOUSE OF REPRESENTATIVES, January 3d, 1868.

*To the Honorable, the President of the Council:*

SIR: I am instructed to inform the Council that the House has passed C. B. No. 3, An act relating to intoxicating liquors on days of election, with the following amendment: In the last line strike out the word "one," and insert in lieu thereof the word "twenty." In which amendment you are respectfully requested to concur.

Also, has passed H. B. No. 37, An act concerning criminal jurisprudence.

The same are herewith transmitted.

And the House have discharged their committee of conference on H. B. No. 11, and appointed Messrs. Stratton, Decatur, Pierce, Slaughter and McDougal as a new committee on same bill, and respectfully request the appointment of a like committee from your honorable body.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

The message having been received, the committee resumed its sitting.

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

*Mr. President:* The committee of the Whole have had under consideration C. B. No. 14, An act to amend an act concerning practice in civil cases, and C. B. No. 15, An act to repeal an act entitled an act to amend an act entitled an act to prevent the introduction of animals for the purpose of grazing within certain limits, approved November 6th, 1861, approved January 27th, 1866, and C. B. No. 18, An act to repeal part of an act entitled an act to amend an act entitled an act to incorporate the City of Central, approved March 11th, 1864, and refer the same back to the Council with the recommendation that they do pass.

Also, H. B. No. 3, An act concerning fines and forfeited recognizances, and report the same back with the recommendation that the amendments reported by committee on Judiciary be adopted, and that the bill as amended be passed.

Also, C. B. No. 7, An act to amend an act entitled an act to provide for limitation of actions, approved November 5th, 1861, and H. B. No. 16, An act to repeal an act entitled an act to amend an act for support of paupers, approved January 11th, 1867, and H. B. No. 13, An act to amend an act entitled

an act to provide for limitation of actions, and recommend that they be indefinitely postponed.

Also, H. B. No. 18, which was laid over in committee of the Whole until to-morrow.

J. W. NESMITH, *Chairman.*

On motion, the report of the committee of the Whole on C. B. No. 14, C. B. No. 15, and C. B. No. 18, were adopted, and the bills ordered engrossed for third reading.

On motion, the amendments recommended by the committee of the Whole on H. B. No. 3, were adopted, the amendments ordered engrossed, and bill placed on file for third reading.

On motion, the report of the committee of the Whole on C. B. No. 7, H. B. No. 13, and H. B. No. 16, was adopted, and the bills indefinitely postponed.

Mr. Steck moved that the Council concur in House amendments to C. B. No. 3.

Ayes and nays demanded.

Ayes—Messrs. Butler, Loveland, Nesmith, Pinkerton, Sanchez, Steck and Mr. President—7.

Nays—Messrs. Belden, Cook, Hinsdale, Hughes, Stearns and Velasquez—6.

Carried.

Mr. Butler moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Hinsdale, Loveland, Nesmith, Pinkerton, Sanchez and Velasquez—8.

Nays—Messrs. Cook, Hughes, Stearns, Steck and Mr. President—5.

Carried.

And Council adjourned.

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SATURDAY, JANUARY 4TH, 1868.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Messrs. Belden, Cook and Loveland.

Journal read and approved.

Messrs. Belden and Cook appeared and took their seats.

Mr. Hughes presented the following:

*Mr. President:* Your committee on Printing beg leave to report C. B. No. 19, An act to amend an act entitled an act concerning criminal jurisprudence, approved November 5th, 1861,

and H. B. No. 25, An act to provide for the payment of clerks and other officers of the Legislative Assembly, as correctly printed.

Herewith transmitted.

Respectfully,

J. C. HUGHES, *Chairman.*

Report received.

Mr. Belden presented the following :

*Mr. President:* Your committee on Enrolled Bills have this day, at the hour of 10 o'clock a. m., presented C. B. No. 10, An act in relation to an adopted child of Major E. B. Kirk, and C. B. No. 8, An act to legalize the records of Lake county, to the Governor, and they now remain in his hands and await his signature.

D. D. BELDEN, *Chairman.*

Report received.

Mr. Stearns presented the following :

*Mr. President:* Your committee on Enrolled Bills beg leave to report C. B. No. 3, a bill for An act relating to intoxicating liquors on days of election, correctly enrolled.

E. N. STEARNS, *Chairman.*

HUGH BUTLER.

*Mr. President:* Your committee on Engrossed Bills, beg leave to report C. B. No. 18, a bill for An act to repeal part of an act entitled an act to amend an act entitled an act to incorporate the City of Central, approved March 11th, 1864.

Also, C. B. No. 14, An act to amend an act entitled an act concerning practice in civil cases, approved November 5th, 1861.

Also, C. B. No. 15, a bill for An act to repeal an act entitled an act to amend an act entitled an act to prevent the introduction of animals for the purpose of grazing within certain limits, approved November 6th, 1861, approved January 27th, 1866.

All of which are correctly engrossed.

E. N. STEARNS, *Chairman.*

Report received.

Mr. Butler presented the following :

*Mr. President:* The undersigned, your special committee appointed to confer with a like committee on the part of the

House, in regard to the disagreement between the House and Council concerning H. B. No. 11, An act to locate the penitentiary of the Territory of Colorado, beg leave to report that they have had several meetings with the committee on the part of the House, and that they have been unable to agree.

Respectfully,

HUGH BUTLER,  
E. N. STEARNS,  
CHAS. A. COOK.

Report received.

And on motion, the committee was discharged.

Mr. Loveland appeared and took his seat.

Mr. Hughes moved that the Council recede from its amendments to H. B. No. 11.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Cook, Hinsdale, Hughes, Nesmith, Stearns, Steck, Velasquez and Mr. President—10.

Nays—Messrs. Loveland, Pinkerton and Sanchez—3.

Carried.

Mr. Butler introduced C. B. No. 23, An act concerning the incorporation of Masonic societies, which was read first time by its title, and on motion, the rules were suspended, and the bill placed on file for second reading.

H. B. No. 37, An act concerning criminal jurisprudence, was read first time by its title.

C. B. No. 23 was read second time by its title, and referred to committee of the Whole.

C. B. No. 14, An act to amend an act entitled an act concerning practice in civil cases, approved November 5th, 1861, was read the third time, and passed by the following vote.

Ayes—Messrs. Belden, Butler, Cook, Hinsdale, Hughes, Loveland, Nesmith, Pinkerton, Sanchez, Steck, Velasquez and Mr. President—12.

Nays—Mr. Stearns—1.

Title agreed to.

C. B. No. 15, An act to repeal an act entitled an act to amend an act entitled an act to prevent the introduction of animals for the purpose of grazing within certain limits, approved November 6th, 1861, approved January 27th, 1866, was passed unanimously and title agreed to.

C. B. No. 18, An act to repeal part of an act entitled an act to amend an act entitled an act to incorporate the City of Central, approved March 11th, 1864, was read third time and passed unanimously, and title amended by addition of the following: And to provide for the election of city attorney and city marshal.

H. B. No. 3, An act concerning fines and forfeited recognizances, was read third time and passed unanimously.

Absent—Mr. Webster.

Title agreed to.

On motion, the Council resolved itself into committee of the Whole, on H. B. No. 25.

Mr. Belden in the chair.

After some time spent therein, the committee rose and verbally reported the bill laid over in the committee of the Whole.

Report received.

Mr. Stearns presented the following:

*Resolved*, That the committee on Printing be authorized to negotiate for publishing the report of the State Agricultural Society for the year 1867, provided the same shall be published and furnished the Council at least one day before the close of the present session.

Adopted.

On motion, the Council resolved itself into committee of the Whole.

Mr. Stearns in the chair.

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

*Mr. President:* Your committee of the Whole have had under consideration H. C. R. No. 2, tendering the thanks of the Legislative Assembly to the Hon. J. P. Whitney, Commissioner to the Paris Exposition, and C. B. No. 19, An act to amend an act entitled an act concerning criminal jurisprudence, approved November 5th, 1861, and report the same back with the recommendation that they do pass without amendment.

E. N. STEARNS, *Chairman*.

Report received, and on motion, adopted.

And C. B. No. 19 ordered engrossed and placed on file for third reading.

On motion, the Council adjourned.

#### AFTERNOON SESSION.

Council met at 2 o'clock.

President in the chair.

Roll called.

Absent—Mr. Sanchez.

Message from the House:

HOUSE OF REPRESENTATIVES, January 4th, 1868.

*To the Honorable, the President of the Council:*

SIR: I am instructed to inform the Council that the House has passed H. B. No. 48, An act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen.

Also, has passed C. B. No. 4, An act to establish a board of registry of electors, with the following amendment: Add Sec. 21. This act shall take effect and be in force from and after the first day of February, 1868. In which amendment you are respectfully requested to concur.

Also, has passed H. B. No. 21, An act to establish a Territorial assay office in Colorado Territory, and H. B. No. 44, An act to establish the judicial districts within this Territory, and to provide for holding of courts therein.

The same are herewith transmitted.

Respectfully,

C. J. McDIVITT,

*Clerk of the House.*

Mr. Sanchez appeared and took his seat.

Message from the Governor:

EXECUTIVE DEPARTMENT,

Denver, January 4th, 1868.

*Hon. W. W. Webster, President of the Council:*

SIR: I have the honor to inform the Honorable Council that I have approved and signed the following bills certified to have originated in that body, viz.:

An act to legalize the records of Lake county.

An act in relation to an adopted child of Major E. B. Kirk.

Very respectfully, your ob't serv't,

FRANK HALL,

*Acting Governor.*

Mr. Steck moved that the State resolutions presented by Mr. Stearns, be postponed until Monday next at 10 o'clock a. m.

Mr. Loveland moved that the resolutions be indefinitely postponed.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Hinsdale, Hughes, Loveland, Sanchez, Stearns and Velasquez—8.

Nays—Messrs. Cook, Nesmith, Pinkerton, Steck and Mr. President—5.

Carried.

On motion of Mr. Butler, the Council concurred in House amendments to C. B. No. 4.

Mr. Hughes presented the following:

*Mr. President:* Your committee on Printing beg leave to report the following bills correctly printed:

C. B. No. 22, a bill for An act to provide for the repeal of the charter of the City of Central.

Also, H. B. No. 17, An act requiring persons elected or appointed to county or township offices to qualify.

Herewith transmitted.

J. C. HUGHES, *Chairman.*

Report received.

On motion, the Council resolved itself into committee of the Whole on the general file.

Mr. Pinkerton in the chair.

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

*Mr. President:* Your committee of the Whole beg leave to report that they have had under consideration H. B. No. 25 and H. B. No. 34, and they were postponed until Monday next in committee of the Whole.

Also, C. B. No. 22, and recommend that it be passed without amendment.

Also, H. B. No. 17, and recommend that the words "or township," in the second and third lines be stricken out, and that with this amendment the bill do pass.

Respectfully,

JAS. H. PINKERTON, *Chairman.*

Report received.

Mr. Belden moved that the vote by which Mr. Stearns's resolutions were laid upon the table, be reconsidered, and to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Hinsdale, Hughes, Loveland, Sanchez, Stearns and Velasquez—8.

Nays—Messrs. Cook, Nesmith, Pinkerton, Steck and Mr. President—5.

Carried.

On motion, the report of the committee of the Whole was adopted, and C. B. No. 22, and the amendments to H. B. No. 17 ordered engrossed.

On motion, Council adjourned.

MONDAY, JANUARY 6TH, 1868.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Messrs. Belden, Cook and Loveland.

Journal read and approved.

Mr. Cook appeared and took his seat.

Mr. Stearns presented the following:

*Mr. President:* Your committee on Engrossed Bills beg leave to report C. B. No. 19, a bill for An act to amend an act entitled an act concerning criminal jurisprudence, approved November 5th, 1861; also, C. B. No. 22, a bill for An act to provide for the repeal of the charter of the City of Central, correctly engrossed.

E. N. STEARNS, *Chairman.*  
HUGH BUTLER.

Report received.

Mr. Hughes presented the following:

*Mr. President:* Your committee on Printing have examined C. B. No. 17, a bill for An act to change the boundaries of the counties of Pueblo, Huerfano and Las Animas, and find the same correctly printed.

The same is herewith transmitted.

Respectfully,  
J. C. HUGHES, *Chairman.*

Report received.

Mr. Pinkerton offered the following:

*Resolved,* That the Governor be requested to send to the Council a manuscript copy of the report of the Treasurer of the Territory for the year 1867, the printed copy furnished not appearing to be correct.

Resolution passed.

Leave being granted, Mr. Butler introduced C. B. No. 24, An act to provide for the better collection of road tax in certain counties.

Leave being granted, Mr. Steck introduced C. B. No. 25, An act to authorize the collection and disbursement of moneys due from the United States, under the joint resolution of Congress, approved July 28th, 1866.

H. B. No. 21, An act to establish a Territorial assay office in

the Territory of Colorado, and H. B. No. 44, a bill to establish the judicial districts within this Territory, and to provide for the holding of courts therein, and H. B. No. 48, An act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen, and C. B. No. 24, An act to provide for the better collection of road tax in certain counties, and C. B. No. 25, An act to authorize the collection and disbursement of moneys due from the United States under the joint resolution of Congress, approved July 27th, 1866, were read first time, and on motion, the rules were suspended, and the bills ordered to their second reading.

H. B. No. 21, H. B. No. 37, H. B. No. 44, H. B. No. 48, and C. B. No. 25, were read second time and referred to the committee of the Whole without printing.

And C. B. No. 24 was read second time and referred to the committee of the Whole.

H. C. R. No. 2, tendering the thanks of the Legislative Assembly to the Hon. J. P. Whitney, Commissioner to the Paris Exposition, and C. B. No. 19, An act to amend an act entitled an act concerning criminal jurisprudence, approved November 5th, 1861, and C. B. No. 22, An act to provide for the repeal of the charter of the City of Central, were read third time and passed unanimously and titles agreed to.

H. B. No. 17, An act requiring persons elected or appointed to county or township offices to qualify, was read third time, and by unanimous consent the word "recognizable," in the second section, was stricken out, and the word "recoverable" inserted in lieu thereof, and the bill passed by the following vote:

Ayes—Messrs. Belden, Butler, Cook, Loveland, Nesmith, Pinkerton, Stearns, Steck, Velasquez and Mr. President—10.

Nays—Messrs. Hinsdale, Hughes and Sanchez—3.

On motion, the title was amended by striking out the words "or township."

On motion, the Council resolved itself into committee of the Whole.

Mr. Stearns in the chair.

After some time spent therein, the President resumed the chair for the purpose of receiving the following

Communication from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 6th, 1868.

*Hon. W. W. Webster, President of the Council:*

SIR: In pursuance of a Council resolution received this date, I have the honor to transmit herewith the original MSS. of the Treasurer's report for 1867, with the observation that I

have carefully compared it with the printed copy, and find no error in printing, though there appears to be a material discrepancy in the statement showing the amounts paid by, and balance due from certain counties.

In the hope that the Honorable Council will give this matter earnest investigation, I remain,

Very respectfully, your ob't serv't,

FRANK HALL,

*Acting Governor.*

The communication having been received, the committee resumed its sitting.

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

*Mr. President:* Your committee of the Whole House have had under consideration H. B. No. 34, An act to change the name of Sarah Thomas, and report the same to the Council with the recommendation that it do pass without amendment.

Also, H. B. No. 25, a bill for An act to provide for the payment of clerks and other officers of the Legislative Assembly, and report the same to the Council with the recommendation that it be amended, by adding to the last line of section 2, "and the Page \$2.00 per day," and that it pass with that amendment.

Also, C. B. No. 17, a bill for An act to change the boundaries of the counties of Pueblo, Huerfano and Las Animas, and report the same to Council with the recommendation that it pass without amendment.

E. N. STEARNS, *Chairman.*

Report received.

And on motion, the amendment recommended to H. B. No. 25, was adopted, and ordered engrossed.

On motion, Council adjourned.

#### AFTERNOON SESSION.

Council met at 2 o'clock p. m.

President in the chair.

Roll called.

Absent—Mr. Belden.

On motion, C. B. No. 17 was ordered engrossed and placed on file for third reading.

Mr. Belden appeared and took his seat.

On motion, the Council resolved itself into committee of the Whole, on H. B. No. 36.

Mr. Loveland in the chair.

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

*Mr. President:* Your committee have had under consideration H. B. No. 36, and have adopted the following amendments: Strike out the chapter concerning elections. Also, in the third page of the repealing clause, at the list of acts repealed, the words "an act to provide for contested elections." And on the sixth page the words "an act regulating elections." Also, on the eighteenth page the words "an act to amend an act entitled an act regulating elections." Also, on the seventh page of the same, the words "an act to provide for vacancies in the Legislature." Also, strike out the sixth section of the chapter entitled "replevin," and to amend section 36 of the chapter concerning counties and county seats, by erasing at the end of said section after the word "Dayton," the words "California Gulch." And on motion, the bill under consideration was reported back to the Council with the recommendation that it be made the special order for the forenoon session of to-morrow.

Respectfully,

W. A. H. LOVELAND, *Chairman.*

Message from the House:

HOUSE OF REPRESENTATIVES, January 6th, 1868.

*To the Honorable, the President of the Council:*

SIR: I have the honor to inform the Council that the House has concurred in Council amendments to H. B. No. 3, An act concerning fines and forfeited recognizances.

And has passed H. B. No. 15, a bill for the appointment of a commissioner to receive and disburse any money due the Territory of Colorado from the government of the United States for military services.

The same is herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Report of the committee of the Whole was received.

Mr. Hinsdale moved that the report be adopted.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Hinsdale, Hughes, Loveland, Sanchez, Stearns, Velasquez and Mr. President—9.

Nays—Messrs. Cook, Nesmith, Pinkerton and Steek—4.

Carried.

Mr. Belden presented the following:

*Mr. President:* Your joint committee on Enrolled Bills beg leave respectfully to report that they have examined Council Bill No. 3, An act relating to intoxicating liquors on days of election, and find the same correctly enrolled.

And further, that they have this day, at 2 o'clock p. m., presented the same to the Governor of the Territory, and the same is now in his hands and awaits his signature to become a law.

D. D. BELDEN, *Chairman.*

Report received.

Leave being granted, Mr. Butler introduced C. B. No. 26, An act to provide for office rent, furniture and stationery for the office of the clerk of the supreme court of Colorado Territory.

On motion, a committee of two were appointed to report on the discrepancies in the printed report of the Territorial Treasurer.

Messrs. Nesmith and Belden were appointed said committee.

On motion, the Council resolved itself into committee of the Whole on C. B. No. 23.

Mr. Butler in the chair.

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

*Mr. President:* The committee of the Whole House have had under consideration C. B. No. 23, a bill for An act concerning the incorporation of Masonic bodies, and report the same back to the Council with the following amendments:

Insert after the word "treasurer," in line three of section 3, the words "when authorized by a majority vote of all the members of said body."

In line four of section 4, insert the word "inconsistent," in blank space.

In blank space of section 7, in line five, insert the word "registers," and after the word body, in line seven, insert the words "when authorized by a majority of all the members of said body."

Strike out section 9, and add:

Sec. 9. This act shall be deemed to apply to the Independent Order of Odd Fellows, as well as to the Masonic fraternity, and any subordinate or grand lodge of Odd Fellows in this Territory, may organize and become a body corporate under the provisions of this act, in the same manner as Masonic bodies, and may also take, hold, and convey property, and do all other acts, and have all the privileges conferred by this act on Masonic bodies.

Sec. 10. This act shall be deemed a public act.

Sec. 11. This act shall take effect and be in force from and after its passage.

HUGH BUTLER, *Chairman*.

Report received, and on motion, adopted.

The bill ordered engrossed and placed on file for third reading.

Mr. Hughes presented the following:

*Mr. President:* Your committee on Printing beg leave to report the following bills correctly printed:

C. B. No. 20, An act amendatory of an act entitled an act to amend an act entitled an act to enable road, ditch, manufacturing and other companies to become bodies corporate.

Also, C. B. No. 21, An act relating to the competency of witnesses in civil cases.

Also, C. B. No. 23, An act concerning the incorporation of Masonic lodges.

Herewith transmitted.

Respectfully,

J. C. HUGHES, *Chairman*.

Report received.

On motion of Mr. Steck, the Enrolling committee were authorized to employ such additional clerical force as may be necessary.

On motion, Council adjourned.

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TUESDAY, JANUARY 7TH, 1868.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—none.

Journal read and approved.

On motion of Mr. Hinsdale, H. B. No. 18, An act providing for the publication of the laws of the Territory of Colorado in the Spanish language, was made part of the special order for this morning session.

Mr. Stearns presented the following:

*Mr. President:* Your committee on Engrossed Bills beg leave to report C. B. No. 17, a bill for An act to change the boundaries of the counties of Pueblo, Huerfano and Las Ani-

mas; also, C. B. No. 23, a bill for An act concerning the incorporation of Masonic bodies, correctly engrossed.

E. N. STEARNS, *Chairman.*  
HUGH BUTLER.

Report received.

Mr. Nesmith presented the following :

*Mr. President:* Your committee appointed to examine tabular "statement showing the amount due," &c., on page 11 of the report of the Territorial officers to the present Legislature, find that the footing under the head of "balance due," viz., \$11,177.27, is incorrect, and should read \$16,177.27, showing an error in the footing of that column of \$5,000.

According to the table, some of the localities named have overpaid the amount due as follows, viz.:

Boulder .....	\$182.82
Pueblo .....	264.40
Second judicial district.....	1,150.00
	<hr/>
In full.....	\$1,597.22

Correcting the error in footing, under head of "balance due," and from the sum of the amounts headed "balance due" and "amount paid," deducting the amount \$1,597.22 overpaid as above shown, we find the remainder to be \$38,345.61, corresponding with the footings of the column "total."

If the amount \$1,597.22 is included in "total amount of revenue and special military tax," on page 9 of the report, viz., \$23,765.56, as it should manifestly be, then we see nothing wrong in the tabular statement under consideration, except the error in footing of column under head of "balance due."

The existing laws require Territorial Treasurer and Auditor to make their reports to the Legislature at the beginning of each session. In 1866 the time of meeting of the Territorial Legislature was changed from January 1st to December 1st. See 5th session laws, 1866, page 65. The act making it obligatory on County Treasurers to make returns on the 15th December, was in no wise changed, as should have been done, from that time to the 15th of November, in order that the Territorial Treasurer's and Auditor's reports may be completed in time for presentation to the Legislature as required by law. Hence the discrepancy now apparent in the Treasurer's report last rendered, in the "statements showing amounts due from the several counties," &c.

Your committee believe that the lack of detailed statement

of receipts and disbursements shown in the published report pre-supposes an examination of the Treasurer's books and accounts would be made by a committee appointed by the Legislature for that purpose.

Submitted with respect.

J. WELLINGTON NESMITH,  
D. D. BELDEN.

Report received.

On motion, the Council resolved itself into committee of the Whole.

Mr. Nesmith in the chair.

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

*Mr. President:* The committee of the Whole have had under consideration H. B. No. 36, which was reported back to the Council with the recommendation that the amendments be engrossed and that it do pass as amended.

Also, H. B. No. 18, recommended that after the word "session," in the sixth line of section 1, insert the following: "and which law and parts of laws are not already contained in the two volumes of the laws already printed in the Spanish language," and recommend that it be ordered engrossed and passed as amended.

J. W. NESMITH, *Chairman.*

Report received.

And on motion, adopted, and the amendments ordered engrossed.

Mr. Steck introduced C. B. No. 27, An act limiting the amount of compensation to County Treasurers for the collection of county taxes to pay interest on county bonds.

H. B. No. 15, a bill for the appointment of a commissioner to receive and disburse any money due the Territory of Colorado from the government of the United States for military services, and C. B. No. 26, An act to provide for office rent, furniture and stationery for the office of the clerk of the supreme court of Colorado Territory, were read first time by their titles.

C. B. No. 27, An act limiting the amount of compensation to County Treasurers for the collection of county taxes to pay interest on county bonds, was read first time, and on motion, the rules were suspended, and the bill read second time in full.

Message from the House:

HOUSE OF REPRESENTATIVES, January 7th, 1868.

*To the Honorable, the President of the Council:*

SIR: I am instructed to inform the Council that the House has concurred in Council amendments to section 2 of House Bill No. 17, and has refused to concur in Council amendments to section 1 and title of said bill, and you are respectfully requested to recede from said amendments.

Also, has passed H. B. No. 24, An act repealing an act entitled an act amendatory of an act entitled an act regulating elections, approved November 6th, 1861.

The same are herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

On motion, the rules were suspended.

C. B. No. 27 was considered engrossed and placed on file for third reading.

Mr. Stearns presented the following:

*Mr. President:* Your committee on Engrossed Bills beg leave to report the amendments to H. B. No. 36, An act for revising and consolidating the general statutes of the laws of Colorado, correctly engrossed.

E. N. STEARNS, *Chairman.*  
HUGH BUTLER.

Report received.

Leave being granted, Mr. Belden introduced C. B. No. 28, An act to extend the limits of the City of Denver, and on motion, the rules were suspended, the bill read first and second times and referred to a special committee of two.

On motion, the resolution requiring all bills to be printed after their second reading, was rescinded.

Messrs. Steck and Cook were appointed the special committee on C. B. No. 28.

C. B. No. 17, An act to change the boundaries of the counties of Pueblo, Huerfano and Las Animas, was read third time and passed unanimously and title agreed to.

C. B. No. 23, An act concerning the incorporation of Masonic societies, was read third time and passed unanimously, and title amended by inserting after the word "Masonic," "and Odd Fellows."

C. B. No. 27, An act limiting the amount of compensation to County Treasurers for the collection of county taxes to pay interest on county bonds, was read third time and passed unanimously.

Absent—Mr. Belden.

Title agreed to.

On motion, the rules were suspended, and H. B. No. 18, An act to provide for the publication of the laws of the Territory of Colorado in the Spanish language, was read third time and passed unanimously and title agreed to.

Absent—Messrs. Belden and Cook.

H. B. No. 25, a bill for An act to provide for the payment of clerks and other officers of the Legislative Assembly, was read third time and passed by the following vote:

Ayes—Messrs. Belden, Butler, Cook, Hinsdale, Hughes, Loveland, Nesmith, Sanchez, Stearns, Velasquez and Mr. President—11.

Nays—Messrs. Pinkerton and Steck—2.

Title agreed to.

On motion, the rules were suspended, and H. B. No. 36, An act to provide for the revision of the general statutes of Colorado Territory, was read by its title only, and passed unanimously and title agreed to.

Absent—Messrs. Loveland and Nesmith.

H. B. No. 34, An act to change the name of Sarah Thomas, was read third time.

Messrs. Loveland and Nesmith entered, and leave being granted, they voted aye on the passage of H. B. No. 36.

H. B. No. 34 then passed by the following vote:

Ayes—Messrs. Belden, Cook, Hinsdale, Hughes, Pinkerton, Sanchez, Stearns, Steck, Velasquez and Mr. President—10.

Nays—Messrs. Butler, Loveland and Nesmith—3.

Title agreed to.

On motion, the rules were suspended, and C. B. No. 26, An act to provide for office rent, furniture and stationery for the office of the clerk of the supreme court of Colorado Territory, was read second time, considered engrossed, read third time and passed unanimously and title agreed to.

Leave being granted, Mr. Loveland introduced a printed copy of H. J. M. No. 4, relative to an additional appropriation for the purpose of building a penitentiary in Colorado Territory, in place of the original, and submitted the following report on the same:

*Mr. President:* Your committee to whom was referred H. J. M. No. 4, have had the same under consideration, and report the same back to the Council with the recommendation that it do pass with the following amendments:

Strike out all after the word "Territory," in line six, to the word "a," in line ten.

Also, strike out all after the word "offenders," in line thirteen, to the word "case," in line fifteen.

Also, strike out the words "or found," in line eighteen.

Respectfully,

W. A. H. LOVELAND,  
J. C. HUGHES,  
J. W. NESMITH.

Report received, and on motion, adopted, and amendments ordered engrossed.

On motion, H. B. No. 37 and H. B. No. 38 were withdrawn from the general file.

On motion, the rules were suspended, and H. B. No. 37 and H. B. No. 38 were placed on file for third reading and final passage.

On motion, the reading of H. B. No. 37, An act in regard to criminal jurisprudence, was dispensed with, and the bill read by its title and passed unanimously.

Title agreed to.

H. B. No. 38, An act to provide for the publication of the revised statutes of Colorado Territory, was read third time and passed unanimously and title agreed to.

On motion, the committee on Printing were instructed to procure the printing of the report of the Agricultural Society as soon as possible.

On motion, Council adjourned.

#### AFTERNOON SESSION.

Council met at 2 o'clock.

President in the chair.

Roll called.

Absent—Messrs. Belden and Loveland.

On motion of Mr. Butler, the Council receded from its amendments to section 1 and to the title of H. B. No. 17.

Messrs. Belden and Loveland appeared and took their seats.

On motion of Mr. Pinkerton, the word "township" was stricken out wherever it occurs in the bill and in the title to H. B. No. 17, and the word "precinct" inserted in lieu thereof.

On motion, the Council resolved itself into committee of the Whole.

Mr. Stearns in the chair.

After some time spent therein, the President resumed the chair for the purpose of receiving the following reports:

Mr. Nesmith presented the following:

*Mr. President:* Your committee on Incorporations beg leave

to report that they have had under consideration C. B. No. 20, a bill for An act amendatory of an act entitled an act to amend an act entitled an act to enable road, ditch, manufacturing and other companies, to become bodies corporate, and would respectfully report the said bill back to the Council with the recommendation that it do pass.

J. WELLINGTON NESMITH,  
HUGH BUTLER,  
J. C. HUGHES.

Report received.

Mr. Hughes presented the following:

*Mr. President:* Your committee on Printing beg leave to report that they have examined C. B. No. 24, a bill for An act to provide for the better collection of road tax in certain counties. (In section 3, line 4 the word "thereof" is printed "thereto.")

Also, H. J. M. No. 6, a joint memorial to the Congress of the United States relative to a subsidy of lands for railroad purposes.

Also, H. J. M. No. 7, a bill for a memorial relating to the boundary line between New Mexico and Colorado, and find the same correctly printed.

All of which are submitted.

Respectfully,

J. C. HUGHES, *Chairman.*

Report received.

The committee of the Whole resumed its sitting.

After some time spent therein the committee rose.

Message from the House:

HOUSE OF REPRESENTATIVES, January 7th, 1868.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform the Council that it has passed H. B. No. 31, a bill for An act relative to apportionment in representative districts; H. B. No. 41, a bill for An act amendatory of an act entitled an act to create a fund for the benefit of schools, approved August 15, 1862, also amendatory of An act concerning mines and minerals, approved February 6, 1866; H. B. No. 42, a bill for An act to incorporate the town of Georgetown; H. B. No. 54, a bill for An act to require butchers and slaughterers to give bonds, and keep a record of the animals purchased and slaughtered by them; H. B. No. 58, An act to change the name of Anna Martin, and make her heir at law of Wil on C. Hess; H. B. No. 61, An act amendatory of

the election law ; H. B. No. 66, a bill for An act to provide for the collection of the Territorial revenue in certain counties, and for other purposes ; also, H. B. No. 67, An act to dissolve the bonds of matrimony heretofore existing between William C. Veers and Sarah Francis Veers ; also, H. B. No. 61, An act amendatory of the election law.

The same are herewith transmitted.

Also, that the House has concurred in Council amendments to H. B. No. 36, and H. B. No. 37, and H. B. No. 25.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Steck presented the following :

*Mr. President:* Your special committee to whom was referred C. B. No. 28, a bill to extend the city limits of Denver, respectfully report the bill to the Council, and ask that the bill herewith presented shall be considered as a substitute for said bill.

AMOS STECK,  
CHAS. A. COOK.

Report received, and on motion was adopted.

On motion of Mr. Steck, C. B. No. 28, An act to extend the limits of the city of Denver was considered engrossed.

Bill read third time and passed unanimously.

Title agreed to.

Mr. Stearns presented the following :

*Mr. President:* The committee of the Whole House beg leave to report that they have had under consideration H. B. No. 48, An act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen, and report the same to the Council with the recommendation that it do pass without amendment.

Also, H. B. No. 21, An act to establish a Territorial assay office in the Territory of Colorado, and report the same back with the recommendation that it be referred to a special committee of three.

Also, C. B. No. 24, An act to provide for the better collection of road tax in certain counties, and report the same back with the recommendation that it do pass.

Also, H. J. M. No. 7, a bill for a memorial relating to the boundaries between New Mexico and Colorado, and report the same back with the recommendation that it be referred to a special committee of three.

Also, H. J. M. No. 16, a joint memorial to the Congress of the

United States relative to a subsidy of lands for railroad purposes, and report the same back with the recommendation that it be amended by adding to line 20, after the words "Union Pacific," "or any other railroad to be constructed within the boundaries of said Territory."

Also, C. B. No. 20, An act amendatory of an act entitled an act to amend an act entitled an act to enable road, ditch, and manufacturing companies to become bodies corporate, and report the same back with the recommendation that it pass without amendment.

E. N. STEARNS, *Chairman.*

Report received.

Leave being granted, Mr. Steck introduced C. B. No. 29, An act to repeal part of an act entitled an act to amend an act entitled an act regulating elections, approved March 11, 1864.

On motion, the report of the committee of the Whole was adopted.

On motion, C. B. No. 24, was considered engrossed.

The amendment to H. J. M. No. 6, was ordered engrossed.

Mr. Steck presented a printed copy of C. B. No. 20, and on his motion, it was considered the engrossed copy.

On motion the rules were suspended, and C. B. No. 20, An act amendatory of an act entitled an act to amend an act entitled an act to enable road, ditch, manufacturing and other companies to become bodies corporate, was read third time by its title only, and passed unanimously.

Title agreed to.

The President appointed Messrs. Butler, Stearns and Nesmith, special committee on H. B. No. 21.

Also, Messrs. Nesmith, Cook and Sanchez, special committee on H. J. M. No. 7.

On motion the rules were suspended, and H. B. No. 48, An act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen, was read third time, and passed by the following vote:

Ayes—Messrs. Belden, Cook, Hughes, Loveland, Nesmith, Pinkerton, Stearns, Steck, and Mr. President—9.

Nays—Messrs. Butler, Sanchez and Velasquez—3.

Excused—Mr. Hinsdale.

Title agreed to.

On motion, the rules were suspended, and C. B. No. 24, An act to provide for the better collection of road tax in certain counties, was read third time, and passed unanimously.

Title agreed to.

On motion, all bills on file for first reading were ordered taken up and read first time.

H. B. No. 24, An act repealing an act entitled an act amendatory of an act entitled an act regulating elections, also revising section 12 of an act regulating elections, approved Nov. 6, 1861, was read first time, and on motion, the rules were suspended, the bill read second time and referred to the committee on Elections.

Mr. Hinsdale moved to adjourn.

Lost.

H. B. No. 31, An act relative to apportionment into representative districts, was read first time, and on motion, rules were suspended and the bill read second time.

Mr. Hinsdale moved that the bill be referred to a select committee consisting of the members of Conejos and Costilla.

Ayes and nays demanded.

Ayes—Messrs. Butler, Cook, Hinsdale, Hughes, Loveland, Nesmith, Sanchez, Stearns and Velasquez—9.

Nays—Messrs. Pinkerton, Steck, and Mr. President—3.

Absent—Mr. Belden.

Carried.

H. B. No. 41, An act amendatory of an act entitled an act to create a fund for the benefit of schools, approved August 15, 1862, also, amendatory of an act entitled an act concerning mines and minerals, approved February 6, 1866, was read first time, and by common consent the bill passed to its second reading.

Message from the House:

HOUSE OF REPRESENTATIVES, January 7th, 1867.

*To the Honorable, the President of the Council:*

SIR: I am directed by the House to inform the Council that the House has passed H. B. No. 40, An act to define the meaning of the word "lode" as applied in Colorado Territory, also, H. B. No. 49, An act disposing of unclaimed witness fees, also, H. B. No. 71, An act to authorize the county commissioners of the county of Summit to appropriate to the construction of bridges, the military fund raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865.

The same is herewith transmitted.

Very respectfully, your ob't serv't,

C. J. McDIVITT,

*Clerk of the House.*

H. B. No. 41, was read second time, and referred to committee of the Whole.

H. B. No. 42, An act to incorporate the town of Georgetown, was read first time, and on motion, the rules were suspended,

and the bill read second time and referred to committee on Corporations.

H. B. No. 54. An act entitled an act to require butchers and slaughterers to give bonds and keep a record of the animals purchased and slaughtered by them, was read first time, and on motion, the rules were suspended, the bill read second time and referred to committee of the Whole.

H. B. No. 58, An act to change the name of Anna Martin, and make her heir at law of Wilson C. Hess, was read first time, and on motion, the rules were suspended and the bill read a second and third times and passed by the following vote:

Ayes—Messrs. Hinsdale, Hughes, Loveland, Nesmith, Stearns, Velasquez and Mr. President—7.

Nays—Messrs. Butler, Cook, Pinkerton, Sanchez and Steck—5.

Absent—Mr. Belden.

Title agreed to.

Leave being granted, Mr. Nesmith introduced C. B. No. 30, An act to amend an act entitled an act to amend an act entitled an act providing for the collection of the revenue; H. B. No. 61, An act amendatory of the election law, and H. B. No. 66, An act to provide for the collection of the Territorial revenue in certain counties, and for other purposes; were read first time, and on motion, the rules were suspended, the bills read the second time and referred to the committee of the Whole.

H. B. No. 67, An act to dissolve the bonds of matrimony heretofore existing between William O. Veers and Sarah Francis Veers was read first time, and on motion, the rules were suspended and the bill read the second and third times, and the ayes and nays being called there were:

Ayes—Messrs. Cook, Hughes, Pinkerton, Stearns, Steck and Mr. President—6.

Nays—Messrs. Butler, Hinsdale, Loveland, Nesmith, Sanchez, and Velasquez—6.

Absent—Mr. Belden.

So the bill did not pass.

H. B. No. 71, An act to authorize the county commissioners of the county of Summit to appropriate to the construction of bridges the military fund raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865, and H. B. No. 40, An act to define the meaning of the word "lode" as applied in Colorado Territory, and H. B. No. 49, An act disposing of unclaimed witness fees, and C. B. No. 29, An act to repeal part of an act entitled an act to amend an act entitled an act regulating elections, approved March 11th, 1864, and C. B. No. 30, An act to amend an act entitled an act to amend an act entitled an act

providing for the collection of the revenue, were read first time, and on motion, the rules were suspended, and the bills read second time and referred to committee of the Whole.

On motion, adjourned.

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WEDNESDAY, JANUARY 8TH, 1868.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Messrs. Belden and Cook.

Prayer by the Chaplain.

Journal read and approved.

Messrs. Belden and Cook appeared and took their seats.

Mr. Steck presented the following:

*Mr. President:* The committee to whom was referred H. B. No. 24, An act repealing an act amendatory of an act entitled an act regulating elections, also, revising section 12 of an act regulating elections, approved Nov. 6, 1861, report the same to the Council with the following amendments, to wit:

Strike out all after the first section and insert the following:

Sec. 2. That the word "September" in the third line of the third section of an act entitled an act regulating elections, approved Nov. 6, 1861, be and the same is hereby revived as part of said section three.

Sec. 3. That the word "June" in section twelve of the act entitled an act regulating elections, approved Nov. 6, 1861, be and the same is hereby revived as part of said section twelve. Also that the title be amended by striking out "also reviving section twelve of an act regulating election," and add so as to read after the words "1861" "also reviving part of sections three and twelve of said act, approved Nov. 6, 1861," and with these amendments recommend the bill do pass.

AMOS STECK.

J. W. NESMITH.

Report received.

Mr. Belden presented the following:

*Mr. President:* The joint committee upon enrollment beg leave to report that they have had under consideration and have examined H. B. No. 36, An act for revising and consolidating the general statutes of Colorado, and H. B. No. 37, a bill for An act concerning criminal jurisprudence, and which bills by order of the House of Representatives were considered enrolled; and

have delivered the same in the same words and figures in which the said bills passed the Legislative Assembly, to His Excellency the Governor for his approval, at ten o'clock a. m., of this Jan. 8, 1868, and the same await his approval to become a law.

D. D. BELDEN, *Chairman.*

Report received.

H. B. No. 15, was read second time and referred to the committee of the Whole.

H. J. M. No. 6, relative to a subsidy of lands for railroad purposes was read third time, and passed unanimously.

Title agreed to.

Council substitute to H. J. M. No. 4, relative to additional appropriation for the purpose of building a penitentiary in Colorado Territory, was read third time and passed unanimously.

Title agreed to.

On motion, the Council resolved itself into committee of the Whole.

Mr. Butler in the chair.

After some time spent therein the committee rose.

Mr. Belden presented the following :

*Mr. President:* The joint committee on Enrollment beg leave to report that they have examined the enrollment of H. B. No. 38, a bill for An act to provide for the publication of the revised statutes, and find the same correctly enrolled, and that they have at 11 o'clock, a. m. of this January 8, 1868, placed the same in the hands of the Governor for his approval, and the same now awaits his approval to become a law.

D. D. BELDEN, *Chairman.*

Report received.

Mr. Butler presented the following :

*Mr. President:* The committee of the Whole have had under consideration C. B. No. 16, a bill for an act concerning probate courts, and to provide a chapter in relation thereto in the revised statutes, and report the same back to the Council with the recommendation that the same be indefinitely postponed.

Also, C. B. No. 21, a bill for An act relating to the competency of witnesses in civil cases, and report the same back to to the Council with the recommendation that it be indefinitely postponed.

Also, C. B. No. 25, a bill for An act authorizing the collection and disbursement of moneys due from the United States under the joint resolution of Congress, approved July 28, 1866, and report the same back with the following amendments :

Sec. 10. The moneys received from said bank by the commissioners of the county of Gilpin, Arapahoe, Jefferson and Clear Creek, shall be repaid by said commissioners to each and every person and firm that paid their taxes under the levy made by the board of commissioners of said counties, under the act of the Legislative Assembly authorizing the levy of a special tax in Arapahoe, Gilpin, Jefferson and Clear Creek counties, approved, February 8th, 1865, and also under the act entitled An act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865. Any moneys so received by the said boards of county commissioners, not called for within thirty days after the reception of the same by the said boards of county commissioners, shall be paid into the treasury of the counties, and be subject to the order of said boards of county commissioners, with the recommendation that the same do pass as amended.

HUGH BUTLER, *Chairman.*

Report received.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock p. m.

President in the chair.

Roll called.

Absent—Mr. Cook.

Message from the House:

HOUSE OF REPRESENTATIVES, January 8th, 1868.

*To the Honorable, the President of the Council:*

SIR: I am instructed to inform the Council that the House has concurred in and passed C. B. No. 17, An act to change the boundaries of the counties of Pueblo, Huerfano and Las Animas.

Also, C. B. No. 26, An act to provide for office rent, furniture and stationery for the office of the clerk of the supreme court of Colorado Territory.

Also, C. B. No. 27, An act limiting the amount of compensation of County Treasurers for the collection of county taxes to pay interest on county bonds.

And has indefinitely postponed C. B. No. 22, An act to provide for the repeal of the charter of the City of Central.

Also, that the House has passed H. B. No. 27, An act to amend an act entitled an act concerning criminal jurisprudence, and H. B. No. 32, An act relating to railroads, wagon roads,

mining companies, subscription to stock, issue of bonds, taxes to pay interest and principal by counties, cities and towns, and for other purposes; and H. B. No. 65, An act to dissolve the bonds of matrimony heretofore existing between John H. Craig and Susan Craig, of Fremont county.

And I return herewith H. B. No. 18, An act providing for the publication of the laws of the Territory of Colorado in the Spanish language, for correction to the amendment proposed by the Council, and would respectfully call your attention to the fact that the word "session" does not occur in the sixth line of section 1 of said bill.

All of said bills are herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

On motion of Mr. Hinsdale, the Council recessed from its amendments to H. B. No. 18, and adopted the same words as amendment to be added to the end of section 1 of said bill.

Mr. Cook appeared and took his seat.

On motion of Mr. Nesmith, the vote by which H. B. No. 67 was lost, was reconsidered, and the ayes and nays being called on the passage of the bill, there were:

Ayes—Messrs. Belden, Cook, Hughes, Loveland, Nesmith, Pinkerton, Stearns, Steck and Mr. President—9.

Nays—Messrs. Butler, Hinsdale, Sanchez and Velasquez—4.  
So the bill passed and title agreed to.

On motion of Mr. Butler, the rules were suspended, and H. B. No. 27, An act to amend an act entitled an act concerning criminal jurisprudence, and H. B. No. 32, An act relating to railroads, wagon roads, mining companies, subscription to stock, issue of bonds, taxes to pay interest and principal by counties, cities and towns, and for other purposes, and H. B. No. 65, An act to dissolve the bonds of matrimony heretofore existing between John H. Craig and Susan Craig, of Fremont county, were read first and second times by their title, and referred to the committee of the Whole.

C. B. No. 17, C. B. No. 26 and C. B. No. 27, were ordered enrolled.

On motion, the report of the committee of the Whole on C. B. No. 21, was adopted, and the bill indefinitely postponed.

On motion, C. B. No. 16 was recommitted to the committee of the Whole.

Leave being granted, Mr. Loveland introduced C. B. No. 31, An act to define the salary of the Territorial Treasurer, Superintendent of Public Instruction, and Territorial Librarian, and on motion, the rules were suspended, the bill read first and second times, and referred to the committee of the Whole.

Message from the House:

HOUSE OF REPRESENTATIVES, January 8th, 1868.

*To the Honorable, the President of the Council:*

SIR: I am directed to inform the Council that the House has passed H. J. M. No. 8, a memorial to the Congress of the United States, relative to the coining of silver in the Branch Mint in Denver City, Colorado Territory.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

On motion, the Council resolved itself into executive session.

After some time spent therein, the executive session was dissolved.

On motion, the amendment reported by the committee of the Whole to C. B. No. 25, An act to authorize the collection and disbursement of moneys due from the United States, under the joint resolution of Congress, approved July 28th, 1866, were adopted, the rules suspended, the bill considered engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Belden, Butler, Cook, Hinsdale, Hughes, Loveland, Nesmith, Pinkerton, Sanchez, Stearns and Velasquez—11.

Nays—Mr. Steck.

Absent—Mr. Webster.

Title agreed to.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 8th, 1868.

*Hon. W. W. Webster, President of the Council:*

SIR: I have the honor to inform the Council that I have approved and signed the following bill, certified to have originated in that body, viz.:

An act relating to intoxicating liquors on days of election.

Very respectfully, your ob't serv't,

FRANK HALL,  
*Acting Governor.*

On motion, H. B. No. 15, a bill for the appointment of a commissioner to receive and disburse any money due the Territory of Colorado from the government of the United States for military services, was withdrawn from the general file, and the rules suspended, the bill read third time, and put on its final passage.

The ayes and nays being called, there were:

Ayes—Messrs. Loveland and Stearns—2.

Nays—Messrs. Belden, Butler, Cook, Hinsdale, Hughes, Nesmith, Pinkerton, Sanchez, Steck and Velasquez—10.

Absent—Mr. Webster.

So the bill did not pass.

Leave being granted, Mr. Butler introduced C. B. No. 32, An act to provide for the repeal of the charter of the City of Central, and on motion, the rules were suspended and the bill read first and second times, and referred to the committee of the Whole.

On motion, the Council resolved itself into committee of the Whole.

Mr. Steck in the chair.

After some time spent therein, the committee rose.

Message from the House:

HOUSE OF REPRESENTATIVES, January 8th, 1868.

*To the Honorable, the President of the Council:*

SIR: I have the honor to inform the Council that the House has passed C. B. No. 28, An act to extend the corporate limits of the city of Denver.

The same is herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Stearns presented the following:

*Mr. President:* Your committee on Enrolled Bills, beg leave to report C. B. No. 17, An act to change the boundaries of the counties of Pueblo, Huerfano and Las Animas; also, C. B. No. 27, a bill limiting the amount of compensation to County Treasurers for collection of county taxes to pay interest on county bonds; also, C. B. No. 26, An act to provide for office rent, furniture and stationery for the office of the clerk of the supreme court of Colorado Territory, correctly enrolled.

E. N. STEARNS, *Chairman.*

HUGH BUTLER.

Report received.

Leave being granted, Mr. Butler introduced C. B. No. 33, An act fixing the time of meeting of the Territorial Legislature of Colorado Territory.

Leave being granted, Mr. Loveland introduced, C. B. No. 34,

An act providing for the re-location of the county seat of Clear Creek county, Colorado.

Leave being granted, Mr. Loveland introduced C. B. No. 35, An act concerning county bonds.

On motion, the rules were suspended, and C. B. No. 33, C. B. No. 34, and C. B. No. 35, were read first time.

On motion, the rules were suspended, and C. B. No. 35 read second time.

On motion of Mr. Loveland, the word "hereafter" was inserted in the first line of said bill, after the word "when."

On motion, the bill was ordered engrossed.

On motion, the rules were suspended, and C. B. No. 33, An act fixing the time of meeting of the Territorial Legislature of Colorado Territory, was read second time, considered engrossed, the bill read third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hinsdale, Hughes, Loveland, Nesmith, Sanchez, Steck, Velasquez and Mr. President—10.

Nays—Mr. Pinkerton—1.

Absent—Messrs. Belden and Stearns.

Title agreed to.

On motion, the vote by which C. B. No. 35 was ordered engrossed, was reconsidered, and the question being put on the motion to engross said bill, it was declared lost.

On motion, the rules were suspended, and C. B. No. 35, An act concerning county bonds, was considered engrossed, read third time, and passed unanimously.

Absent—Mr. Belden.

Title agreed to.

Mr. Steck presented the following:

*Mr. President:* The committee of the Whole having had under consideration the general file, have considered the following bills, to wit:

C. B. No. 29, An act to repeal part of an act entitled an act to amend an act entitled an act regulating elections, approved March 11th, 1864, and respectfully report the same to the Council with the recommendation that the same be indefinitely postponed.

Also, H. B. No. 30, a bill for An act to amend an act entitled an act to amend an act entitled an act providing for the collection of the revenue, is herewith reported to the Council with the recommendation that the same do pass.

Also, C. B. No. 31, An act to define the salary of the Territorial Treasurer, Superintendent of Public Instruction, and Territorial Librarian, is herewith reported to the Council with the recommendation that the bill shall be read a third time and passed.

Also, H. B. No. 24, An act repealing an act entitled an act regulating elections, approved November 6th, 1861, with the following amendments:

Strike out all after first section, and insert the following:

Sec. 2. That the word "September," in the third line of the third section of an act entitled an act regulating elections, approved November 6th, 1861, be and the same is hereby revived as part of said section 3, and the word "first," in the third line of said section 3, in the act regulating elections, approved November 6th, 1861, be repealed, and the word "second" inserted in lieu thereof.

Sec. 3. That the word "July," in section 12 of an act entitled an act regulating elections, approved November 6th, 1861, be and the same is hereby revived as part of said section 12.

Also, that the title of bill be amended by striking out "also reviving section 12 of an act regulating elections," and add so as to read after the word "1861," "also reviving part of sections 3 and 12 of said act approved November 6th, 1861," and with these amendments recommend the same to pass.

Also, C. B. No. 32, An act to provide for the repeal of the charter of the City of Central, with the recommendation that the same be passed.

Also, H. B. No. 27, An act to amend an act entitled an act concerning criminal jurisprudence, is herewith reported to the Council with the recommendation that it be referred to the Judiciary committee.

Also, H. B. No. 32, An act relating to railroads, wagon roads, mining companies, subscription to stock, issue of bonds, taxes to pay interest and principal by counties, cities and towns, and for other purposes, and respectfully report it to the Council with the recommendation that the bill be referred to the committee on Incorporation.

Whereupon the committee rose and asked leave to sit again.

Also, H. B. No. 40, and recommend that it be referred to committee on Mines.

AMOS STECK.

Report received and on motion, adopted.

Mr. Steck presented the following:

*Mr. President:* The committee on the Judiciary having referred to them Council Bill No. 5, a bill for An act amendatory to an act entitled an act to amend an act regulating the mode of proceeding in attachment in the district court, and substitute to C. B. No. 5, respectfully report the same to the Council with the recommendation that the same be laid upon the table.

AMOS STECK,  
HUGH BUTLER,  
JAS. H. PINKERTON.

Report received, and on motion, adopted, and the said bills laid on the table.

On motion, the rules were suspended, and C. B. No. 32, An act to provide for the repeal of the charter of the City of Central, was considered engrossed, and read third time by its title only, and passed unanimously.

Absent—Mr. Belden.

Title agreed to.

Mr. Hinsdale moved to adjourn.

Lost.

On motion, the amendments to H. B. No. 24, were ordered engrossed.

On motion, the Council resolved itself into committee of the Whole.

Mr. Butler in the chair.

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

*Mr. President:* The committee of the Whole House has had under consideration H. B. No. 44, a bill for An act to establish judicial districts, &c.; also, H. B. No. 41, a bill for An act amendatory of an act to create a fund for the benefit of schools, approved August 15th, 1862, the further consideration of which was postponed until next meeting of committee of the Whole.

Also, H. B. No. 49, which was amended as follows: by striking out the words "January" and "July," in line four of section 2, and report the same back to the Council with the recommendation that it pass as amended.

Also, H. B. No. 65, a bill for An act to dissolve the bonds of matrimony heretofore existing between John H. Craig and Susan Craig, and report the same back with the recommendation that it do pass.

Also, H. B. No. 66, a bill for An act for the collection of the Territorial revenue in certain counties, and for other purposes, was amended by striking out the word "ten," in line one of section 11, and the further consideration of the said bill was postponed until to-morrow in committee of the Whole.

HUGH BUTLER, *Chairman.*

Report received.

Mr. Loveland presented the following :

*Mr. President:* Your committee on Incorporation, to whom was referred House Bill No. 32, have had the same under consideration, and report the following amendments: In section 1, line sixteen, insert the word "interest" before the word "coupon," in line seventeen in section 1. Strike out the word

“semi,” in section 2, third line. After the word “voters,” strike out the words “and freeholders.” In section 4, in line twelve, insert the word “and” between the words “registering” and “certifying.” In same line, strike out the word “an,” between the words “certifying” and “canceling,” and insert the word “or.” In line thirty-nine of same section, strike out the word “both,” and insert the words “the back.” With these amendments, your committee recommend its passage.

Respectfully submitted.

J. WELLINGTON NESMITH,  
J. C. HUGHES,  
HUGH BUTLER.

Report received.

Mr. Steck offered the following amendment :

The provisions of this act shall not apply to any railroad company now organized, or that may hereafter be organized in this Territory, unless an acceptance of the same shall first be filed by said railroad company with the Secretary of the Territory.

On motion of Mr. Loveland, the report of the committee and the amendment offered by Mr. Steck, were adopted.

Mr. Loveland moved that the amendments be considered engrossed.

Mr. Hughes moved to adjourn.

Lost.

On motion the amendments to H. B. No. 32, were ordered engrossed.

On motion the rules were suspended, and H. B. No. 32, An act relating to railroads, wagon roads, mining companies, subscriptions to stock, issue of bonds, taxes to pay interest and principal by counties, cities and towns, and for other purposes, was read third time by title, and passed unanimously.

Absent—Mr. Belden.

Title agreed to.

On motion, Council adjourned.

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THURSDAY, JANUARY 9TH, 1863

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Messrs. Belden and Cook.

Prayer by the Chaplain.

Journal read and approved.

Messrs. Belden and Cook appeared and took their seats.

Message from the House:

HOUSE OF REPRESENTATIVES, January 9th, 1868.

*To the Honorable, the President of the Council:*

SIR: I have the honor to inform the Council that the House has passed the following Council Bills:

C. B. No. 2, An act amendatory of an act relating to counties and county officers, approved November 6th, 1861, and the several acts amendatory thereto.

C. B. No. 11, An act to authorize the county commissioners of the county of Lake to appropriate to the construction of roads and bridges, the military fund raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865, with amendments attached to the bill, in which amendments you are respectfully requested to concur.

C. B. No. 12, An act amendatory of an act relating to counties and county officers, approved November 6th, 1861, and the several acts amendatory thereto.

C. B. No. 14, An act to amend an act entitled an act concerning practice in civil cases, approved November 5th, 1861.

C. B. No. 15, An act to repeal an act entitled an act to amend an act entitled an act to prevent the introduction of animals for the purpose of grazing within certain limits, approved January 27th, 1866.

C. B. No. 9, An act in regard to improvements upon public lands donated to public uses; and C. J. M. No. 1, a memorial to the Congress of the United States in relation to the Las Animas Grant.

Also, that the House has passed H. B. No. 60, An act to amend an act concerning justices of the peace and constables.

Said bills are herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

On motion of Mr. Butler, the petitions from the citizens of the City of Central, relative to the repeal of their city charter, were recalled from the Judiciary committee and ordered sent to the House.

Mr. Stearns presented the following:

*Mr. President:* Your committee on Enrolled Bills beg

leave to report that they have examined the enrollment of C. B. No. 4, An act to establish a board of registry of electors; also, C. B. No. 28, An act to extend the corporate limits of the city of Denver, and find them correctly enrolled.

E. N. STEARNS, *Chairman.*

Report received.

Mr. Steck presented the following:

*Mr. President:* The Judiciary committee, having in charge H. B. No. 27, a bill for An act entitled an act concerning criminal jurisprudence, respectfully report the same to the Council with the recommendation that the same may be amended as follows, viz.:

Strike out the word "fifty," in section 1, and insert the word "thirty," instead thereof.

Sec. 11. Each and every person who shall be convicted of any of the misdemeanors named in section 1 of this act, shall be deemed infamous, and shall be thereafter incapable of holding any office of honor, trust or profit, of voting at any election, and of serving as a juror.

All of which is respectfully submitted.

AMOS STECK,  
HUGH BUTLER.

Report received.

On motion, H. B. No. 24 was recalled from the Engrossing committee and referred to the committee on Elections.

Mr. Steck presented the following report on H. B. No. 24:

Strike out all after the second section, and insert as follows, to wit:

Sec. 3. The general election shall be held in the several precincts or wards in this Territory on the second Tuesday of September, in each year, at which time there shall be chosen so many of the officers as are now required to be elected in such year by the provisions of the existing laws respecting elections.

Amend title of bill so as to read, An act repealing a certain act relating to elections, and providing the time for holding the general election, and revising section 12 of an act regulating elections, approved November 6th, 1861, and with these amendments recommend the passage of the bill.

AMOS STECK,  
*Chairman Committee Elections.*

Report received, and on motion, adopted.

Leave being granted, Mr. Steck introduced C. B. No. 36, An

act appropriating money to pay the interest on certificates of indebtedness authorized by an act to provide for the payment of the officers and men of the first regiment of Colorado volunteer mounted militia, which was read first time by title.

H. J. M. No. 8, a memorial to the Congress of the United States relative to the coining of silver in the branch mint at Denver City, Colorado Territory; and H. B. No. 60, An act to amend an act concerning justices of the peace and constables, were read first time.

C. B. No. 34 was read second time.

Mr. Belden presented the following:

*Mr. President:* Your joint committee on Enrolled Bills have examined and compared the following, to wit:

H. B. No. 58, An act to change the name of Anna Martin, and make her heir at law of Wilson C. Hess; H. B. No. 25, An act to provide for the payment of clerks and other officers of the Legislative Assembly; H. B. No. 48, An act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen; H. B. No. 67, An act to dissolve the bonds of matrimony heretofore existing between William C. Veers and Sarah Francis Veers; H. B. No. 34, An act to change the name of Sarah Thomas; H. B. No. 17, An act requiring persons elected or appointed county or precinct officers to qualify, and find the same correctly enrolled, and have at 10 o'clock this day placed said bills in the hands of the Governor, and the same await his approval.

D. D. BELDEN, *Chairman.*

Report received.

On motion, the rules were suspended, and C. B. No. 34 was considered engrossed, and placed on file for third reading.

On motion, C. B. No. 30 was considered engrossed.

On motion, C. B. No. 31 was referred to the Finance committee.

On motion, the amendments to H. B. 49, recommended by the committee of the Whole, were adopted.

Mr. Steck moved that C. B. No. 29 be considered engrossed and placed on file for third reading.

Mr. Loveland moved to indefinitely postpone the bill.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Hinsdale, Hughes, Loveland, Sanchez, Stearns and Velasquez—8.

Nays—Messrs. Cook, Nesmith, Pinkerton, Steck and Mr. President—5.

Carried, and the bill was indefinitely postponed.

C. B. No. 30, An act to amend an act entitled an act to amend

an act entitled an act providing for the collection of the revenue, was read third time, and on motion, the further consideration of the bill was postponed until to-morrow.

C. B. No. 34, An act providing for the re-location of the county seat of Clear Creek County, Colorado, was read third time.

Mr. Cook moved to indefinitely postpone the bill.

Mr. Cook moved a call of the house.

Absent—Mr. Belden.

Sergeant-at-Arms dispatched after absentee, and in a short time he reported all present.

Ayes and nays on the motion to indefinitely postpone:

Ayes—Messrs. Cook and Steck—2.

Nays—Messrs. Belden, Butler, Hinsdale, Hughes, Loveland, Nesmith, Pinkerton, Sanchez, Stearns and Velasquez—10.

Excused—Mr. President.

Lost.

Mr. Cook moved that the bill be laid on the table.

Ayes and nays demanded.

Ayes—Messrs. Cook and Steck—2.

Nays—Messrs. Belden, Butler, Hinsdale, Hughes, Loveland, Nesmith, Pinkerton, Sanchez, Stearns and Velasquez—10.

Excused—Mr. President.

Lost.

Mr. Loveland moved the previous question on the passage of the bill.

Carried.

So the previous question prevailed.

The ayes and nays being called on the passage of the bill, there were:

Ayes—Messrs. Belden, Butler, Hinsdale, Hughes, Loveland, Nesmith, Pinkerton, Sanchez, Stearns and Velasquez—10.

Nays—Messrs. Cook and Steck—2.

Excused—Mr. President.

So the bill passed and title agreed to.

H. B. No. 24, An act repealing an act entitled an act amendatory of an act entitled an act regulating elections, also reviving section 12 of an act regulating elections, approved November 6th, A. D. 1861, was read third time, and passed by the following vote:

Ayes—Messrs. Belden, Butler, Hinsdale, Hughes, Loveland, Nesmith, Pinkerton, Sanchez, Steck, Velasquez and Mr. President—11.

Nays—Mr. Stearns—1.

Absent—Mr. Cook.

Title as amended agreed to.

Mr. Belden submitted the following:

*Mr. President:* Your joint committee on Enrolled Bills have examined and compared the following bills, to wit:

Council Bill No. 17, An act to change the boundaries of the counties of Pueblo, Huerfano and Las Animas; Council Bill No. 27, An act limiting the amount of compensation to County Treasurers for the collection of county taxes to pay interest on county bonds; also, Council Bill No. 26, An act to provide for office rent, furniture and stationery for the office of the clerk of the supreme court of Colorado Territory, and find the same correctly enrolled, and have, at 11 o'clock this day, placed said bills in the hands of the Governor, and the same await his approval.

D. D. BELDEN, *Chairman.*

Report received.

H. B. No. 49, An act disposing of unclaimed witness fees, was read third time, and by unanimous consent the word "detailed" was inserted between the words "a" and "certified," in fifth line of section 2, and the bill passed by the following vote:

Ayes—Messrs. Belden, Butler, Cook, Hughes, Loveland, Nesmith, Pinkerton, Sanchez, Steck, Velasquez and Mr. President—11.

Nays—Messrs. Hinsdale and Stearns—2.

Title agreed to.

Leave being granted, Mr. Belden introduced C. B. No. 37, An act concerning the granting of injunctions in certain cases.

H. B. No. 65, An act to dissolve the bonds of matrimony heretofore existing between John H. Craig and Susan Craig, of Fremont county, was read third time, and passed by the following vote:

Ayes—Messrs. Belden, Cook, Hughes, Loveland, Nesmith, Pinkerton, Sanchez, Stearns and Mr. President—9.

Nays—Messrs. Butler, Steck and Velasquez—3.

Excused—Mr. Hinsdale.

Title agreed to.

On motion of Mr. Stearns, the Council concurred in House amendment to C. B. No. 11.

On motion, Council adjourned.

#### AFTERNOON SESSION.

Council met at 2 o'clock.

President in the chair.

Roll called.

Absent—Mr. Loveland.

Mr. Belden presented the following:

*Mr. President:* Your joint committee on Enrolled Bills have had under consideration and have examined and compared Council Bill No. 28, An act to extend the corporate limits of the city of Denver; and Council Bill No. 4, a bill for An act to establish a board of registry of electors, and find the same correctly enrolled, and they have this 9th day of January, A. D. 1868, at the hour of 12 o'clock m., placed the same in the hands of the Governor, and the same await his signature.

D. D. BELDEN, *Chairman.*

Report received.

Message from the House:

HOUSE OF REPRESENTATIVES, January 9th, 1868.

*To the Honorable, the President of the Council:*

SIR: I am instructed to inform the Council that the House has passed the following bills:

H. B. No. 57, An act for the relief of Adeline McFarland; H. B. No. 68, An act to amend an act concerning justices of the peace and constables, approved August 15, 1862; H. B. No. 75, An act entitled an act to compel keepers of auction stands and commission stables or stands, to keep a record of their proceedings; H. B. No. 76, And act entitled an act to dissolve the bonds of matrimony heretofore existing between George W. Purkins and Mary A. Purkins; H. B. No. 77, An act to regulate the collection of school taxes; H. B. No. 82, a bill for An act concerning the incorporation of the North American Turner Union, and C. B. No. 35, An act concerning county bonds.

The same are herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Nesmith moved that the special committee on H. B. No. 31, be requested to report immediately.

Carried.

Mr. Loveland appeared and took his seat.

Mr. Sanchez presented the following:

*Mr. President:* Your special committee to whom was referred H. B. No. 31, a bill for An act relative to apportionment into representative districts, have had the same under consideration, and report the same back to the Council with the recommendation that it do not pass.

By reference to the tabular statement of the votes cast in the counties of Costilla, Conejos and Saguache, at the last election,

it will be seen that the county of Costilla cast 465 votes, the county of Conejos 398 votes, and the county of Saguache 55 votes; this simple statement of the facts is a sufficient argument against giving to a voting population of 55, the privilege of electing a representative.

FRANCISCO SANCHEZ,  
JESUS M. VELASQUEZ.

Report received.

Mr. Velasquez moved that the report be adopted.

Message from the House.

HOUSE OF REPRESENTATIVES, January 9th, 1868.

*To the Honorable, the President of the Council:*

SIR: I am instructed to inform the Council that the House has concurred in Council amendments to H. B. No. 32, but have amended the same, and respectfully ask your concurrence in said amendments.

The same is herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 9th, 1868.

*Hon. W. W. Webster, President of the Council:*

SIR: I have this day approved and signed the following acts, certified to have originated in the Council:

An act to change the boundaries of the counties of Pueblo, Huerfano, and Las Animas; An act limiting the amount of compensation of county treasurers for the collection of county taxes to pay interest on county bonds; An act to provide for office rent, furniture and stationery for the office of the clerk of the supreme court of Colorado Territory.

Very respectfully, your ob't serv't,

FRANK HALL,  
*Acting Governor.*

Ayes and nays demanded on motion to adopt report of special committee.

Ayes—Messrs. Belden, Butler, Cook, Hinsdale, Hughes, Loveland, Sanchez, Stearns, Steck, Velasquez and Mr. President—11

Nays—Messrs. Nesmith, and Pinkerton—2.

Carried, and report adopted.

On motion, the Council concurred in House amendments to Council amendment to H. B. No. 32.

Mr. Butler presented the following :

*Mr. President:* The undersigned, your special committee to whom was referred H. B. No. 21, a bill for An act to establish a Territorial assay office in the Territory of Colorado, would respectfully report the same back to the Council with the following amendments, to wit :

Strike out the word "eight" in line two of section two, and insert the word "four" in its stead.

Also, strike out the words "three thousand" in line two of section eleven, and insert instead thereof the words "twenty-five hundred."

Also, strike out the words "five thousand" in line one of section twelve, and insert instead thereof the words "fifteen hundred."

Also, strike out all in section thirteen, after the word "the," at the end of the fourth line, and insert instead thereof the words "from the fund mentioned and provided for in section twelve."

Also, add another section as follows: The furnaces erected and apparatus and material purchased out of the fund mentioned in section twelve, shall be the property of the Territory of Colorado; and would recommend that the bill be passed as amended.

Respectfully submitted.

HUGH BUTLER,  
J. WELLINGTON NESMITH.

Report received, and on motion, adopted, and the amendments ordered engrossed.

Leave being granted, Mr. Butler introduced C. B. No. 38, An act concerning criminal jurisprudence, and on motion, the rules were suspended, the bill read first and second time and passed unanimously.

Title agreed to.

On motion, the Council resolved itself into committee of the Whole.

Mr. Loveland in the chair.

After some time spent therein, the President resumed the chair.

Mr. Stearns presented the following :

DENVER, COL., January 9th, 1868.

*Mr. President:* Your committee on Enrolled Bills beg leave

to report that they examined the enrollment of C. B. No. 2, An act to amend an act to preserve game in the Territory of Colorado; also, C. B. No. 12, An act amendatory of an act relating to counties and county officers, approved Nov. 6, 1861, and the several acts amendatory thereto; also, C. B. No. 15, An act to repeal an act entitled an act to amend an act entitled an act to prevent the introduction of animals for the purpose of grazing within certain limits, approved Nov. 6, 1861, approved January 27, 1866; also, C. B. No. 14, An act to amend an act entitled an act concerning practice in civil cases, approved Nov. 5, 1865; also, C. B. No. 9, An act in regard to improvement upon public lands donated to public uses; also, C. J. M. No. 1, a joint memorial in relation to the Las Animas grant, and find the same correctly enrolled.

E. N. STEARNS, *Chairman.*  
HUGH BUTLER.

The report having been received, the committee resumed its sitting.

After some time spent therein, the President resumed the chair for the purpose of receiving the following

Message from the House:

HOUSE OF REPRESENTATIVES, January 9th, 1868.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform the Council that it has passed H. B. No. 83, An act to provide for the printing of the common school law; H. B. No. 84, An act entitled an act to provide homesteads in Colorado; H. B. No. 85, An act entitled an act to encourage the destruction of wolves; H. B. No. 86, a bill for An act for the payment of the officers and men mustered into militia service under the proclamation of Governor A. C. Hunt, in the month of June, A. D. 1867, and for the payment of all expenses incurred, and supplies furnished under said call; and C. B. No. 23, a bill for An act concerning the incorporation of Masonic societies, and have amended title to said bill by inserting the words "and Odd Fellows," and you are respectfully requested to concur in said amendment.

The said bills are herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

The message having been received, the committee resumed its sitting.

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

*Mr. President:* The committee of the Whole have had under consideration H. B. No. 61, and report the same back with the recommendation that it be laid on the table.

Also, H. B. No. 27, and report the same back with amendment, and recommend that it do pass as amended.

Also, H. B. No. 54, and report it back with the recommendation that it do pass.

Also, C. B. No. 16, which was laid over in the committee of the Whole.

Also, H. B. No. 66, and report the same back with the recommendation that it be referred to the committee on Finance.

Also, H. B. No. 71, and report the same back with the recommendation that it do pass.

Also, H. B. No. 41, and report the same back with the recommendation that it do pass.

Also, H. B. No. 44, and report the same back with amendments, and recommend that it pass as amended.

Respectfully,

W. A. H. LOVELAND, *Chairman.*

Report received.

Mr. Stearns presented the following:

*Mr. President:* Your committee on Engrossed Bills beg leave to report they have examined the amendments to H. B. No. 21, and report the same to the Council correctly engrossed.

E. N. STEARNS, *Chairman.*

Report received.

Leave being granted, Mr. Steck introduced C. B. No. 39, An act to further provide for the publication of the revised statutes.

Mr. Stearns moved a call of the House.

Absent—Messrs. Cook and Steck.

Sergeant-at-Arms dispatched after absentees.

In a short time he returned and reported all present.

On motion of Mr. Butler the rules were suspended, and H. B. No. 21, was taken up and placed on its final passage.

H. B. No. 21, An act to establish a Territorial assay office in Territory of Colorado, was read third time and passed by the following vote:

Ayes—Messrs. Belden, Butler, Cook, Hughes, Loveland, Nesmith, Pinkerton, Sanchez, Steck, and Velasquez—10.

Nays—Messrs. Hinsdale and Stearns—2.

Excused—Mr. President.

Title agreed to.

On motion, the report of the committee of the Whole on H. B. No. 27, and H. B. No. 44, and the amendments to said bills,

were adopted, and the amendments ordered engrossed.

On motion, H. B. No. 66 was referred to the committee on Finance.

On motion, H. B. No. 61 was laid on the table.

On motion, the House amendment to the title to C. B. No. 23 was concurred in.

On motion, the Council adjourned until 7½ o'clock this evening.

#### EVENING SESSION.

Council met at 7½ o'clock.

President in the chair.

Roll called.

Absent—Messrs. Hughes and Loveland.

Mr. Stearns asked leave to introduce a resolution.

Objected to.

Leave being granted, Mr. Steck introduced C. J. M. No. 2, a memorial to Congress asking for appropriation for capital buildings.

Mr. Stearns offered the following:

*Resolved*, That at the present session of the Legislature, the Council will consider no new bills unless previous notice has been already given.

Lost.

C. B. No. 37, An act concerning the granting of injunctions in certain cases, and H. B. No. 68, An act amendatory of an act concerning justices of the peace and constables, approved Aug. 15, 1862, were read first time.

C. B. No. 39, An act to further provide for the publication of the revised statutes; and C. J. M. No. 2, a memorial to Congress asking appropriations for capital buildings; and H. B. No. 57, An act for the relief of Adeline McFarland; H. B. No. 75, An act entitled an act to compel keepers of auction stands and commission stables or stands, to keep a record of their proceedings; and H. B. No. 76, An act entitled an act to dissolve the bonds of matrimony heretofore existing between Geo. W. Purkins and Mary A. Purkins; and H. B. No. 77, An act to regulate the collection of school taxes; and H. B. No. 82, An act concerning the incorporation of the North American Turner Union, were read first time, and on motion, the rules were suspended and the bills ordered placed on file for third reading.

Mr. Loveland appeared and took his seat.

Mr. Stearns presented the following:

*Mr. President:* Your committee on Engrossed Bills beg leave to report they have examined the engrossment of the amendments to H. B. No. 44, a bill to establish the judicial districts within this Territory, and to provide for the holding of courts therein; also, the amendments to H. B. No. 27, An act to amend an act entitled an act concerning criminal jurisprudence, and find the same correctly engrossed.

E. N. STEARNS, *Chairman.*

Report received.

On motion, the rules were suspended, and all bills on first reading read and placed on file for second reading.

H. B. No. 83, An act to provide for the printing of the school law; and H. B. No. 84, An act entitled an act to provide homesteads in Colorado; and H. B. No. 85, An act entitled an act to encourage the destruction of wolves; and H. B. No. 86, An act to provide for the payment of the officers and men mustered into militia service under the proclamation of Governor A. C. Hunt, in the month of June A. D. 1867, and for the payment of all expenses incurred and supplies furnished under said call, and read first time and placed on file for second reading.

The following communication was then read:

ROOMS DENVER BOARD OF TRADE,  
Thursday Evening, Jan. 9, 1868.

*Gentlemen of the Territorial Council:*

By resolution of the Denver Board of Trade, passed this Thursday evening, the undersigned were appointed a committee to extend to the Governor and Territorial Legislature and officers of the Legislature, in the name of the Board, a complimentary supper, to request your acceptance of the same, and a statement of the time which will be most acceptable to your convenience.

R. W. WOODBURY,  
GEO. W. BROWN.

On motion of Mr. Butler, the invitation was accepted, and the thanks of the Council tendered the Board of Trade.

On motion, a committee of three were appointed to confer with a like committee on part of the House in relation to the acceptance of said invitation.

Messrs. Loveland, Butler, and Cook, were appointed said committee.

C. B's Nos. 36 and 39, C. J. M. No. 2, and H. J. M. No. 8, H. B's Nos. 57, 60, 76, 77, 84 and 85, were read second time, and referred to the committee of the Whole.

H. B's Nos. 82 and 83, were read second time, and on motion, the rules were suspended and the bills ordered placed on file for third reading.

H. B. No. 86, was read second time, and on motion, referred to the committee on Finance.

C. B. No. 30, An act to amend an act entitled an act to amend an act entitled an act providing for the collection of the revenue, and H. B. No. 27, An act to amend an act entitled an act concerning criminal jurisprudence, were read third time and passed unanimously.

Absent—Mr. Hughes.

Title agreed to.

On motion, H. B. No. 41, was referred to a special committee of three.

Messrs. Butler, Steck, and Stearns, were appointed said committee.

H. B. No. 44, a bill to establish the judicial districts within this Territory, and provide for the holding of courts therein; and H. B. No. 71, An act authorizing the county commissioners of the county of Summit to appropriate to the construction of bridges the military fund raised by virtue of an act to encourage the formation and equipment of volunteer companies, approved February 10, 1865, were read third time and passed unanimously.

Absent—Mr. Hughes.

Title agreed to.

H. B. No. 54, An act entitled an act to require butchers and slaughterers to give bonds and keep a record of the animals purchased and slaughtered by them, was read third time and passed by the following vote.

Ayes—Messrs. Belden, Butler, Cook, Hinsdale, Loveland, Nesmith, Pinkerton, Sanchez, Steck and Velasquez—10.

Nays—Mr. Stearns, and Mr. President—2.

Absent—Mr. Hughes.

Title agreed to.

Mr. Belden submitted the following:

*Mr. President:* Your joint committee on Enrolled Bills beg leave to report that they have had under consideration and have examined and compared C. B. No. 15, a bill for An act to repeal an act entitled an act to prevent the introduction of animals for the purpose of grazing within certain limits, approved Nov. 6, 1861, approved Jan. 27, 1866; also, C. B. No. 12, An act amendatory of an act relating to counties and county officers, approved Nov. 8, 1861, and the several acts amendatory thereto; also, C. B. No. 14, An act to amend an act entitled an act concerning practice in civil cases, approved Nov. 3, 1861; also, C. B. No. 2, a bill for An act to amend an act to preserve game in the Terri-

tory of Colorado; also, C. B. No. 9, a bill for An act in regard to improvements upon public lands donated to public uses; and also, C. J. M. No. 1, in relation to the Las Animas grant, and they find that each of said bills are correctly enrolled, and they have this 9th day of January, 1868, at the hour of six o'clock, p. m., presented the said bills to the Governor of the Territory, and that the same are now in his hands and await his signature.

D. D. BELDEN, *Chairman*.

Report received.

Mr. Stearns presented the following:

*Mr. President:* Your committee on Enrolled Bills beg leave to report that they have examined the enrollment of C. B. No. 23, An act concerning the incorporation of Masonic and Odd Fellow societies; also, C. B. No. 11, An act to authorize the county commissioners of the counties of Lake, Boulder, Larimer and Weld, to appropriate to the construction of roads and bridges the military fund raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 10, 1865, and find the same correctly enrolled.

E. N. STEARNS, *Chairman*

HUGH BUTLER.

Report received.

H. B. No. 82, An act concerning the incorporation of the North American Turner Union; and H. B. No. 83, An act to provide for the printing of the common school law, were read third time and passed unanimously.

Absent—Mr. Hughes.

Title agreed to.

Mr. Nesmith moved that the consideration of H. B. No. 81, be postponed until to-morrow.

Mr. Hinsdale moved that the bill be indefinitely postponed.

Ayes and nays demanded.

Ayes—Messrs. Belden, Hinsdale, Loveland, Sanchez, Stearns and Velasquez—6.

Nays—Messrs. Butler, Cook, Nesmith, Pinkerton, Steck and Mr. President—4.

Absent—Mr. Hughes.

Lost.

The question then being put on Mr. Nesmith's motion, it was declared carried.

On motion, the rules were suspended and H. B. No. 76, An act entitled an act to compel keepers of auction stands and

commission stables or stands to keep a record of their proceedings, was read third time and passed by the following vote:

Ayes—Messrs. Belden, Butler, Hinsdale, Loveland, Nesmith, Pinkerton, Sanchez, Stearns and Velasquez—9.

Nays—Messrs. Cook and Steck—2.

Absent—Mr. Hughes.

Excused—Mr. President.

Title agreed to.

On motion, the Council resolved itself into committee of the Whole.

Mr. Butler in the chair.

After some time spent therein the committee rose.

Leave being granted, Mr. Loveland introduced C. B. No. 40, An act relating to platting of the public square of Golden City in the county of Jefferson, and on motion, the rules were suspended and the bill read the first and second time and ordered engrossed.

Mr. Stearns presented the following:

*Mr. President:* Your committee on Engrossed and Enrolled Bills beg leave to report they have examined the enrollment of C. B. No. 35, An act concerning county bonds, and find the same correctly enrolled.

E. N. STEARNS, *Chairman.*

Report received.

Mr. Butler presented the following:

*Mr. President:* The committee of the Whole has had under consideration C. J. M. No. 2, asking appropriation for the erection of capital buildings, and report the same back with the recommendation that it do pass; also, C. B. No. 39, and report the same back with the recommendation that it do pass; also, H. J. M. No. 8, and report the same back with the recommendation that it do pass; also, H. B. No. 57, and report the same back with the recommendation that it do pass; also, H. B. No. 60, and report the same back with the recommendation that it be indefinitely postponed; also, H. B. No. 76, and report the same back with the recommendation that it do pass; also, H. B. No. 77, and report the same back with the recommendation that it do pass; also, H. B. No. 84, the consideration of which was postponed in committee of the Whole; also, H. B. No. 85, and report the same back with the recommendation that it do pass.

Respectfully,

HUGH BUTLER, *Chairman.*

Report received.

On motion, C. J. M. No. 2 was ordered engrossed.

On motion, C. B. No. 39 was considered engrossed.

On motion, the Council resolved itself into executive session.

The executive session being dissolved, Mr. Butler moved to adjourn.

Lost.

On motion, the rules were suspended and C. B. No. 39, An act to provide for the publication of the revised statutes, was read third time and passed unanimously.

Absent—Mr. Hughes.

Title agreed to.

On motion, adjourned.

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FRIDAY, JANUARY 10TH, 1865.

Council met at 10 o'clock a. m.

President in the chair.

Roll called.

Absent—Messrs. Belden and Steck.

Prayer by the Chaplain.

Messrs. Belden and Steck appeared and took their seats.

Journal read and approved.

Mr. Stearns presented the following :

*Mr. President:* Your committee on Enrolled and Engrossed Bills beg leave to report they have examined the engrossment of C. J. M. No. 2, a memorial to Congress asking for appropriation for capital buildings; also, C. B. No. 40, An act relating to platting of the public square of Golden City, and find the same correctly engrossed.

E. N. STEARNS, *Chairman.*

Report received.

Mr. Nesmith presented the following :

*Mr. President:* Your committee on Incorporations have had under consideration H. B. No. 42, a bill for An act to incorporate the town of Georgetown, and respectfully report the same back to the Council with the recommendation that it do pass.

J. WELLINGTON NESMITH,  
HUGH BUTLER,  
J. C. HUGHES.

Report received.

Mr. Butler presented the following :

*Mr. President:* Your committee on Finance, Ways and Means, to whom was referred H. B. No. 86, a bill for An act to provide for the payment of the officers and men mustered into the militia service under the proclamation of Governor A. C. Hunt, would respectfully report that they have not had sufficient time to obtain the necessary statistics and information regarding said bill.

The only information accessible to your committee, is that found in the reports of the Auditor and Adjutant General made to the present session of the Legislative Assembly, and to which your committee would respectfully invite the attention of the Council.

By the report of the Adjutant General it would appear that the claims contemplated by said bill, would amount to about the sum of five thousand dollars.

Your committee in the absence of information, save that furnished by the Auditor and Adjutant General's report, would respectfully report the bill back to the Council for such action as it may be pleased to take, with the suggestion, that in any event the Adjutant General ought to be instructed to carefully audit and report all claims under the militia call of Governor A. C. Hunt.

All of which is respectfully submitted.

HUGH BUTLER,  
CHAS. A. COOK,  
W. A. H. LOVELAND.

Report received.

Mr. Nesmith presented the following:

*Mr. President:* Your committee on H. J. M. No. 7, relative to a change of boundaries between Colorado and New Mexico, have not at command sufficient reliable data whereon to base a report, and therefore ask to be discharged.

J. WELLINGTON NESMITH,  
CHAS. A. COOK,  
FRANCISCO SANCHEZ.

Report received, and on motion, the committee was discharged.

On motion of Mr. Butler, the vote by which H. B. No. 44 was passed, was reconsidered.

Mr. Hinsdale asked leave to introduce a bill.

Objected to.

C. B. No. 37 was read second time, and on motion was referred to the committee on Judiciary.

H. B. No. 68 was read second time, and on motion, was referred to the committee of the Whole.

C. J. M. No. 2, a memorial asking Congress for appropriation for capital buildings, was read third time and passed unanimously.

Absent—Mr. Belden.

Title agreed to.

C. B. No. 40, An act relating to platting of the public square of Golden City, was read third time and passed unanimously.

Absent—Mr. Belden.

Title agreed to.

H. J. M. No. 7, a bill for a memorial relating to the boundary line between New Mexico and Colorado, was read third time, and the ayes and nays being called there were

Ayes—Messrs. Butler, Nesmith, Steck and Mr. President—4.

Nays—Messrs. Hinsdale, Hughes, Pinkerton, Sanchez, Stearns and Velasquez—6.

Absent—Messrs. Belden, Cook and Loveland—3.

So the memorial did not pass.

H. B. No. 42, An act to incorporate the town of Georgetown, was read third time and passed unanimously.

Absent—Mr. Belden.

Title agreed to.

Mr. Butler presented the following :

*Mr. President:* Your committee on Finance, Ways and Means, to whom was referred H. B. No. 66, a bill for An act to provide for the collection of the Territorial revenue in certain counties, and for other purposes, would respectfully report the same back to the Council with the following amendment :

Strike out the word "ten," in line one of section 11, and insert instead thereof the word "thirty," and would recommend that the bill pass as amended.

Respectfully,

HUGH BUTLER,  
W. A. H. LOVELAND,  
CHAS. A. COOK.

Report received, and on motion, adopted.

Mr. Butler offered the following amendment to H. B. No. 44, and (also moved to add section 2) by inserting the word "third" after the word "the," in line twenty-seven; and add to section 2: Terms of court for transacting business arising in the first judicial district under the constitution and laws of the United States, shall be held at the county seat of Arapahoe county, at the times herein provided for holding courts at that place Terms of court for transacting business arising in the second judicial district, under the constitution and laws of the United States, shall be held at the county seat of the county of Gilpin,

at the times herein provided for holding courts at that place. Terms of court for transacting business arising in the third judicial district, under the constitution and laws of the United States, shall be held at the county seat of the county of Pueblo, at the times herein provided for the holding of courts at that place.

Amendments adopted and ordered engrossed.

Mr. Hinsdale moved that H. B. No. 86 be referred back to the committee on Territorial Library.

Lost, and on motion of Mr. Hughes, the bill was referred to the committee on Indian Affairs.

H. B. No. 66, An act to provide for the collection of the Territorial revenue in certain counties, and for other purposes, was read third time, and passed unanimously as amended.

Absent—Mr. Belden.

Title agreed to.

On motion, H. B. No. 31, was referred to a special committee of three, to report at this evening session.

Messrs. Loveland, Nesmith and Pinkerton were appointed said committee.

On motion, the special committee to whom was referred H. B. No. 41, were allowed further time to report.

H. J. M. No. 8, a memorial to the Congress of the United States relative to the coining of silver in the branch mint at Denver City, Colorado Territory, was read third time, and passed by the following vote:

Ayes—Messrs. Belden, Butler, Cook, Hinsdale, Hughes, Nesmith, Pinkerton, Sanchez, Velasquez and Mr. President—10.

Nays—Mr. Steck—1.

Absent—Messrs. Loveland and Stearns.

Title agreed to.

H. B. No. 57, An act for the relief of Adeline McFarland, was read third time, and passed unanimously.

Excused—Messrs. Butler and Sanchez.

Title agreed to.

H. B. No. 76, An act entitled an act to dissolve the bonds of matrimony heretofore existing between Geo. W. Purkins and Mary A. Purkins, was read third time, and passed by the following vote:

Ayes—Messrs. Cook, Hughes, Loveland, Nesmith, Pinkerton, Stearns, Steck and Mr. President—8.

Nays—Messrs. Butler, Sanchez and Velasquez—3.

Excused—Mr. Hinsdale—1.

Absent—Mr. Belden.

Title agreed to.

Message from the House:

## HOUSE OF REPRESENTATIVES, January 10th, 1868.

*To the Honorable, the President of the Council:*

SIR: I have the honor to inform the Council that the House has concurred in Council amendments to H. B. No. 27.

Also, has concurred in Council amendments to H. B. No. 18, and have amended said amendments, in which amendments you are respectfully requested to concur. Said amendments attached to bill.

Also, that the House has concurred in Council amendments to H. B. No. 21.

Also, that the House has concurred in Council amendments to H. B's Nos. 24 and 49.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

H. B. No. 77, An act to regulate the collection of school taxes, was read third time, and passed unanimously.

Absent—Mr. Belden.

Title agreed to.

H. B. No. 85, An act entitled an act to encourage the destruction of wolves, was read third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hinsdale, Loveland, Nesmith, Pinkerton, Sanchez, Steck and Mr. President—9.

Nays—Messrs. Hughes, Stearns and Velasquez—3.

Absent—Mr. Belden.

Title agreed to.

H. B. No. 60, An act to amend an act concerning justices of the peace and constables, was read third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Pinkerton, Sanchez, Steck and Velasquez—9.

Nays—Messrs. Hinsdale and Stearns—2.

Absent—Mr. Belden.

Excused—Mr. Webster.

Title agreed to.

On motion, the House amendments to Council amendments to H. B. No. 18, were concurred in.

Mr. Stearns presented the following:

*Mr. President:* Your committee on Enrolled and Engrossed Bills, beg leave to report that they have examined the engrossment of H. B. No. 44, a bill to establish the judicial districts within the Territory, and to provide for holding courts therein, and find the same correctly engrossed.

E. N. STEARNS, *Chairman.*

Report received.

Mr. Belden presented the following :

*Mr. President:* Your joint committee on Enrollment have had under consideration H. B. No. 65, a bill for An act to dissolve the bonds of matrimony heretofore existing between John H. Craig and Susan Craig, of Fremont county; Council substitute to H. J. M. No. 4, relative to additional appropriation for the purpose of building a penitentiary in Colorado Territory; H. J. M. No. 6, a joint memorial to the Congress of the United States relative to a subsidy of lands for railroad purposes; H. B. No. 32, a bill for An act relating to railroads, wagon roads, mining companies, subscription to stock, issue of bonds, taxes to pay interest and principal by counties, cities and towns, and for other purposes, and have found the said bills correctly enrolled, and the same were placed in the hands of the Governor at 12 o'clock m., and await his approval.

D. D. BELDEN, *Chairman.*

Report received.

H. B. No. 44, a bill to establish the judicial districts within this Territory and to provide for the holding of courts therein, was read third time, and passed unanimously.

Title agreed to.

On motion, adjourned.

#### AFTERNOON SESSION.

Council met at 2 o'clock.

President in the chair.

Roll called.

Absent—Messrs. Loveland and Nesmith.

Mr. Belden presented the following :

*Mr. President:* Your joint committee on Enrollment beg leave to report that they have examined C. B. No. 23, a bill for An act concerning the incorporation of Masonic and Odd Fellows' societies; also, C. B. No. 35, An act concerning county bonds; also, C. B. No. 11, An act to authorize the county commissioners of the counties of Lake, Boulder, Larimer and Weld, to appropriate to the construction of roads and bridges, the military funds raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 1st, 1865, and find the same correctly enrolled; and further, that they have, at 2 o'clock p. m. of this 10th day of January, 1868, presented the same to the Governor, and the same are now in his hands, and await his signature.

D. D. BELDEN, *Chairman.*

Report received.

Messrs. Loveland and Nesmith appeared and took their seats.

Mr. Steck asked leave to introduce a bill.

Objected to.

Mr. Butler offered the following:

*Resolved*, That it is the sense of this Council that Geo. A. Hinsdale, Councilman from the eighth Council District, is entitled to compensation from the Territorial treasury, as Councilman, from the beginning of the present session up to the present time, and that the Secretary be instructed to certify accordingly.

Mr. Loveland moved the adoption of the resolution.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Cook, Hughes, Loveland, Nesmith, Sanchez, Stearns, Steck and Velasquez—10.

Nays—Mr. Pinkerton.

Not voting—Mr. Hinsdale.

Excused—Mr. President.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 10th, 1868.

*Hon. W. W. Webster, President of the Council:*

SIR: I have this day approved and signed the following bills, certified to have originated in the Council:

An act to create and establish a board of registry of electors.

An act to extend the corporate limits of the city of Denver.

An act to repeal an act entitled an act to amend an act entitled an act to prevent the introduction of animals for the purpose of grazing within certain limits.

An act to amend an act entitled an act to preserve game in the Territory of Colorado.

An act amendatory of an act relating to counties and county officers.

An act to amend an act entitled an act concerning practice in civil cases.

Joint memorial to the Congress of the United States in relation to the Las Animas Grant.

An act in regard to improvement upon public land donated to public uses.

Very respectfully, your ob't serv't,

FRANK HALL,

*Acting Governor.*

On motion, the Council resolved itself into committee of the Whole.

Mr. Pinkerton in the chair.

After some time spent therein, the President resumed the chair for the purpose of receiving the following

Message from the House:

HOUSE OF REPRESENTATIVES, January 10th, 1868.

*To the Honorable, the President of the Council:*

SIR: I have the honor to inform the Council that the House has passed C. B. No. 25, An act to authorize the collection of moneys due from the United States under the joint resolution of Congress, approved July 28th, 1866, and have amended the same by striking out the word "first," wherever it occurs in connection with the words "national bank," in said bill, and inserting in lieu thereof the word "Colorado."

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

The message having been received, the committee resumed its sitting.

After some time spent therein, the President resumed the chair for the purpose of receiving the following

Message from the Governor:

EXECUTIVE DEPARTMENT,  
Denver, C. T., January 10th, 1868.

*Hon. W. W. Webster, President of the Council:*

SIR: I have this day approved and signed the following acts, certified to have originated in the Council:

An act canceling county bonds.

An act authorizing the county commissioners of the counties of Lake, Boulder, Larimer and Weld to appropriate to the construction of roads and bridges the military fund raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865.

An act concerning the incorporation of Masonic and Odd Fellows' societies.

Very respectfully, your ob't serv't,

FRANK HALL,  
*Acting Governor.*

The message having been received, the committee resumed its sitting.

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

*Mr. President:* Your committee of the Whole have had under consideration H. B. No. 84, and report it back with the following amendments:

Insert the words "being the head of a family," after the word "Territory," in line twenty of section 1. Also, strike out the words "three thousand," wherever they occur, and insert instead thereof the words "two thousand"; and with these amendments recommend that the bill do pass.

JAS. H. PINKERTON, *Chairman.*

Report received.

Mr. Butler submitted the following:

*Mr. President:* Your committee on Indian Affairs, to whom was referred H. B. No. 86, An act to provide for the payment of the officers and men mustered into the militia service under the proclamation of Governor A. C. Hunt, would respectfully report the bill herewith enclosed as a substitute to said bill, and would recommend that the substitute be passed without amendment.

Respectfully,

HUGH BUTLER,  
AMOS STECK,  
JESUS M. VELASQUEZ.

Report received.

On motion, the amendments reported by the committee of the Whole on H. B. No. 84, were adopted, and ordered engrossed.

Mr. Steck moved that the Council do not concur in House amendments to C. B. No. 25.

Ayes and nays called, and the motion carried unanimously.

Mr. Butler moved that the House be asked to recede from said amendments.

Carried.

Message from the House:

HOUSE OF REPRESENTATIVES, January 10th, 1868.

*To the Honorable, the President of the Council:*

SIR: I am directed to inform the Council that the House has passed the following Bills:

H. B. No. 43, An act concerning reports of Territorial officers.

H. B. No. 62, An act to prevent malicious prosecutions before grand juries.

H. B. No. 89, An act to incorporate the Fountain College;

and C. B. No. 34, An act providing for the re-location of the county seat of Clear Creek County.

The same are herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Butler moved that Council substitute to H. B. No. 86 be adopted.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Cook, Hughes, Nesmith, Sanchez, Stearns, Steck, Velasquez and Mr. President—10.

Nay—Mr. Pinkerton—1.

Absent—Messrs. Hinsdale and Loveland.

So the substitute was adopted.

On motion, the rules were suspended, and Council substitute to H. B. No. 86, An act to provide for the relief of Francis Gallup and Andrew J. Williams, was read third time, and passed by the following vote:

Ayes—Messrs. Belden, Butler, Cook, Hinsdale, Hughes, Nesmith, Sanchez, Stearns, Steck, Velasquez and Mr. President—11.

Nay—Mr. Pinkerton.

Absent—Mr. Loveland.

Title agreed to.

On motion, the rules were suspended, and H. B. No. 84, An act to provide homesteads in Colorado, was read third time as amended, and passed by the following vote:

Ayes—Messrs. Butler, Hinsdale, Hughes, Nesmith, Pinkerton, Steck, Velasquez and Mr. President—8.

Nays—Messrs. Cook and Sanchez—2.

Absent—Messrs. Belden, Loveland and Stearns.

Title agreed to.

Message from the House:

HOUSE OF REPRESENTATIVES, January 10th, 1868.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform the Council that the House has refused to recede from its amendments to C. B. No. 25, and insists on the Council concurring in the same.

Herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Butler moved that the House be requested to return to the Council H. B. No. 15, a bill for the appointment of a com-

missioner to receive and disburse any money due the Territory of Colorado from the government of the United States for military services.

Carried.

On motion, adjourned until 7 o'clock this evening.

EVENING SESSION.

Council met at 7 o'clock.

President in the chair.

Roll called.

Absent—none.

Message from the House:

HOUSE OF REPRESENTATIVES, January 10th, 1868.

*To the Honorable, the President of the Council:*

SIR: I have the honor to inform the Council that the House has passed H. B. No. 72, An act relating to appropriation for the fiscal years ending December 31st, 1868, and the 31st day of December, 1869.

The same is herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Stearns presented the following:

*Mr. President:* Your committee on Enrolled and Engrossed Bills beg leave to report C. B. No. 34, An act providing for the re-location of the county seat of Clear Creek County, Colorado Territory, correctly enrolled.

E. N. STEARNS, *Chairman.*

Mr. Hughes presented the following:

*Mr. President:* Your committee on Printing beg leave to report the following accounts:

Transcript office, for printing in pamphlet form the Agricultural report, five hundred and eighty-five dollars (\$585).

News office, as per account rendered, and herewith transmitted, two hundred and forty-eight dollars and ninety-four cents (\$248.94).

Tribune office, for printing the Governor's message in the Spanish language, three hundred dollars (\$300).

Mrs. DeSoto, for translating the Governor's message into the Spanish language, one hundred dollars (\$100).

D. Montoga, for translating the rules and joint rules into the Spanish language, thirty dollars (\$30).

The accounts are herewith respectfully transmitted for the consideration of the Council.

J. C. HUGHES,  
JESUS M. VELASQUEZ,  
W. A. H. LOVELAND.

Report received.

Mr. Nesmith presented the following :

*Mr. President:* Your committee on H. B. No. 31, report the same back without recommendation.

W. A. H. LOVELAND,  
J. W. NESMITH,  
J. H. PINKERTON.

Report received.

On motion, the Council resolved itself into executive session.

Executive session was dissolved.

Message from the House.

HOUSE OF REPRESENTATIVES, January 10th, 1868.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House, in accordance with your request, to return H. B. No. 15, a bill for the appointment of a commissioner to receive and disburse any money due the Territory of Colorado from the government of the United States for military services.

The same is herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

On motion, the rules were suspended, and H. B. No. 31, An act relative to apportionment into representative districts, was read third time, and the ayes and nays being called, there were:

Ayes—Messrs. Nesmith, Pinkerton, Steck and Mr. President—4.

Nays—Messrs. Belden, Butler, Cook, Hinsdale, Loveland, Sanchez, Stearns and Velasquez—8.

Not voting—Mr. Hughes.

So the bill did not pass.

Mr. Hinsdale moved to reconsider the vote by which said bill was lost, and to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Belden, Butler, Hinsdale, Hughes, Loveland, Sanchez, Stearns and Velasquez—8.

Nays—Messrs. Cook, Nesmith, Pinkerton, Steck and Mr. President—5.

Carried.

H. B. No. 43, An act concerning reports of Territorial officers; and H. B. No. 62, An act to prevent malicious prosecution before grand juries; and H. B. No. 72, An act relating to appropriations for the fiscal years ending December 31st, 1868, and the 31st of December 1869; and H. B. No. 89, An act to incorporate the Fountain College, were read first time.

On motion, the rules were suspended, and H. B. No. 72, and H. B. No. 79, were read second time, and referred to the committee of the Whole.

Mr. Pinkerton moved that the Council resolve itself into committee of the Whole.

Lost.

Mr. Steck moved that the Council insist on its disagreement to House amendment to C. B. No. 25.

Ayes and nays demanded.

Ayes—Messrs. Butler, Cook, Hinsdale, Hughes, Nesmith, Pinkerton, Sanchez, Stearns, Steck, Velasquez and Mr. President—11.

Nay—Mr. Belden.

Absent—Mr. Loveland.

Carried.

Message from the House:

HOUSE OF REPRESENTATIVES, January 10th, 1868.

*To the Honorable, the President of the Council:*

SIR: I am directed to inform the Council that the House has passed Council substitute for H. B. No. 86, An act to provide for the relief of Francis Gallup and Andrew J. Williams; also, H. B. No. 79, a bill for An act prescribing the fees of the clerk of the supreme court.

The same are herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

On motion, the rules were suspended, for the purpose of considering any bills on general file.

H. B. No. 72 was taken up and amended as follows: By inserting between the fourteenth and fifteenth lines of section 1, "for the purpose of paying the salaries of the district attorneys, four thousand eight hundred dollars"; and striking out the words "three thousand," in the seventh item, and insert the

words "fourteen hundred and sixty and 72-100," instead thereof. Strike out the words "two thousand," in the appropriation for printing, and insert "fifteen hundred" instead thereof. Strike out the appropriation for translating the rules and joint rules into Spanish; and add to end of section 1: "For the purpose of paying for translating the Governor's message into the Spanish language, one hundred dollars."

Message from the House.

HOUSE OF REPRESENTATIVES, January 10th, 1868.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform the Council that they have passed C. B. No. 20, An act amendatory of an act entitled an act to amend an act entitled an act to enable road, ditch, manufacturing and other companies to become bodies corporate; C. B. No. 38, An act concerning criminal jurisprudence.

The same are herewith transmitted.

Respectfully,

C. J. McDIVITT;  
*Clerk of the House.*

Mr. Stearns presented the following:

*Mr. President:* The committee on Enrolled and Engrossed Bills beg leave to report that they have examined H. B. No. 86, and find the same correctly enrolled.

E. N. STEARNS, *Chairman.*

Mr. Butler moved a call of the house.

Absent—Messrs. Belden, Cook, Loveland and Nesmith.

On motion, Mr. Belden was excused.

Sergeant-at-Arms dispatched after absentees.

Messrs. Cook and Nesmith appeared and took their seats.

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

On motion, the rules were suspended, and H. B. No. 72, An act relating to appropriations for the fiscal years ending December 31st, 1868, and the 31st day of December, 1869, was read third time, and passed unanimously.

Absent—Messrs. Belden, Loveland and Stearns—3.

Title agreed to.

Mr. Hughes presented the following:

*Resolved,* That the Transcript office is hereby instructed to furnish to the Denver Board of Trade one thousand copies of the agricultural report, for distribution throughout the eastern States, and the remaining one thousand copies be equally dis-

tributed to the members of the Council and House of Representatives, or as the members may agree, for distribution.

On motion, the resolution was adopted.

On motion of Mr. Butler, the vote by which H. B. No. 15, a bill for the appointment of a commissioner to receive and disburse any money due the Territory of Colorado from the government of the United States for military services, was lost, was reconsidered, and the ayes and nays being called, there were:

Ayes—Messrs. Butler, Cook, Hinsdale, Hughes, Nesmith, Pinkerton, Sanchez, Stearns, Steck, Velasquez and Mr. President—11.

Nay—Mr. Loveland—1.

Absent—Mr. Belden—1.

So the bill passed.

Title agreed to.

Mr. Nesmith moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

Carried.

On motion, the rules were suspended, and H. B. No. 43 and H. B. No. 89 were read second time, and referred to the committee of the Whole.

Message from the House:

HOUSE OF REPRESENTATIVES, January 10th, 1868.

*To the Honorable, the President of the Council:*

SIR: I am instructed to inform the Council that the House has passed the following:

H. J. M. No. 9, a joint memorial for an appropriation for the erection of capital buildings in Colorado Territory.

H. J. M. No. 10, joint memorial relative to the arid lands in Colorado Territory.

C. B. No. 24, a bill for An act to provide for the better collection of road tax in certain counties.

H. B. No. 78, An act to provide for the salary of the Territorial Auditor, and the contingent expenses of his office.

C. B. No. 40, An act relating to plotting of the public square of Golden City.

C. B. No. 30, An act to amend an act entitled an act to amend an act entitled an act providing for the collection of revenue.

C. B. No. 39, An act to further provide for the publication of the revised statutes; and C. B. No. 33, a bill for An act fixing the time of meeting of the Territorial Legislature of Colorado.

The same are herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Belden presented the following :

*Mr. President:* Your joint committee on Enrolled Bills have examined and compared the following bills, to wit :

H. B. No. 83, An act to provide for the publishing of the common school law ; H. B. No. 71, a bill for An act to authorize the county commissioners of certain counties to appropriate the military fund to building bridges ; H. B. No. 75, An act entitled an act to compel keepers of auction stands to keep a record of their proceedings ; H. B. No. 54, An act entitled an act to require butchers and slaughterers to give bonds ; H. B. No. 8, a memorial to the Congress of the United States relative to the coining of silver in the branch mint at Denver ; H. B. No. 24, An act repealing a certain act relating to elections, and providing for the time for holding the general elections ; H. B. No. 76, a bill for An act to dissolve the bonds of matrimony heretofore existing between Geo. W. Purkins and Mary A. Purkins ; H. B. No. 77, a bill for An act in regard to the collection of school tax ; H. B. No. 18, a bill for An act providing for the publication of the laws in the Spanish language ; H. B. No. 21, a bill for An act to establish a Territorial assay office ; and H. B. No. 60, An act concerning justices of the peace and constables ; H. B. No. 82, a bill for An act concerning the incorporation of the North American Turner Union ; H. B. No. 38, An act entitled an act to encourage the destruction of wolves ; H. B. No. 27, An act to amend an act entitled an act concerning criminal jurisprudence ; H. B. No. 57, An act for the relief of Adeline McFarland ; H. B. No. 49, An act disposing of unclaimed witness fees ; and find the same correctly enrolled, and have placed the same in the hands of the Governor, and the same await his signature.

D. D. BELDEN, *Chairman.*

Report received.

On motion, the House amendments to C. B. No. 24 and C. B. No. 33 were concurred in.

On motion, the rules were suspended, and H. B. No. 78, An act to provide for the salary of the Territorial Auditor, and the contingent expenses of his office, H. J. M. No. 9, joint memorial for an appropriation for the erection of capitol buildings, and H. J. M. No. 10, relative to the arid lands in Colorado Territory, were read first time.

Message from the House :

HOUSE OF REPRESENTATIVES, January 10th, 1868.

To the Honorable, the President of the Council:

SIR: I am instructed by the House to inform the Council

that the House has passed the following: H. B. No. 80, a bill for An act to establish a bureau of emigration.

Also, has concurred in Council amendments to H. B. No. 72 An act relating to the appropriations for the fiscal years ending December 31st, 1868, and the 31st day of December, 1869.

And has passed C. J. M. No. 2, a memorial to Congress asking an appropriation for capitol buildings.

The same are herewith transmitted.

Also, that the House has appointed Messrs. Stone, Haswell and Huddleston a committee of conference relative to adjournment, and respectfully ask the appointment of a like committee by your honorable body.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Stearns presented the following:

*Mr. President:* Your committee on Enrolled and Engrossed Bills beg leave to report that they have examined C. B. No. 38, An act concerning criminal jurisprudence; Also, C. B. No. 33, An act fixing the time of meeting of the Territorial Legislature, and find the same correctly enrolled.

E. N. STEARNS, *Chairman.*

Report received.

On motion, a committee of two were appointed to confer with a like committee on part of the House, relative to adjournment.

Messrs. Nesmith and Cook were appointed said committee.

On motion of Mr. Steck, H. J. M. No. 9 was laid on the table.

Message from the House:

HOUSE OF REPRESENTATIVES, January 10th, 1868.

*To the Honorable, the President of the Council:*

SIR: I am directed by the House to inform the Council that the House has passed H. B. No. 88, a bill for An act to provide for the payment of the Assistant Enrolling and Assistant Engrossing Clerks employed by the House of Representatives at their seventh session.

The same are herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

Mr. Butler presented the following amendments to H. B. No. 79: Strike out "five" in fifth line, and insert "one" instead.

Strike out "five" in line fourteen of second page, and insert "two" instead; and in line seventeen strike out "five" and insert "three."

Strike out in line twenty-six "ten," and insert "five" instead.

On motion, the amendments were adopted and ordered engrossed.

On motion, the rules were suspended and H. B. No. 79, a bill prescribing the fees of the clerk of the supreme court, was read third time as amended, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hinsdale, Hughes, Loveland, Nesmith, Pinkerton, Sanchez, Stearns, Velasquez and Mr. President—11.

Nay—Mr. Steck—1.

Absent—Mr. Belden.

Title agreed to.

On motion of Mr. Hinsdale, the Page was excused from further attendance at this session.

Mr. Stearns offered the following:

*Mr. President:* Your committee on Enrolled Bills beg leave to report C. B. No. 20, An act amendatory of an act entitled an act to amend an act to enable road, ditch, manufacturing, and other companies, to become bodies corporate; also, C. B. No. 30, An act to amend an act entitled an act to amend an act entitled an act providing for the collection of the revenue; also, C. B. No. 40, An act relating to platting the public square of Golden City, and find the same correctly enrolled.

E. N. STEARNS, *Chairman.*

Report received.

On motion, the rules were suspended, and H. B. No. 80, An act to establish a bureau of emigration, and H. B. No. 88, An act to provide for the payment of the Assistant Enrolling and Assistant Engrossing Clerks employed by the House of Representatives at their seventh session, were read first time.

Mr. Stearns presented the following:

*Mr. President:* Your committee on Engrossed and Enrolled Bills beg leave to report that they have examined the enrollment of Council substitute to H. B. No. 86, An act for the relief of Francis Gallup and Andrew J. Williams, and find the same correctly enrolled.

E. N. STEARNS, *Chairman.*

Report received.

On motion, the rules were suspended, and H. B. No. 88 was read second time.

Leave being granted, Mr. Butler introduced C. B. No. 41, An act concerning Territorial revenue.

Mr. Stearns presented the following:

*Mr. President:* Your committee on Engrossed and Enrolled Bills beg leave to report that they have examined C. J. M. No. 2, a memorial to Congress asking for appropriations for capitol building; also, C. B. No. 24, An act to provide for the better collection of road tax in certain counties, and find the same correctly enrolled.

E. N. STEARNS, *Chairman.*

Report received.

On motion, the rules were suspended, and C. B. No. 41, An act concerning Territorial revenue, was read first, second, and third times, and passed unanimously.

Absent—Messrs. Belden, Cook and Steck.

Title agreed to.

On motion, the rules were suspended, and H. B. No. 78, An act to provide for the salary of the Territorial Auditor and the contingent expenses of his office, was read second and third time, and passed unanimously.

Absent—Mr. Belden.

Title agreed to.

Mr. Stearns presented the following:

*Mr. President:* Your committee on Engrossed and Enrolled Bills beg leave to report that they have examined the enrollment of C. B. No. 39, An act to further provide for the publication of the revised statutes, and find the same correctly enrolled.

E. N. STEARNS, *Chairman.*

Report received.

Mr. Loveland offered several amendments to H. B. No. 88, a bill for An act to provide for payment of the assistant Enrolling and Engrossing clerks employed by the House of Representatives at their seventh session, and on motion, were adopted and considered engrossed, and the bill read third time and passed unanimously, and title amended by addition of the words "Council or" between the words "the" and "House."

On motion, the rules were suspended, and H. J. M. No. 10, relative to the arid lands in Colorado Territory, was read second and third times and passed unanimously.

Absent—Mr. Belden.

Title agreed to.

On motion, the rules were suspended, and H. B. No. 43, An

act concerning reports of Territorial officers, was read third time and passed unanimously.

Title agreed to.

On motion, the Council resolved itself into executive session. The executive session being dissolved, the following Message from the House was read:

HOUSE OF REPRESENTATIVES, January 10th, 1868.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform the Council that the House has passed the following bills, the objections of the Governor to the contrary notwithstanding:

H. B. No. 76, An act to dissolve the bonds of matrimony heretofore existing between George W. Purkins and Mary A. Purkins.

H. B. No. 67, An act to dissolve the bonds of matrimony heretofore existing between William O. Veers and Sarah Francis Veers.

H. B. No. 65, An act to dissolve the bonds of matrimony heretofore existing between John H. Craig and Susan Craig of Fremont county.

Also, H. B. No. 48, An act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen.

Also, has passed C. B. No. 41, An act concerning Territorial revenue; and has concurred in Council amendments to H. B. No. 88, and has refused to concur in Council amendments to H. B. No. 79, An act prescribing the fees of the clerk of the supreme court, and respectfully ask your Honorable Body to recede from said amendments.

The same are herewith transmitted.

Respectfully,

C. J. McDIVITT,  
*Clerk of the House.*

H. B. No. 76, And act to dissolve the bonds of matrimony heretofore existing between George W. Purkins and Mary A. Purkins, was passed over the veto of the Governor by the following vote.

Ayes—Messrs. Cook, Hinsdale, Hughes, Loveland, Pinkerton, Sanchez, Stearns and Mr. President—8.

Nays—Messrs. Steck and Velasquez—2.

Absent—Messrs. Belden and Nesmith.

Excused—Mr. Butler.

H. B. No. 67, An act to dissolve the bonds of matrimony heretofore existing between William O. Veers and Sarah

Francis Veers, was passed over the veto of the Governor by the following vote :

Ayes—Messrs. Hinsdale, Hughes, Loveland, Pinkerton, Sanchez, Stearns and Mr. President.—7.

Nays—Messrs. Nesmith, Steck and Velasquez—3.

Absent—Messrs. Belden, Butler and Cook—3.

H. B. No. 65, An act to dissolve the bonds of matrimony heretofore existing between John H. Craig and Susan Craig, of Fremont county, was passed over the veto of the Governor by the following vote :

Ayes—Messrs. Hinsdale, Hughes, Loveland, Pinkerton, Sanchez, Stearns and Mr. President—7.

Nays—Messrs. Nesmith, Steck and Velasquez—3.

Absent—Messrs. Belden, Butler and Cook.

H. B. No. 48, An act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen, was passed over the veto of the Governor by the following vote :

Ayes—Messrs. Hinsdale, Hughes, Loveland, Pinkerton, Sanchez, Stearns and Mr. President—7.

Nays—Messrs. Nesmith, Steck and Velasquez—3.

Absent—Messrs. Belden, Butler and Cook.

Mr. Loveland moved that the Council recede from its amendments to H. B. No. 79.

Ayes and nays demanded.

Ayes—Messrs. Belden, Hinsdale, Loveland, Nesmith, Sanchez, Stearns, Velasquez and Mr. President—8.

Nays—Messrs. Cook, Hughes, Pinkerton, and Steck—4.

Excused—Mr. Butler.

Mr. Steck moved that the rules be suspended, and H. B. No. 80 be taken up for consideration.

Ayes and nays demanded.

Ayes—Messrs. Butler, Cook, Hughes, Nesmith, Steck and Mr. President—6.

Nays—Messrs. Belden, Hinsdale, Loveland, Pinkerton, Sanchez, Stearns and Velasquez—7.

Lost.

On motion, the Council took a recess, to be called to order at the discretion of the President.

Council called to order.

A committee from the House appeared on the floor, and stated that the House was ready to adjourn.

Mr. Belden submitted the following :

*Mr. President:* Your joint committee on Enrollment beg leave to report that they have had under consideration and have examined and compared C. B. No. 34, An act providing

for the re-location of the county seat of Clear Creek county, Colorado.

Also, Council substitute for H. B. No. 86, An act to provide for the relief of Francis Gallup and Andrew J. Williams.

Also, C. B. No. 35, An act concerning criminal jurisprudence.

Also, C. B. No. 33, a bill for An act fixing the time of meeting of the Territorial Legislature of Colorado Territory.

Also, C. B. No. 40, An act relating to the platting of the public square of Golden City.

Also, C. B. No. 20, An act amendatory of an act entitled an act to amend an act entitled an act to enable road, ditch, manufacturing, and other companies, to become bodies corporate.

Also, C. B. No. 30, An act to amend an act entitled an act to amend an act entitled an act providing for the collection of revenue.

Also, C. B. No. 39, An act to further provide for the publication of the revised statutes.

Also, C. B. No. 24, An act to provide for the better collection of road tax in certain counties.

Also, C. J. M. No. 2, a memorial to Congress asking for appropriation for capitol buildings, and find each of said bills to be correctly enrolled, and they have this 10th day of January, A. D. 1868, presented the same to the Governor, and the same are now in his hands and await his signature.

D. D. BELDEN, *Chairman.*

Message from the Governor :

EXECUTIVE DEPARTMENT,  
Denver, C. T., January 10th, 1868.

*Hon. W. W. Webster, President of the Council:*

SIR: I have approved and signed the following acts, certified to have originated in the Council:

An act providing for the re-location of the county seat of Clear Creek county Colorado.

An act to provide for the relief of Francis Gallup and Andrew J. Williams.

An act concerning criminal jurisprudence.

An act fixing the time of meeting of the Legislature of Colorado Territory.

An act relating to the platting of the public square of Golden City.

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

An act to further provide for the publication of the revised statutes.

A memorial to Congress asking for appropriation for capitol buildings.

An act to provide for the better collection of road tax.

Very respectfully, your ob't serv't,

FRANK HALL,  
*Acting Governor.*

Mr. Belden presented the following:

*Mr. President:* Your joint committee on Enrolled Bills have examined H. B's No. 66, 82, 42, and H. B. No. 15, a bill for the appointment of a commissioner to receive and disburse any money due the Territory of Colorado from the government of the United States for military services; H. B. No. 44, a bill to establish the judicial districts within the Territory, and to provide for the holding of courts therein; H. B. No. 72, An act relating to appropriations for the fiscal years ending December 31st, 1868, and the 31st of December 1869; H. B. No. 78, An act to provide for the salary of the Territorial auditor, and contingent expenses of his office; H. B. No. 88, and H. J. M. No. 10, and find the same correctly enrolled, and have placed the same in the hands of the Governor for his signature.

D. D. BELDEN, *Chairman.*

Report received.

Mr. Stearns presented the following:

*Mr. President:* Your committee on Enrolled and Engrossed Bills beg leave to report C. B. No. 41, a bill for An act concerning Territorial revenue, correctly enrolled.

E. N. STEARNS, *Chairman.*

Report received.

Mr. Belden presented the following:

*Mr. President:* Your joint committee on Enrolled Bills have had under consideration and have examined C. B. No. 41, a bill for An act concerning Territorial revenue, and find the same correctly enrolled, and have this 10th day of January 1868, presented the same to the Governor, and the same is now in his hand and awaits his signature to become a law.

D. D. BELDEN, *Chairman.*

Report received.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 10th, 1868.

*Hon. W. W. Webster, President of the Council:*

SIR: I have approved and signed the following act, certified to have originated in the Council:

An act concerning Territorial revenue.

Very respectfully, your ob't serv't,

FRANK HALL,  
*Acting Governor.*

Mr. Stearns presented the following:

*Mr. President:* Your committee on Enrolled and Engrossed Bills beg leave to report that Geo. F. Wanlass is entitled to seven (7) days pay, at ten (10) dollars per day, for services rendered as Assistant Enrolling Clerk.

E. N. STEARNS,  
HUGH BUTLER,  
*Committee.*

Report received.

On motion, Messrs. Loveland and Hughes were appointed a committee on part of the Council to wait upon the Governor and ascertain if he had any further communications to make to the Legislative Assembly.

The journal was then read and approved.

Mr. Loveland, for the committee appointed to wait upon the Governor and see if he had any further communications to make to the Legislative Assembly, reported that the Governor had no further communications to make.

A committee from the House appeared on the floor and informed the Council that the House was ready to adjourn *sine die*.

On motion, the Council adjourned *sine die*.

ED. C. PARMELEE,  
*Secretary of the Council.*

*10, 20, 11. 4 years*

# COUNCIL JOURNAL

OF THE

# LEGISLATIVE ASSEMBLY

OF THE

# TERRITORY OF COLORADO.

---

EIGHTH SESSION.

CONVENED AT DENVER, JANUARY 3<sup>d</sup>, 1870.

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1870.

1870

THE UNIVERSITY OF CHICAGO

ADMISSIONS

1870

TO THE UNIVERSITY OF CHICAGO

1870

THE UNIVERSITY OF CHICAGO

# COUNCIL JOURNAL

OF THE

## LEGISLATIVE ASSEMBLY OF COLORADO.

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EIGHTH SESSION.

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MONDAY, JANUARY 3D, 1870.

At the Eighth Session of the Legislative Assembly of the Territory of Colorado, the Council met at Denver, the seat of government of said Territory, the third day of January, A. D. 1870, at two o'clock, p. m., pursuant to law.

Council called to order by Ed. C. Parmelee, Secretary of the Council of the Seventh Session.

Roll called. Quorum present.

Hon. Frank Hall, Secretary of the Territory, presented and read the following:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }  
Denver, Jan'y 1st, 1870. }

HON. FRANK HALL, Secretary of State:

*Sir:* I herewith transmit to you the Certificates of Election of the members of the Territorial Council and House of Representatives, made out by me in conformity to the Certificate of the Territorial Board of Canvassers. I have not transmitted any Certificate for Councilman of the 3d Council District, because from the report of the Board of Canvassers I am unable to determine to whom the Certificate of Election properly

belongs; consequently I will transmit such papers in the case as are now in my possession, to the President of the Council, so soon as that body organizes, believing that both parties claiming the seat would prefer that their respective claims should be originally adjudicated by the body to which both claim to have been elected.

I have the honor to be your very obedient servant,

EDWARD M. McCOOK.

On motion of Mr. Loveland, Mr. Butler was elected President pro tem.

On motion of Mr. Steck, Ed. C. Parmelee was elected Secretary pro tem.

On motion of Mr. Loveland, Messrs. Hughes, Loveland and Webster were elected a committee on Credentials.

On motion of Mr. Hinsdale, the Council took a recess of fifteen minutes.

Council called to order by the President pro tem.

Mr. Hughes presented the following report, accompanied with a certificate of the County Clerk of Gilpin County, as to the election of Mr. Silas B. Hahn as Councilman of the 3d District.

The undersigned, a majority of the committee elected by the Council to report on the credentials of newly elected members of the Council for the present session, would respectfully report that they have examined the credentials presented, and they find that Mr. Jessie M. Sherwood has been elected Councilman for the 1st Council District, to fill the vacancy occasioned by the resignation of I. H. Pinkerton; and that Silas B. Hahn has been elected Councilman from the 3d District, to fill the vacancy occasioned by the resignation of D. D. Belden. Your committee would therefore recommend that Jessie M. Sherwood and Silas B. Hahn be duly sworn in as members of this body. Respectfully submitted.

J. C. HUGHES,

W. A. H. LOVELAND.

On motion of Mr. Webster, the Council took a recess of five minutes.

Council called to order by the President pro tem.

Mr. Webster presented the following report:

The undersigned, elected as one of the committee of three

to report upon the credentials of persons claiming seats in this Council, respectfully report, that there is no competent evidence to show that either of the claimants, Mr. Hahn or Mr. Roworth, are entitled to a seat as Councilman from the 3d District, the certificate of Mr. Martin, representing himself as Clerk of the County of Gilpin, not having been made evidence by any rule of law known to your committee. The Governor in his communication represents that from the report of the Territorial canvassers, he cannot determine the question of the election of Councilman for the 3d District. The report of the Territorial canvassers not having been laid before your committee, so as to act understandingly, your committee recommend that the Council send for the report of the Territorial Board of Canvassers, in order to determine the question with all the evidence necessary to a proper decision. Your committee therefore report the following resolution:

That the Governor be requested to lay before the Council so much of the report of the Territorial Board of Canvassers, as relates to the election of Councilman for the 3d District, held at the last general election.

All which is respectfully submitted.

W. W. WEBSTER.

Mr. Hinsdale moved, that the report of a majority of the committee on Credentials be received and adopted.

Ayes and nays demanded.

Ayes,—Messrs. Butler, Hinsdale, Hughes, Loveland, Sanchez, Stearns, Velasquez,—7.

Nays,—Messrs. Cook, Nesmith, Steck, and Webster,—4.

Motion carried.

Mr. Loveland moved that Jesse M. Sherwood be now sworn in as Councilman of the 1st District, and Silas B. Hahn as Councilman of the 3d District.

Motion carried.

Secretary Hall appeared and administered the oath to Messrs. Hahn and Sherwood, who thereupon took their seats.

Mr. Loveland moved to proceed to the election of permanent President.

Mr. Steck moved to adjourn until to-morrow at ten, a. m.

Motion lost.

Mr. Loveland's motion concurred in.

President pro tem. appointed Messrs. Stearns and Webster as tellers.

The Council then proceeded to ballot for President, and with the following result:

Mr. Hinsdale received 8 votes, Mr. Velasquez 4 votes, Mr. Hughes 1 vote.

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

Secretary Hall entered and administered the oath of office to the President.

The President announced the first business in order to be the election of a Secretary.

The President appointed Messrs. Stearns and Webster as tellers.

The Council proceeded to ballot for Secretary, with the following result:

A. O. Patterson received 9 votes, Ed. C. Parmelee 4 votes.

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

Mr. Butler nominated James Mills as Assistant Secretary.

Mr. Nesmith moved that the election be by acclamation.

Motion carried, and Mr. Mills was declared duly elected.

The Council proceeded to ballot for Engrossing Clerk.

J. E. Cobb received 7 votes, J. B. Cass 4 votes, Wm. H. M. 1 vote, Mr. Hayman 1 vote.

Mr. Hughes moved that Mr. Cobb be elected by acclamation. Ayes and nays demanded.

Ayes,—Messrs. Butler, Hahn, Hughes, Loveland, Sanchez, Sherwood, Stearns, Velasquez, and Mr. President,—9 votes.

Nays,—Messrs. Cook, Nesmith, Steck, and Webster,—4.

Motion carried, and Mr. Cobb declared duly elected.

The Council then proceeded to the election of Enrolling Clerk.

Mr. Henry Bell received 9 votes, Geo. T. Clark 4 votes.

Mr. Bell was declared duly elected.

Mr. Loveland moved that Mr. Cannello Ducheneau be declared elected Interpreter.

Ayes and nays demanded.

Ayes, Messrs. Butler, Hahn, Hughes, Loveland, Sanchez, Sherwood, Stearns, Velasquez, and Mr. President,—9 votes.

Nays, Messrs. Cook, Nesmith, Steck and Webster,—4 votes.

Motion carried and Mr. Ducheneau declared elected Interpreter.

The Council then proceeded to elect a Fireman.

E. Montoya had 8 votes, Thomas Smith 1, F. Blodgett 4.

Mr. Montoya was declared elected.

Council proceeded to elect a Page.

Eddie Boyd had 1 vote, Charles Cuttler 1, W. J. Davidson 8.

W. J. Davidson was declared elected.

Mr. Webster moved that a committee of three be appointed on rules.

Motion declared out of order.

Mr. Butler moved that the first ballot for Sergeant-at-Arms be informal. Carried.

E. T. Stone received 6 votes, I. L. Boutwell 1, Z. Surles 1, G. T. Clark 4.

Formal ballot for Sergeant-at-Arms.

E. T. Stone received 9 votes, Geo. T. Clark 4.

Mr. Stone was declared duly elected.

Mr. Butler moved that the officers elect who are present be now sworn in. Carried.

The President then administered the oath of office to the Secretary, Engrossing and Enrolling Clerks, Interpreter, Sergeant-at-Arms and Fireman.

On motion of Mr. Butler the thanks of the Council were tendered to Mr. Parmelee as Clerk, and Mr. Surles as Sergeant-at-Arms, for their services in assisting to organize the Council.

On motion of Mr. Loveland the Council adjourned until tomorrow morning at 10 o'clock.

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TUESDAY, JANUARY 4TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called. Absent Mr. Butler. Quorum present.

Journal read and approved

Mr. Steck moved to proceed to the election of a Chaplain. Carried.

The Council then proceeded to ballot for Chaplain, with the following result:

Rt. Rev. Geo. M. Randall received 8 votes, Rev. Hamilton 0, Rev. J. P. Machebeauf 3, Rev. Studley 1.

Rt. Rev. Geo. M. Randall having received a majority of all the votes cast, was declared duly elected.

Mr. Steck offered the following:

*Resolved*, That the Secretary inform the House of Representatives that the Council is now fully organized, and ready to proceed to business.

Resolution adopted.

Mr. Butler appeared and took his seat.

Mr. Loveland offered the following:

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

Resolution adopted.

On Motion of Mr. Loveland the Council took a recess until quarter past eleven o'clock, a. m.

11.15, a. m. President called the Council to order.

A Committee from the House was announced, who informed the Council that the House was organized and ready for business.

Mr. Hahn offered the following:

*Resolved*, That a committee of three be appointed to act with a like committee on the part of the House to wait upon his Excellency the Governor to inform him that both Houses are now organized and ready to receive any communication he may wish to make to the Legislative Assembly.

Resolution adopted.

President appointed Messrs. Hahn, Sherwood and Steck such committee.

The committee appointed to act with a committee from the House, to wait upon his Excellency the Governor, reported that they had performed their duty, and that the Governor would meet the Legislative Assembly in joint convention at three o'clock, p. m.

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

On motion of Mr. Stearns, the Council adjourned to meet at three o'clock, p. m.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair. Prayer by the Chaplain. Roll called. Absent none. Quorum present.

Committee from the House appeared and announced the House in session and ready to receive the Council in joint convention to hear any communication his Excellency the Governor may have to make.

The Council then went into joint convention with the House.

## PROCEEDINGS OF JOINT CONVENTION.

President of the Council in the Chair.

On motion of Mr. Hahn, a committee of three were appointed to inform the Governor that the Legislature are in joint convention and await his pleasure.

Messrs. Hahn, Elbert and Campbell were appointed such committee.

Committee returned accompanied by his Excellency, Gov. Edward M. McCook, who proceeded to read his message to the joint convention.

## MESSAGE.

*Fellow Citizens of the Council and House of Representatives:*

Custom has devolved upon me the duty of communicating to you the condition of our Territorial affairs. This duty I shall discharge as briefly as possible; and in the beginning of our official intercourse I desire to assure you that you will have my earnest co-operation in the discharge of those important duties, and the advancement of those public interests which the people of the Territory have confided to your care.

## FINANCES.

The finances of the Territory are in a most satisfactory condition. We are out of debt, and have a surplus of over twenty-seven thousand dollars in the Treasury.

I call your attention to the various suggestions made in the Auditor's report, and respectfully recommend the appointment of a Legislative Commission whose duty it shall be to adjust those discrepancies between the accounts of the Territorial Auditor and Treasurer, which arose during the year 1867, and have never yet been satisfactorily reconciled. The law already makes the Auditor the general accountant of the Territory, and the keeper of all public account books, accounts, &c. It seems to me that in order to insure a faithful and intelligent discharge of his arduous duties, he alone should be responsible for the expenditure of all money paid out of the Territorial Treasury.

It has been found impracticable to keep a proper check on the Treasurer, or a satisfactory record of public accounts, while any other than the officer whose duty it is to audit such accounts, is permitted to draw money from the Treasury, without first passing the drafts through the hands of the Auditor.

I would also ask your attention to the suggestion of the Auditor concerning semi-annual settlements of County Treasurers. Some legislation should be devised to compel a prompt settlement of their Territorial accounts, and also to insure a uniform method of keeping the same.

#### INDIAN AFFAIRS.

It is a source of profound congratulation to the citizens of Colorado, that during the past year the Territory has been entirely free from the incursions of wandering bands of hostile Indians. For the first time in many years, the miner, the ranchman and the herdsman have been permitted to pursue their avocations in peace; and there is reason to hope that another year will see a cessation of the petty annoyances which have from time to time been inflicted by the presence of peaceful Indians in our midst. The benevolent policy of the President has already given proof of the wisdom that dictated its inauguration, in the increased security to life and property upon our borders, and will, I believe, finally result in the absolute exemption of the whites, as well from the horrid atrocities of savage warfare, as from the insufferable nuisance of periodical peaceful visits. The inception of a new system and a new policy I have found attended with many difficulties, for no race is so jealous of its rights, so tenacious of established customs, and so insensible to gratitude, as the Indian; and while, under the wise administration of my predecessor, treaties were made with the Utes, providing reservations for their future homes, and securing appropriations for the erection of agency buildings, yet so far, the provision made for supplying their wants has not proved a sufficient inducement to keep them on their reservation, and lead them to abandon their precarious mode of living. The experiment of colonizing them is an experiment still; but I have faith in its success, and believe that so soon as the Indians find that they have a home where all their wants will be supplied through the fostering care of the government, they will be willing to accept of the situation, and free the settled portions of the Territory forever from their presence. The task imposed upon this department is a thankless one; and I need not remind you, gentlemen, who were the pioneers of civilization in Colorado, and who have a thorough understanding of Indian character, of the difficulties in the way of every attempt to awaken energies that have slumbered for ages, or to overcome pernicious habits induced by centuries of unrestricted freedom and demoralizing indolence. This is a question which deeply concerns the wel-

fare of every citizen of the community; and one upon which depends the peace, prosperity and security of the Territory. Since the discovery of America, Indian wars have been the inheritance of every succeeding generation; and, from Massachusetts to California, every State and Territory of the Union has experienced the horrors of savage hostilities, and been built upon a foundation of blood and suffering. I know that every good citizen is inimical to the repetition of these scenes, but I am satisfied that attempts are being made by designing adventurers to create such dissatisfaction among the Indians belonging to this Territory, as may possibly lead to future outbreaks; and as the laws of Congress are defective in this particular, I would recommend that such laws be enacted by the present Legislature, as will insure the punishment of this class of offenders, if it be possible to frame a law of sufficient severity to provide retribution for a crime so horrible.

#### THE RESERVATION SYSTEM.

Although the reservation set aside by the treaties comprises a large and valuable portion of the Territory, which if opened to white settlers would undoubtedly attract emigration, and add to our material wealth, yet as a most effective measure of peace, we are bound to respect the stipulations of the treaties and preserve the faith of our government, which is pledged to a policy that secures justice to the Indians. They have been given the exclusive occupation of these lands; and although it may be impossible, during the present generation, to teach them all the arts of civilized life and to change a race of vagrant consumers into producers of the elements of wealth, yet I believe that much can be done towards realizing the intentions of the government by maintaining a kind and liberal policy towards those who show themselves our friends, and pursuing a firm and relentless one towards such as prove our foes. In peace, we of the Territories find our prosperity, and another year's freedom, like the past, from savage incursion, will, I believe, double our population. It may become possible, in the future, to restrict the Indians to so much land for each member of a tribe as will give him a support when devoted to agricultural or pastoral purposes, and thus allow the remainder to be thrown open for settlement. If anything *can* teach the friendly Indians of our Territory the benefits of civilized life, this *will*; and the direct contact with civilization, which would follow the dismemberment of his tribal relations, might accomplish for the individual Indian, what the best efforts of the government has failed to do, so

long as tribal organizations have been recognized, and the idea of self-dependence ignored.

I hope the day is not far distant when Congress will be convinced of the justice of reimbursing those who have suffered in property from Indian outbreaks. It seems to me that it should be a sacred duty of that body to make good the losses incurred by individuals from these depredations.

I have devoted more space to this familiar topic than I otherwise should, because your interest and the interest of every citizen of the Territory is a deep and personal one in all matters pertaining to the Indian policy of the government; to the fulfilment of which policy I pledge my earnest endeavors, and ask for such co-operation as you can give, in my administration of the affairs of this important department.

#### UNORGANIZED TERRITORY.

In the reorganization of the counties of Pueblo, Huerfano, and Las Animas, at the last session of the Assembly, a large district of country lying south of Douglas, and east of El Paso counties, was inadvertently left unattached to any county, and without civil organization. Early in April last, three colored men, soldiers of the United States, viz.: Giles Lidle, Marshall Williams and John Murray, were arrested by the Marshal of the Territory, upon complaint that they had murdered one Crevier, at or near Big Springs, and within the district of country before referred to. Subsequently, upon an examination had before the Judge of the third judicial district, it was ruled that although the laws of the Territory were effectual within the before-mentioned district, for the punishment of crime, yet as that region had not been incorporated into any county, there was no court invested with the necessary jurisdiction to try the prisoners; consequently they were committed to await the action of the Legislative assembly. For the punishment of these and other alleged offenders against the criminal law in that region, as well as to provide for the proper administration of the civil law hereafter, it will be necessary to incorporate that district into some county. There is also a question respecting the expense of keeping the prisoners named, which demands the attention of the Assembly. As the offence was not committed within the limits of any county, of course no county is chargeable with this expense; and it has therefore become a charge upon the Territory, to meet which an appropriation will be necessary.

## GENERAL INCORPORATION ACT.

“An act amendatory of ‘An act to provide a temporary government for the Territory of Montana.’ approved March 2, 1867,” provides in section first:

“That the Legislative Assemblies of the several Territories of the United States of America, shall not after the passage of the act, grant charters or especial privileges; but they may by general incorporation acts permit persons to associate themselves together as bodies corporate for “*Mining, manufacturing, and other industrial pursuits.*””

Would not this law be more just in its application if the Legislatures of the several Territories were permitted to pass *general incorporation acts* without any limitation by Congress as to the purpose or object of the corporation, thus leaving it to the Legislature to impose limitations or not, as they see fit? As this law now stands, I take it that every legal incorporation must be for either a mining, manufacturing, or industrial pursuit, while associations of a financial or beneficial character, such as insurance companies, saving banks, and the like, cannot be incorporated at all; and the citizens of the Territories are compelled to transact all business of this character through the medium of foreign corporations organized under the laws of other States. It keeps capital from our Territory, which would naturally come here, because of the lightness of our taxation. I am sure Congress never intended to impose such disabilities upon the people of the Territory, and think that a proper memorial from your body would lead to a change in the law.

## MILITIA.

I would recommend that the whole of the present military poll-tax provided for by law, be paid into the Territorial Treasury and be devoted exclusively to military purposes, and expended under the direction of the Legislature in such manner as their wisdom may devise. If the collection of this tax could be strictly enforced, it would place at your disposal a fund which in case of emergency would contribute at least something towards the equipment of volunteers for the defence of the Territory.

I call your attention to the recommendation contained in the last report of the Adjutant-General, in relation to the issue of Ordnance and Ordnance Stores. The Secretary of War has officially called my attention to the fact that the Territory has received \$18,845.05 in excess of their quota of arms; and as it

is not probable we will be permitted to draw any more for some time, some provision should be made by the Legislature for the custody of the arms already in our possession, and for their issue, under such restrictions only, as will secure their safe keeping and ultimate return.

The record of our Military History during the late war is incomplete. I would suggest the propriety of making some provision for procuring from the files of the Department at Washington, transcripts of such papers as may be needed to prepare a complete history of the services of all Colorado troops. In 1866 one thousand dollars was appropriated for this purpose, but the duty was never performed; at least, no official record of the fact is on file in this office, or the office of the Adjutant-General. This is the only State or Territory in the Union which possesses no record of the services of those brave men who offered their arms to the Government in its time of need; and the very smallest tribute we can offer to their patriotism, will be to preserve among the archives of our Territory some fitting record of their services and sacrifices.

The commissioner appointed to settle with the United States and receive any money allowed by the War Department to the Territory or its citizens for military services during the years 1864 and 1865, has submitted his report to me, and it is herewith transmitted; as the time fixed by law for the payment into the Territorial Treasury of any unclaimed money belonging to this fund will expire before the meeting of another Legislature, it will be necessary to make some provision for disposing of the surplus, or extending the time for the payment of these military certificates.

Although the United States military authorities have promised me that a body of cavalry shall be sent into the Territory early in the Spring to remain through the Summer and Fall, yet I would recommend that some encouragement be given by the Legislature to the formation of volunteer organizations. We need an organized and disciplined body of men, no matter how small in number, who belong to the Territory, and will be ready at all times to respond to the call of the Territory, for defence against the Indians.

#### ELECTION AND REGISTRY LAWS.

The general election and registry laws should be harmonized one with the other, and with the existing laws of Congress in relation to suffrage. I should think the Legislature would find no difficulty in so simplifying and condensing both these laws, that hereafter many of the minor difficulties which

have been experienced in their administration may be avoided. If practicable, these laws should be so simplified that no misapprehension can possibly arise as to their meaning. In this connection I would call your attention to an act of Congress approved March 3d, 1869, which provides that hereafter the members of *both* branches of the Legislative assemblies of the several Territories shall be chosen for the term of *two* years, and the sessions of the Legislative assemblies shall be biennial. And each Territorial Legislature shall, at its first session after the passage of this act, make provision by law for carrying this act into effect.

The words "not being a negro or mulatto," in the second line of the first section of a Territorial act regulating elections, approved Nov. 6, 1861, should be expunged, as they are rendered nugatory by an act of Congress.

I would also recommend that the Legislature shall distinctly define what shall be deemed a vacancy in the Legislature under the Territorial law of Nov. 6, 1861.

#### AGRICULTURE, MINING, &C.

I find that the popular belief abroad is, that Colorado is solely a country of mountains and of mines; the fertility of our soil and the great wealth yet to come from it has been overlooked or forgotten in the thought of the sleeping ores yet unclaimed and undeveloped. It is of very little importance what the country is to-day, in comparison with what it will be in the future; our mines make the *present* of the country, but our agricultural and pastoral resources must, to a good extent, constitute the future. The soil is the source of material prosperity. All that can be raised in the temperate zone will grow here in profusion, and the soil and climate are such that the same amount of labor will produce more than in any other portion of the Union. Volunteer crops of *thirty* bushels to the acre have been raised in the northern part of the Territory; and so soon as we have the knowledge which years of experience alone can give, I believe that no other country can surpass this in the profitable production of cereals.

The grasses throughout the whole Territory are so abundant and nutritious that stock-raising is destined to be one of the most essential elements of our permanent prosperity. The natural increase of sheep in the Territory is one hundred, and of cattle nearly eighty per cent. per annum; and as there is almost no limit to the pastoral capabilities of the country, so there should be no limit to the increase of stock. The natural grasses of our hills and valleys are equal in nutritious

qualities to the Hungarian or other cultivated grasses of the East; and their abundance is such that the herds of a dozen States could here find pasturage, and the winters are so mild that shelter or hay is unnecessary.

I am satisfied that not only the peach, apple, plum and cherry, but also every variety of grape can be raised in one or the other parts of the Territory; the volcanic soil in the southern portion, will produce a wine-raising grape equal in quality or quantity to that of California or Italy. The rude and unskilled cultivation already attempted, has produced a red wine equal in flavor to some of our imported wines; and I think that with proper care and culture the grape in the southern counties of the Territory will reach the highest perfection, and wine-growing become one of our most profitable industries.

The very complete report of the Agricultural Society furnishes many statistics of general interest, and gives undoubted proofs of the attractions our Territory offer to the farmer and stock-raiser. The value of our crops in 1868 was \$2,683,840.20; in 1869, \$3,150,000.00. The number of acres capable of being placed under cultivation with the present means of irrigation, is estimated at six millions, an amount which gives a productive capacity equal to any of the best and most populous States of the West.

The product of our mines, as shown by statistics, gives a gratifying exhibit of the progress of this branch of our industry. The amount of bullion produced during 1869, is more than double the product of 1868; and although only about one fifth of the product of the mines passes through the mint, the deposits in the Branch Mint at Denver show an amount of \$1,193,432.03 for 1869, against \$555,696.56 for 1868.

The Territory is deficient in manufactures, and any encouragement which the Legislature can give to this department of industry will prove a public benefit. The financial history of all localities will show that no country was ever enriched by the production of raw material for exportation alone; but that manufactures and mines are necessary for the support of a large population, who will consume the agricultural products of the Territory where they are raised.

#### PUBLIC INSTRUCTION.

As the Territory increases in population, and advances in intelligence, the necessity for some well-digested scheme of public instruction becomes more apparent; there could be no greater inducement offered to attract a desirable eastern and

foreign emigration than the fact that we possess a good common-school system. Free schools are just as necessary to work out the great problem of popular government as free speech or a free press. The fund provided for schools is, I believe, already ample; but the educational experience of older communities has taught that thorough organization and discipline lies at the foundation of all successful systems of instruction; and in order to secure these it will be necessary to place the schools under the supervision of some person whose experience and capacity will fit him for the task; I would therefore recommend that some provision be made by law for creating the office of Superintendent of Public Instruction, who shall be invested with such authority as may be necessary to carry out the intentions of the Legislature, and paid a sufficient salary to assure the services of some person fully competent to discharge the duties of the position. Should the Legislature see proper to adopt this suggestion, I think it would be necessary, in order to assure the efficacy of the system, to make the Territorial Treasurer the custodian of the entire school fund, which shall be disbursed only upon the draft of the Superintendent under such restrictions as the Legislature may impose. Should the Legislature conclude to maintain a library, the Superintendent of Public Instruction might be made *ex officio* Territorial Librarian. The library, as now constituted, is not creditable to the Territory in any respect; and it had better be either abolished at once, or proper provision made for its care and maintenance.

#### COMPENSATION OF TERRITORIAL OFFICERS.

The compensation of some of the Territorial officers I regard as insufficient. The salary of the Auditor is one thousand, and that of the Treasurer six hundred dollars a year. The growing responsibility of these offices, and the yearly increasing importance of the public interests committed to their care, demand that the undivided attention of the incumbents should be given to their respective duties; and this cannot be justly exacted without paying them adequate salaries. The *munificent* compensation paid by the Federal government to their Territorial officers, should furnish an example of liberality to the Legislature in this respect.

If the continuance of the Territorial Assay Office really be for the benefit of the public at large, I cannot understand why the fees received for his labors should not provide ample compensation for that officer. The large salary he now receives, twenty-five hundred dollars *per annum*, is out of proportion

with the salaries paid other officers of the Territory; and as assaying is a branch of industry by which many other respectable citizens of the Territory gain their livelihood, the public assayer ought to be able to find compensation in his fees as others do, who are engaged in the same occupation. If the Legislature decides to continue this office upon its present basis, I would recommend that a branch office be established at Georgetown, and in any other mining district in which the necessity may arise; and the salary and contingent fund appropriated, be distributed among the public assayers of the different districts in proportion to the labor they perform.

I would respectfully call your attention to the fact that, although the law in many instances contemplates the possible removal of certain public officers, yet no power has been vested in the Executive or any other department, by which such removal can be effected for malfeasance, or any other crime except embezzlement. As the law now is, there is nothing to prevent the majority of the Territorial or county officers from discharging the duties, or receiving the pay and emoluments of their offices, even after being convicted and incarcerated for an infamous crime.

#### ELECTION OF FEDERAL OFFICERS.

While we are compelled to remain in a state of pupilage, I think some concessions might be secured from Congress, which would be for the benefit of our people. This Territory is no longer a wild and remote region, peopled by lawless men, over whom the controlling force of the government is a necessity. The opening of the great continental railway and its branches, has destroyed the distinctive characteristics of the old frontier. The only frontiers we now have, are the frontiers of the Atlantic and Pacific coasts! The changes which ten years have wrought in the character, numbers and intelligence of the population of the Territory, render them fit, I think, to exercise some control over their own affairs. I would therefore recommend that this Legislature memorialize the President and Congress for the passage of a law authorizing the people of the Territory to elect their own Governors and other ministerial officers, and also that the Territorial Delegates be permitted to vote, at least upon all questions directly or indirectly affecting the interests of the Territories. The adoption of the measures I suggest, would only be the application to us of those broad principles which Congress has been asserting in all its legislation for the past four years, viz.: The right of the governed to have a voice in the government. If

the right of the people constituting any body politic, to select their own public servants, be a privilege, certainly none are better entitled to that privilege than the men whose sacrifices and successes are written all over every page of the history of every State in the Great West. I do not regard this as a question of any political importance; I simply desire to express my conviction that if we are to be kept any longer in a state of "pupilage," if we are to forever remain organized wards of the government, we are old enough to be treated like well-grown children at least, and entitled to receive some of the privileges which belong to our increasing age, intelligence and respectability. The vote or voice of one Delegate in Congress will never be likely to effect any important revolution in the destinies of the country: but to bestow upon him *a vote*, the ordinary adjunct of manhood outside of the Territories, would give him such additional character and influence with both the ministerial and legislative departments of the general government, as will result in infinite benefit to all the local interests of the Territory.

#### FEMALE SUFFRAGE.

Before dismissing the subject of franchise, I desire to call your attention to one question connected with it, which you may deem of sufficient importance to demand some consideration at your hands, before the close of the session. Our higher civilization has recognized woman's equality with man in all other respects save one—suffrage. It has been said that no great reform was ever made without passing through three stages—ridicule, argument and adoption. It rests with you to say whether Colorado will accept this reform in its first stage, as our sister Territory of Wyoming has done, or in the last; whether she will be a leader in the movement or a follower; for the logic of a progressive civilization leads to the inevitable result of a universal suffrage.

#### RAILROADS.

Since the last meeting of your body, a new element of prosperity has been engrafted upon the Territory. In the first railroad built within our borders, we hail a new source of wealth, prosperity and progress. It has come to us as the bow of promise, spanning the wilderness between us and the East, and casting before it the light of future greatness and future wealth; but to the legislative mind, the advent of these roads will probably only suggest a new element of taxation, and it

will be necessary for you to devise some means by which they will be required to bear a fair share of the burdens of the Territorial government. Your experience will suggest the best method of accomplishing this in a just and impartial manner. The Territory owes a debt of gratitude to the men who conceived and executed these great public enterprises, as well as to the government which has so generously endowed them. Every encouragement within the sphere of your legitimate power, should be given to the construction of railways through all parts of the Territory. They will be the iron rivets to strengthen the framework of a future State. The growth of one section is dependent upon the growth of all. We want railroads into our mines, as well as through our valleys; and we can confidently ask at the hands of Congress, new land grants to assist their construction, because in these grants the government has found much profit, and is too wise and too thrifty to neglect any opportunity for turning an honest penny into the public treasury. As the report of the Secretary of the Interior shows that the land revenues of the government have doubled since the adoption of the land grant policy, which has aided in building railroads, we can, with a good grace, ask Congress to permit us to still further increase the revenues of the general government by accepting a grant at their hands for this object. If it be a public benefit to accept these gratuities at the hands of the government, the people and capitalists of Colorado should be willing to assume their full share of this class of patriotic burdens. In our isolated position the practical organization of a system of railroads, is the only means of assuring our future. The beginning of that system the Territory can already be congratulated upon; and when called to enter the union of States (if that call ever comes), she will go, not in the meagreness of poverty, merely to receive benefits from the new alliance, but rich in flocks and herds; in fruitful vines and yellow crops; her garments bright and heavy with gold and silver, and will take her place as an equal, in every way able to contribute her full share to the public wealth and national power.

#### EMIGRATION.

For the past two or three years public attention has been especially directed to the great and undeveloped resources of this Territory. Within the past few weeks I have received communications from two German colonies containing over two hundred families each, and from one containing forty families, informing me of their intention to emigrate here in the

Spring. Letters are almost daily received at the Executive office, requesting information as to the agricultural and other resources of the Territory. It is not only our duty to make preparation for the emigration which is coming here next year, but I think it also our duty to, in some way, collect and disseminate substantial information concerning the capabilities of the country. It is not best for the public press or the public men of any community to hold out false inducements to allure immigration. The reaction against a country is always ruinous when people seeking information concerning it, find that they have been fed on fancies instead of facts; therefore I believe it of vital importance to the future of this Territory, that its resources should be properly represented and thoroughly understood. I am satisfied that they will bear the test of the closest scrutiny, and that its agricultural, mineral and pastoral resources will compare favorably with those of any section of the continent. I would consequently recommend that some provision be made by the Legislature for the publication of all statistics relative to our climate, soil and productions, which might be valuable to those seeking information with a view to emigration.

The success which has attended an emigrant aid system in other portions of the Union, will commend to your consideration the propriety of establishing some system by which a foreign emigration may be brought to the Territory. No American should fear the competition of foreign labor, no matter what that labor may be. The Territory needs muscle, as much as, or more than capital, and as no man has ever been able to accumulate wealth by the labor of his individual hands, so no community has ever been able to accumulate wealth without an abundance of available labor. Every man who comes here with strong arms and willing hands, no matter what his nationality, adds to the wealth of the community, and should be welcomed. Those new States of the West, like Iowa, Wisconsin and Minnesota, which have made organized efforts to secure European emigration, have increased in population and wealth beyond all precedent in the history of our country; while California, with all its rare advantages of soil and climate, and wonderful variety of production and resources, has been outstripped in the race for population, because secure in the possession of fertile valleys and rich mines, they have made no effort to attract emigration, and it has failed to come without asking. It is our duty to profit by this experience, and establish some system through which our resources may not only be advertised to the world, but by which the immigrant will feel that he is under the protecting care of the

Territory, from the moment he leaves his home, until he is settled on a homestead in our midst, or furnished with remunerative labor. It only needs some wise method of encouragement undertaken by the Territory, to fill our fertile valleys with prosperous farmers, and to draw to our mines a population that will lay the foundation of rich and permanent industries, in regions which are as yet almost unknown and undeveloped.

There is one class of foreign immigration which I think would come to us without any other inducement than some assurance that they will be defended in life and property, and that around them will be thrown the full protection of the civil law; I mean the Chinamen! They may be of inferior race, and lower in natural traits than ourselves; they are undoubtedly pagan in religion; but notwithstanding all these moral disabilities, they are exceedingly muscular; and if we can first avail ourselves of their muscle, we can attend to their habits and their morals afterwards. They will supply what this country eminently needs,—an abundance of cheap labor; and as they will come to us in the future anyhow, whether we will or no, we of this generation may as well welcome them, and derive what benefit we can from their labor and their numbers. They are persistent, saving, and industrious; and I firmly believe are the people destined to solve the great problem, as to the future of that vast, unpeopled and unproductive country between the Missouri river and the Pacific ocean.

#### REPORT OF TERRITORIAL OFFICERS.

I transmit herewith the reports of the several Territorial Officers. Your honorable body will find them to contain much necessary information, and many valuable suggestions; and I regret exceedingly that their authors did not forward them early enough to enable me to avail myself of their contents, in the preparation of my message. As it is impossible for the Executive to communicate to the Legislature the condition of public affairs in a satisfactory and intelligent manner, without first having thoroughly examined the reports of subordinate Territorial officers, I would recommend that these officers be required to furnish copies of their reports to the Executive at least a week before the meeting of the Legislature.

#### CONCLUSION.

The improved condition of our national affairs; the decrease in the public debt, and the faithful and honest administration

of the general government, together with the fact that our Territorial finances, and all the industrial pursuits of the Territory are in so satisfactory a condition, should give us new encouragement, and renewed faith in our destiny. Fruitful as has been the past, the future is still more full of promise. Our successes here have not been the result of fortune alone; for as we grow in years, we have grown in prosperity, through the development of that wealth Providence has so liberally bestowed upon us. What we want now is to identify ourselves entirely with national progress; show our thorough sympathy with the national policy, and holding out the hand of welcome to the impoverished of all nations, and the disheartened of all lands, say to them, Come! Here find rest and homes, among the mountains or in the valleys of our great Territory. Here is a region where the hardships and rigors of an inhospitable climate are unknown! Here a land unwearied by the burden of ill-constructed laws, or unjust taxation! Here a society untainted by prejudice, and uninfluenced by superstition! The honest efforts of manly industry are rewarded here; and here amid the mountains ribbed with silver, and rich with gold, the goddess Fortune walks among men, distributing her favors with a lavish hand.

In conclusion, permit me to say to you that I believe that in the discharge of our respective official duties, we have nothing to do with the issues which have passed into history except to remember the lessons they teach; surrendering all political prejudices and sacrificing all personal interests to the public good, we have only to do with the progress and advancement of the Territory. To secure this may all your deliberations be guided by wisdom, and may He who controlleth all things, direct your councils for the honor of yourselves, and the prosperity of the people.

EDWARD M. McCOOK.

The Message having been received, on motion of Mr. Loveland, the Joint Convention adjourned, *sine die*.

The Council resumed its sitting.

The Secretary of the Territory communicated to the Council copies of the Reports of the Auditor, Treasurer, Assayer, D. H. Moffat, Commissioner, and Adjutant-General, as follows:

AUDITOR'S REPORT.

TREASURY DEPARTMENT, COLORADO TERRITORY, }  
 Auditor's Office, January 1st, 1870. }

To The Honorable Legislative Assembly of Colorado Territory:

GENTLEMEN: I have the honor to submit herewith the ninth Annual Report of the transactions of this office.

The receipts of the Territorial Treasury from the date of my last report (January 18th, 1869), to January 1st, 1870, were..... \$42,411.78

Balance undrawn at date of last report,..... 6,089.04

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Total, ..... \$48,500.82

Disbursements for same period..... 20,538.35

Balance in Treasury, ..... 27,962.47

*Statement showing the amount remaining to the credit of each fund as per last Report, the amount of Warrants subsequently drawn upon, and the amount remaining in each fund.*

FUND.	Am't undrawn Jan. 18, 1869.	Amount Expended.	Amount Undrawn.
Library Contingent Fund,.....	\$63 65	10 00	53 65
Officers' " " .....	833 69	570 50	263 19
" Salary, .....	3,371 34	1,650 00	1,721 34
Adj't Gen's Spec'l, { Compiling Mil- itary Record, }	348 40	84 00	264 40
General Contingent, .....	4,555 82	4,389 38	166 44
Military Debt Interest, .....	6,584 60	3,539 75	3,044 85
Insane, .....	869 43	623 33	246 10
Assay Office, .....	4,005 20	3,338 64	666 56
Judges' Salary, .....	6,000 00	4,500 00	1,500 00
District Attorney, .....	3,799 03	1,800 00	1,999 03
Legislative, .....	2,015 95	.....	2,015 95
Legislative Printing, .....	334 61	.....	334 61
Legislative Newspaper, .....	90 21	.....	90 21
Locating Capitol and Peniten'y,	152 42	32 75	119 67
Clerk of Supreme Court, .....	42 50	.....	42 50
Preparing Milit'y Claims, (Cox)	700 00	.....	700 00
Adj't Gen'l's Spec'l Cont'gt Exp.	.....	.....	.....
Compiling Milit'y Claims, (Cox)	300 00	.....	300 00
Spanish Printing, .....	3,020 00	.....	3,020 00
Special Fund, .....	1,359 50	.....	1,359 50
School Supt.'s Contingent, .....	417 50	.....	417 50
School Supt.'s Salary, .....	78 56	.....	78 56
Territorial Librarian, .....	646 67	.....	646 67
	39,589 08	20,538 35	19,050 73

Military Certificates to be issued January 18, 1869,	\$6,081.00
“ “ issued, - - - - -	1,297.50
“ “ unissued, - - - - -	4,783.50

Receipts were from the sources following:

Arapahoe County, - - - - -	\$13,258.05
Boulder “ - - - - -	2,261.46
Clear Creek “ - - - - -	1,814.76
Conejos “ - - - - -	773.98
Costilla “ - - - - -	.....
Douglas “ - - - - -	511.04
El Paso “ - - - - -	750.77
Fremont “ - - - - -	1,027.17
Gilpin “ - - - - -	8,541.89
Huerfano “ - - - - -	.....
Jefferson “ - - - - -	3,538.59
Lake “ - - - - -	.....
Larimer “ - - - - -	1,478.40
Las Animas “ - - - - -	1,205.00
Park “ - - - - -	969.75
Pueblo “ - - - - -	2,874.32
Saguache “ - - - - -	368.86
Summit “ - - - - -	464.35
Weld “ - - - - -	1,511.89
Woodbury & Walker amount disallowed, - - - - -	9.50
C. Nuckolls, Librarian, Salary refunded, - - - - -	150.00
Third Judicial District, - - - - -	10.00
Assay Office, - - - - -	892.00
Total, - - - - -	<u>\$42,411.78</u>

Disbursements were as follows:

Auditor's Warrants, - - - - -	\$15,327.46
Assay Office, “ - - - - -	3,338.64
Adj't Genl's “ - - - - -	84.00
Interest on “ - - - - -	1,586.25
Wolf Scalps, - - - - -	202.00
Total, - - - - -	<u>\$20,538.35</u>

Believing that it would prove interesting, I have compiled from the Books of this office, and herewith present, the following statement showing the total amount of receipts into the Territorial Treasury, since the organization of the Territory in 1861.

Arapahoe County has paid	-	-	-	-	\$68,087.15
Boulder	"	"	"	-	9,656.17
Clear Creek	"	"	"	-	8,036.28
Conchos	"	"	"	-	3,125.35
Costilla	"	"	"	-	3,180.83
Douglas	"	"	"	-	3,597.14
El Paso	"	"	"	-	3,929.41
Jefferson	"	"	"	-	12,255.80
Huerfano	"	"	"	-	1,639.82
Gilpin	"	"	"	-	37,521.36
Fremont	"	"	"	-	3,360.17
Lake	"	"	"	-	1,392.31
Larimer	"	"	"	-	3,861.83
Las Animas	"	"	"	-	1,505.00
Park	"	"	"	-	3,228.29
Pueblo	"	"	"	-	7,582.04
Saguache	"	"	"	-	568.86
Summit	"	"	"	-	1,523.78
Weld	"	"	"	-	5,625.05
Sundries	"	"	"	-	6,017.50
Total,	-	-	-	-	\$185,694.14
Total Expenses for same period,	-	-	-	-	157,731.67
Balance in Treasury, Dec. 31st, 1869,	-	-	-	-	\$27,962.47

### DELINQUENT TAX.

The following table exhibits the amount of delinquent tax in the respective counties for 1869, and prior years:

Arapahoe,*	-	-	-	-	-	-	-	\$19,046.16
Boulder,	-	-	-	-	-	-	-	4,651.05
Clear Creek,	-	-	-	-	-	-	-	5,150.17
Conejos,†	-	-	-	-	-	-	-	1,284.46
Costilla,‡	-	-	-	-	-	-	-	3,308.19
Douglas,	-	-	-	-	-	-	-	2,774.34
El Paso,	-	-	-	-	-	-	-	918.80
Fremont,	-	-	-	-	-	-	-	645.75
Gilpin,	-	-	-	-	-	-	-	24,584.35
Huerfano,	-	-	-	-	-	-	-	2,377.51
Jefferson,	-	-	-	-	-	-	-	5,620.56
Lake,	-	-	-	-	-	-	-	1,222.54
Larimer,	-	-	-	-	-	-	-	1,700.51
Las Animas,	-	-	-	-	-	-	-	2,907.35
Park,	-	-	-	-	-	-	-	1,518.26
Pueblo,	-	-	-	-	-	-	-	2,573.59
Saguache,	-	-	-	-	-	-	-	150.00
Summit,	-	-	-	-	-	-	-	294.83
Weld,	-	-	-	-	-	-	-	3,441.11
<b>Total,</b>	-	-	-	-	-	-	-	<b>\$84,169.53</b>

\* Claims a reduction of \$3,386.49 as unavailable.

† " " " 364.88 "

‡ " " " 496.30 "

### ESTIMATED EXPENSES FOR 1870-1.

	1870.	1871.
Assay Office,	\$4,000.00	\$4,000.00
Judges' Salary,	6,000.00	6,000.00
Military Debt Interest,	900.00	700.00
Officers' Salary,	3,000.00	3,000.00
"    Contingent,	1,200.00	1,200.00
Support of Insane,	4,000.00	3,000.00
General Contingent,	5,000.00	5,000.00
District Attorneys' Salary,	2,400.00	2,400.00
Legislature,	12,000.00	.....
<b>Total,</b>	<b>\$38,500.00</b>	<b>\$25,300.00</b>

### LIABILITIES.

Officers' salary for last quarter unpaid,	-	-	-	3,000.00
"    Contingent expenses,	"	-	-	300.00
Miscellaneous	"	"	-	200.00
Interest on Military Cert's undrawn,	-	-	-	1,600.00
<b>Total,</b>	-	-	-	<b>\$5,100.00</b>

## RESOURCES.

Balance in Treasury, Jan. 1st, 1870, - - -	\$27,962.51
Due from all sources, 88,173.21, less 60 per cent. probably unavailable, - - - - -	35,269.29
Probable tax for 1870, at 3 mills on the dollar, -	36,000.00
“ “ “ 1871, “ “ “ “ “ “ -	38,000.00
Total, - - - - -	<u>\$137,231.80</u>

## ABSTRACT OF ASSESSMENT FOR 1869.

COUNTY.	VALUATION.	TAX.
Arapahoe, at 5 mills, } - - - -	\$3,602,195	\$18,010.97
Ins. Co's prem. 10 " } - - - -	58,966	589.66
Boulder, - - - - -	818,850	4,094.25
Clear Creek, - - - - -	962,561	4,812.80
Conchos, - - - - -	210,334	1,051.67
Costilla, - - - - -	132,698	663.49
Douglas, - - - - -	355,680	1,778.40
El Paso, - - - - -	213,050	1,065.25
Fremont, - - - - -	260,575	1,302.87
Gilpin, - - - - -	2,643,101	13,215.50
Huerfano, - - - - -	184,395	921.97
Jefferson, - - - - -	917,907	4,589.53
Lake, - - - - -	181,417	907.08
Larimer, - - - - -	334,852	1,674.26
Las Animas, - - - - -	435,838	2,179.19
Park, - - - - -	152,129	760.64
Pueblo, - - - - -	897,259	4,486.29
Saguache, - - - - -	87,773	438.86
Summit, - - - - -	107,860	539.30
Weld, - - - - -	489,669	2,448.34
Total, - - - - -	<u>\$13,047,114</u>	<u>\$65,530.32</u>

The following are the abstracts of assessments for 1869, as returned from the several counties. Attention is called to the discrepancies in valuation, manner of compiling and time of forwarding.

*Abstract of the Assessment of Arapahoe County for the year 1869.  
July day not given.*

NO. OF		VALUATION.
49,769	Acres of Land, with the improvements, .....	\$459,655
	Town and City Lots, .....	2,139,625
716	Horses, .....	63,205
168	Mules, .....	11,745
2,144	Cows, .....	68,180
624	Oxen, .....	18,505
1,287	Calves, .....	19,520
1,495	Sheep, .....	2,120
410	Swine, .....	1,950
420	Carriages, .....	42,510
41	Musical Instruments, .....	9,755
	Clocks, Watches, Jewelry, Gold and Silver Plate, .....	14,005
	All other Property, including Money and Credits, .....	751,420
	Total Valuation, .....	<u>\$3,602,195</u>
	Insurance Companies, and amount of Premi- ums taken by them during the previous year, as required by section 11, on page 546, Revised Statutes, .....	\$58,966

*Abstract of the Assessment of Boulder County for the year 1869.  
August 26th, 1869.*

NO. OF		VALUATION.
	Acres of Land, with the improvements, .....	\$373,031
	Town and City Lots, .....	
1,227	Horses, .....	91,727
130	Mules, .....	16,520
3,767	Cows, .....	111,266
581	Oxen, .....	27,735
2,874	Calves, .....	29,050
49	Sheep, .....	158
345	Swine, .....	2,154
	Musical Instruments, .....	2,025
	Clocks, Watches, Jewelry, Gold and Silver Plate, .....	2,706
	All other Property, including Money and Credits, .....	162,478
	Total Valuation, .....	<u>\$818,850</u>

*Abstract of the Assessment of Clear Creek County for the year 1869. June 23d, 1869.*

NO. OF		VALUATION.
2,157	Acres of Land, together with the improvements thereon, .....	\$10,500
	Town and City Lots, .....	624,089
194	Horses, .....	18,825
68	Mules, .....	9,895
164	Cows,.....	6,950
131	Oxen,.....	7,390
120	Calves, .....	1,745
497	Sheep, .....	549
97	Swine, .....	770
14	Goats, .....	54
29	Musical Instruments, .....	1,210
	Clocks, Watches, Jewelry, Gold and Silver Plate, .....	16,294
	All other property, including Money and Credits, .....	264,290
		<hr/>
	Total Valuation, .....	\$962,561

*Abstract of the Assessment of Conejos County for the year 1869. July 1st, 1869.*

NO. OF		VALUATION.
	Houses, .....	\$20,090
483	Horses, .....	21,875
211	Mules and Asses,.....	5,650
3,594	{ Cows,..... } { Oxen,..... } { Calves,..... }	89,850
30,453	Sheep, .....	45,679
111	Swine, .....	555
408	Goats, .....	614
	Clocks, Watches, Jewelry, Gold and Silver Plate,.....	546
	All other Property, including Money and Credits, .....	24,475
		<hr/>
	Total Valuation, .....	\$210,334

*Abstract of the Assessment of Costilla County for the year 1869.  
June 19th, 1869.*

NO. OF	VALUATION.
Acres of Land, together with the improve- ments thereon,.....	\$12,543.50
Town and City Lots, .....	20,373.75
197 Horses, .....	13,024.75
117 Mules, .....	5,190.00
1,321 Cows,.....	26,632.25
287 Oxen, .....	6,172.50
592 Calves,.....	5,907.75
13,675 Sheep, .....	20,655.00
94 Swine, .....	493.00
174 Goats, .....	348.00
Musical Instruments, .....	595.00
Clocks, Watches, Jewelry, Gold and Silver Plate,.....	398.75
All other Property, including Money and Credits,.....	20,563.25
Total Valuation,.....	\$132,697.50

*Abstract of the Assessment of Douglas County for the year 1869.  
July 15th, 1869.*

NO. OF	VALUATION.
9,225 Acres of Land, together with the Price of entry.....	11,842
Land not entered, .....	57,810
599 Horses,.....	37,425
67 Mules, .....	5,960
5,040 Cows,.....	142,149
422 Oxen,.....	16,585
3,082 Calves,.....	33,258
5 Sheep, .....	10
176 Swine, .....	1,159
Musical Instruments,....	365
Clocks, Watches, Jewelry, Gold and Silver Plate, .....	391
All other Property, including Money and Credits, .....	48,726
Total Valuation, .....	\$355,680

*Abstract of the Assessment of El Paso County for the year 1869.  
July 7th, 1869.*

NO. OF		VALUATION.
	Acres of Land, together with the improve- ments thereon, .....	} \$62,785
	Town and City Lots, .....	
264	Horses, .....	16,875
29	Mules, .....	2,095
1,676	Cows,.....	41,815
322	Oxen, .....	12,630
1,851	Calves and young Stock, .....	22,792
1,360	Sheep, .....	2,038
367	Swine, .....	1,342
5	Musical Instruments, .....	33
56	Clocks, Watches, Jewelry, Gold and Silver Plate,.....	680
	All other Property, including Money and Credits, .....	49,965
	Total Valuation, .....	<u>\$213,050</u>

*Abstract of the Assessment of Fremont County for the year 1869.  
September 6th, 1869.*

NO. OF		VALUATION.
6,892	Acres of Land, together with the improve- ments thereon, .....	\$57,446
393	Town and City Lots, .....	13,720
363	Horses, .....	24,895
69	Mules, .....	6,895
1,987	Cows,.....	52,600
579	Oxen,.....	16,820
942	Calves,.....	10,024
21	Sheep, .....	43
435	Swine, .....	1,865
7	Goats, .....	7
	Musical Instruments, .....	371
	Clocks, Watches, Jewelry, Gold and Silver Plate, .....	951
	All other Property, including Money and Credits, .....	74,938
	Total Valuation, .....	<u>\$260,575</u>

*Abstract of the Assessment of Gilpin County for the year 1869.  
July 24th, 1869.*

NO. OF	VALUATION.
Acres of Land, together with the improve- ments thereon, .....	\$16,910
231 Horses, .....	29,870
154 Mules, .....	25,100
187 Cows,.....	8,180
195 Oxen,.....	10,915
37 Calves, .....	364
101 Sheep, .....	205
194 Swine, .....	1,758
3 Goats, .....	25
55 Musical Instruments, .....	8,405
Clocks, Watches, Jewelry, Gold and Silver Plate,.....	31,879
All other Property, including Money and Credits, .....	2,509,490
Total Valuation, .....	<u>\$2,643,101</u>

*Abstract of the Assessment of Huerfano County for the year 1869.  
June 28th, 1869.*

NO. OF	VALUATION.
Acres of Land, with the improvements..... } Town and City Lots, .....	\$38,667
253 Horses, .....	12,839
131 Mules and Asses,.....	4,649
875 Cows,.....	18,512
179 Oxen,.....	7,776
435 Calves,.....	4,208
24,166 Sheep and Goat .....	45,462
361 Swine, .....	3,336
Musical Instruments, .....	341
Clocks, Watches, Jewelry, Gold and Silver Plate,.....	
All other Property, including Money and Credits, .....	48,605
Total Valuation, .....	<u>\$184,395</u>

*Abstract of the Assessment of Jefferson County for the year 1869.  
August 7th, 1869.*

NO. OF		VALUATION.
48,447 $\frac{3}{4}$	Acres of Land, with the improvements,.....	\$356,799
1,204	Town and City Lots,.....	137,668
1,297	Horses,.....	84,925
131	Mules, .....	13,445
4,006	Cows and Calves,.....	95,242
1,916	Oxen, .....	57,342
1,126	Sheep, .....	2,612
437	Swine, .....	2,149
24	Musical Instruments .....	1,400
182	Clocks, Watches, Jewelry, Gold and Silver Plate,.....	3,925
	All other Property, including Money and Credits, .....	162,400
	Total Valuation,.....	\$917,907

*Abstract of the Assessment of Las Animas County for the year  
1869. October 20th, 1869.*

NO. OF		VALUATION.
	Acres of Land, with the improvements, ...	\$96,065.00
59	Town and City Lots in Trinidad,.....	36,591.00
292	Horses, .....	24,100.00
184	Mules and Asses, .....	13,295.00
2,450	Cows,.....	70,558.00
721	Oxen, .....	22,695.00
1,454	Calves,.....	10,285.00
37,424	Sheep, .....	74,848.00
1,076	Swine, .....	6,246.50
1,514	Goats, .....	3,028.00
	Jewelry, Gold and Silver Plate, .....	5,545.00
	All other Property, including Money and Credits, .....	72,582.00
	Total Valuation, .....	\$435,838.50

*Abstract of the Assessment of Lake County for the year 1869.  
July 19th, 1869.*

NO. OF		VALUATION.
	Acres of Land with the improvements, ... } Town and City Lots, ..... }	\$23,727
142	Horses, .....	10,025
48	Mules, .....	5,265
636	Cows, .....	19,244
301	Oxen, .....	12,080
493	Calves, .....	2,543
29	Sheep, .....	232
128	Swine, .....	1,154
	Musical Instruments, .....	18
	Clocks, Watches, Jewelry, Gold and Silver Plate, .....	996
	All other Property, including Money and Credits, .....	106,133
	Total Valuation, .....	\$181,417

*Abstract of the Assessment of Larimer County for the year 1869.  
July 13th, 1869.*

NO. OF		VALUATION.
11,288½	Acres of Land, with the improvements, . } Town and City Lots, ..... }	\$80,869
798	Horses, .....	64,149
87	Mules, .....	7,575
2,328	Cows, .....	60,796
452	Oxen, .....	17,804
1,325	Calves, .....	17,772
451	Sheep, .....	2,806
118	Swine, .....	897
13	Goats, .....	70
	Musical Instruments, .....	370
	Clocks, Watches, Jewelry, Gold and Silver Plate, .....	1,653
	All other Property, including Money and Credits, .....	80,091
	Total Valuation, .....	\$334,852

*Abstract of the Assessment of Park County for the year 1869.  
July 3d, 1869.*

NO. OF		VALUATION.
	Acres of Land, with the improvements, .....	\$30,697
	Mills and Machinery, .....	57,000
80	Horses, .....	7,550
17	Mules, .....	1,605
287	Cows,.....	10,913
278	Oxen,.....	11,840
627	Calves, to four years old,.....	9,503
4	Sheep, .....	20
52	Swine, .....	410
2	Goats, .....	5
4	Musical Instruments, .....	170
	Clocks, Watches, Jewelry, Gold and Silver Plate,.....	1,900
	All other Property, including Money and Credits,.....	20,516
	Total Valuation, .....	\$152,129

*Abstract of the Assessment of Pueblo County, for the year 1869.  
September 8th, 1869.*

NO. OF		VALUATION.
24,687	Acres of Land, with the improvements, .....	\$202,095
	Town and City Lots, .....	90,089
578	Horses, .....	46,730
224	Mules, .....	25,225
2,056	Cows,.....	48,750
932	Oxen,.....	39,625
1,712	Calves,.....	11,990
4,794	Sheep and Goats,.....	8,183
1,953	Swine, .....	11,122
9,977	Stock Cattle, .....	156,962
10	Musical Instruments, .....	705
	Clocks, Watches, Jewelry, Gold and Silver Plate,.....	3,211
	All other Property, including Money and Credits,.....	252,562
	Total Valuation, .....	\$897,259

*Abstract of the Assessment of Saguache County for the year 1869.  
July 19th, 1869.*

NO OF		VALUATION.
960	Acres of Land under cultivation, with the improvements, .....	} 6,265
	Town and City Lots, .....	
63	Horses, .....	5,355
14	Mules, .....	1,040
353	Cows, .....	10,264
428	Oxen, .....	13,470
351	Calves, .....	3,510
3,343	Sheep, .....	5,984
114	Swine, .....	1,060
	All other Property, including Money and Credits, .....	40,825
	Total Valuation, .....	<u>\$87,773</u>

*Abstract of the Assessment of Summit County for the year 1869.  
August 18th, 1869.*

NO OF		VALUATION.
29	Horses, .....	\$2,532.00
14	Mules, .....	1,900.00
39	Cows, .....	1,755.00
48	Oxen, .....	2,475.00
70	Calves and young Stock, .....	1,899.00
11	Swine, .....	117.00
1	Goat, .....	5.00
1	Jack, .....	30.00
	Musical Instruments, .....	140.00
	Clocks, Watches, Jewelry, Gold and Silver Plate, .....	1,272.50
	All other Property, including Money and Credits, .....	95,735.25
	Total Valuation, .....	<u>\$107,860.75</u>

*Abstract of the Assessment of Weld County, for the year 1869.  
July 9th, 1869.*

NO. OF		VALUATION.
32,916	Acres of Land, with the improvements.....	\$146,846
703	Horses, .....	47,090
76	Mules, .....	8,925
2,476	Cows,.....	95,670
1,068	Oxen,.....	49,130
3,925	Calves,.....	56,833
572	Sheep, .....	1,146
237	Swine, .....	1,350
2	Goats, .....	10
6	Musical Instruments,.....	185
	Clocks, Watches, Jewelry, Gold and Silver Plate,.....	1,488
	All other Property, including Money and Credits, .....	80,996
	Total Valuation, .....	\$489,669

The Financial Report for the year ending January 16th 1868, is herewith submitted for the information of your Honorable body.

### REPORT OF THE COMMISSIONERS

APPOINTED BY THE HONORABLE SECRETARY OF THE TERRITORY, TO EXAMINE THE ACCOUNTS OF THE TERRITORIAL AUDITOR AND TREASURER.

*To His Excellency, A. C. Hunt, Governor of Colorado:*

The undersigned would respectfully report that they were duly appointed Commissioners to audit the accounts of the Treasurer and Auditor of the Territory of Colorado, in pursuance of the act of the Legislature of the 10th of January, A. D. 1868; that as required by the terms of their appointment they met in the city of Denver, at the Executive Chamber, on Wednesday, the 20th day of January inst., and after being first duly qualified according to law, they proceeded to the discharge of the duties assigned them, and beg leave to submit the following as their report:

Upon an examination of the books and accounts of the Auditor which were submitted to us, we find that since the day of his last settlement with the Territory, to wit, on the 30th

of November, A. D. 1867, up to and including the 16th day of January, 1869, there have been warrants issued by him to the amount of forty-three thousand eight hundred and forty-seven dollars and eighteen cents (\$43,847.18); that there are registered on his books warrants issued by the Territorial Assayer, to the amount of three thousand nine hundred and ninety-four dollars and eighty cents (\$3,994.80). The following table shows the amount of expenses for the year, and the amount yet remaining to the credit of the Territory, under the appropriate head, as appropriated by the Legislature:

FUND.	Amount Expended.	Amount Undrawn.
Library contingent, .....	\$296.35	\$63.65
Officers' " .....	1484.50	833.69
Officers' salary, .....	2816.64	3371.34
Adj't Gen.'s special (compiling military record), .....	47.00	348.40
General contingent, .....	3362.61	4555.82
Military debt interest, .....	3591.80	6584.60
Insane, .....	3130.57	869.43
Assay office, .....	3994.80	4005.20
Judges' salary, .....	7250.00	6000.00
District Attorney, .....	1000.97	3799.03
Legislative, .....	12733.00	2015.95
Legislative printing, .....	1179.64	320.36
Newspaper (legislative) .....	333.89	90.21
SPECIAL FUND.		
Revising statutes, .....	3000.00	
Translating Governor's message, .....	100.00	
Printing school laws, .....	200.00	
Locating Capitol and Penitentiary, .....	833.33	166.67
Juan Esquibel, .....	75.00	
Adaline McFarland, .....	300.00	
Governor Hunt's militia, .....	1462.72	
Clerk of the Supreme Court, .....	457.50	42.50
M. Beshoar, .....	75.00	
Preparing military claims (Cox), .....		700.00
Adj't Gen.'s office, contingent expenses in compiling military claims, .....		300.00
Printing laws in Spanish, .....		3020.00
Special fund, .....		1359.50
Territorial School Supt.'s contingent ...		417.50
Territorial School Supt.'s salary, .....	16.66	78.56
Territorial Librarian's salary, .....	100.00	646.67
	\$47841.98	\$39589.08

Amount of certificates of indebtedness due April 29, 1870, issued and still to be issued to the regiment of mounted militia:

Total amount due the regiment of militia as per roll furnished Adjutant General,.....	\$42,285
Certificates issued, .....	36,204
	\$6,081

The Legislature at its last session provided for the appointment of three Commissioners to locate the site of the Capitol buildings at the city of Denver, and also three Commissioners to locate the site of a Penitentiary at Cañon City. To enable these several Commissioners to perform the several duties assigned them, the Legislature appropriated the sum of one thousand dollars (\$1,000) for the per diem and expenses of the said Commissions. These commissions were respectively performed, and reports made thereof in pursuance of law. In disbursing the amount of the said appropriation, the Auditor drew his warrants, number 196, 197, 220, 294, 295, 296, in favor of five of the said Commissioners, amounting in all to the sum of eight hundred and thirty-three dollars and thirty-three cents (\$833.33), and leaving the sum of one hundred and sixty-six dollars and sixty-seven cents (\$166.67), yet outstanding, or undrawn, and one of the Commissioners yet unpaid. The Auditor made a mistake in the construction of the law making this appropriation. He divided the sum of one thousand dollars into six equal parts, and proceeded to disburse it by such rule. In this we think the Auditor was in error. The law itself provided that the Commissioners should be paid diem allowance, and not that the sum appropriated should be equally divided between them. In this view we think that the warrants as numbered above should be disallowed as having been improperly issued, and we have therefore rejected them. On further examination of this subject we find that there are yet claims against the funds, for advertising, recording, platting, maps, &c., to the amount of about seventy dollars (70), and which are yet unpaid. One warrant, numbered 229, for twenty-three dollars and seventy-five cents (\$23.75), for printing notice of meeting of Commissioners, we found had been drawn on the Legislative Printing Fund, and which should have been drawn on this Fund. This warrant we allowed to the amount of fourteen dollars and twenty-five cents (\$14.25), that being the amount that was charged by the *Daily News* for the same work, and the amount so allowed was directed to be transferred to the appropriation for locating the Capitol.

We have rejected and disallowed warrant number 2219, issued for six dollars (\$6.00), to the Treasurer of Jefferson county, it having been issued for mileage alleged to be due to the said Treasurer. On examination we found that the claim was for constructive mileage, and it is therefore disallowed.

Warrants numbered 2203 and 2221, amounting to seventy-five dollars (\$75), are disallowed and rejected for the reason that they purport to have been drawn for rent of Auditor's office for the year A. D. 1867. For that year there was appropriated for rent and incidental expenses of the Auditor's office, one hundred dollars (\$100), and it appears that prior to the date of these warrants, the Auditor, R. E. Whitsitt, had already drawn for rent for the year 1867, the sum of two hundred and twenty-five dollars (\$225.00), and which appears to have been allowed in the last year's settlement.

Warrants numbered 2156, 2157, and 2223, amounting in all to the sum of one hundred and fifty dollars (\$150.00), are rejected. They appear to have been issued to the Treasurer for three months' salary as Territorial Librarian. On examination of the law we find that the law authorizing a salary of six hundred dollars (\$600), to the Territorial Librarian had been before then repealed, and for want of such law the warrants are disallowed.

On examination we find that under the provisions of section one (1) of the revenue law of 1868 a tax of one half ( $\frac{1}{2}$ ) mill for the support of insane paupers, was assessed and collected in the counties of Arapahoe, Jefferson and Fremont, amounting in all to the sum of twelve hundred and seventy-one dollars and ninety-four cents (\$1,271.94). These were the only counties in which said tax was assessed and collected, it having been in the other counties of the Territory regarded as repealed by the eighty-sixth (86) section of the same law. We are of the opinion that the section one (1) of that act was repealed by section eighty-six (86) of the same act, and that the tax was improperly assessed and collected, and submit the matter. In section thirty (30) of the act of the Assembly, providing for the care of lunatics, it is provided that all such sums of money as shall be collected under the first (1) section of the Revenue law, shall be kept as a separate and distinct fund. Our examination of the books of the Auditor does not show that any part of the said sum of twelve hundred and seventy-one dollars and ninety-four cents (\$1,271.94) has ever been received. This omission on the books of the Auditor, makes a discrepancy between the books of the Treasurer and the books of the Auditor to that amount. We are of the opinion that it should be—as it has been received—properly charged upon

the Auditor's books, leaving it to the Legislature to make such order in the premises as may be necessary and right. It is no more than just to the Auditor, that we should say here, that his omission to enter the amount was the result of his conviction that the law had been repealed and the tax improperly assessed.

On examination of the books of the Treasurer we find the following general statements of the condition of his department:

Balance of warrants outstanding for the year ending Nov. 30, 1867, as per published report, - - - -	\$15875.91	
Redeemed of the above - - - -	14239.12	\$1636.79
Warrants issued from Dec. 1st, 1867, to January 16, 1869, both dates included, - - - -	\$43847.18	
Redeemed of the above - - - -	40509.81	\$3337.37
Assayer's warrants issued, - - - -	\$3994.80	
Redeemed of the above, - - - -	3386.80	\$608.00
Total amount of warrants outstanding, - - - -		\$5582.16

Annexed we submit the report of the Treasurer, submitted to us, which will exhibit in detail the condition of his affairs.

DENVER CITY, C. T., Jan. 17, 1869.

*To the Honorable Committee appointed by Hon. Frank Hall, Secretary of Colorado:*

GENTLEMEN:—In my last report of November 30, 1867, there was shown a balance in my hands of - - - -	\$454.99
as Territorial Revenue and Special Territorial Militia tax: of which amount there belonged to the General Territorial Revenue, - - - -	\$403.19
and to special Territorial tax, - - - -	\$51.80
since which time a special military fund account has been opened and the amount of \$51.80 transferred to it, leaving the balance belonging to the General Revenue of amount on hand November 30, 1867, (as above) - - - -	\$403.19

Received from November 30, 1867, to November 9, 1868, - - - - -	\$34510.19
Received from November 9, 1868, to Jan. 17, 1869, -	\$28246.46
Making total amount received from Nov. 30, 1867, to Jan 17, 1869, with balance on hand Nov. 30, 1867, - - - - -	\$63159.84

The foregoing amount of Territorial Revenue was received from the following sources:

November 30, 1867. Cash on hand belonging to Revenue, - - - - -	403.19
From Weld County, - - - - -	1000.00
“ Gilpin “ - - - - -	6789.54
“ Park “ - - - - -	336.00
“ Conejos “ - - - - -	450.00
“ Summit “ - - - - -	784.02
“ Arapahoe “ - - - - -	26871.57
“ Boulder “ - - - - -	3492.74
“ Clear Creek - - - - -	3536.80
“ Costilla “ - - - - -	350.00
“ Douglas “ - - - - -	1674.76
“ El Paso “ - - - - -	1557.91
“ Fremont “ - - - - -	1194.26
“ Huerfano “ - - - - -	985.00
“ Jefferson “ - - - - -	5317.83
“ Lake “ - - - - -	808.00
“ Larimer “ - - - - -	911.19
“ Pueblo “ - - - - -	3231.07
“ Las Animas - - - - -	300.00
“ Saguache “ - - - - -	200.00
“ Ter. Assay Office, - - - - -	1006.00
“ 1st Judicial District, - - - - -	960.00
“ 2d “ “ - - - - -	1060.00
“ 3d “ “ - - - - -	85.00
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Total, - - - - -	\$63304.84

Of the above amount of money I have paid out \$59,423.73  
 Leaving a balance in my hands of - - - - - 3,881.11

DISBURSEMENTS.

Legislative Fund, - - - - -	\$16,737.90
Judges' Salary, - - - - -	9,122.00
Military Debt Interest, - - - - -	4,886.11
Territorial Officers' Contingent, - - - - -	1,330.84

Territorial Officers' Salary, - - - - -	3,394.22
Territorial Library Contingent, - - - - -	371.35
Clerk of Supreme Court, - - - - -	457.50
Insane Pauper, - - - - -	3,130.57
Revising Statutes, - - - - -	2,885.00
Special Printing Fund, - - - - -	2,480.00
Locating Capitol and Penitentiary, - - - - -	857.08
Printing School Laws, - - - - -	100.00
Newspapers, - - - - -	333.89
Territorial Assay Office, - - - - -	3,386.80
Adjutant General's Special, \$47, Adjutant General's Contingent, \$132, - - - - -	179.00
Translating Governor's Message, - - - - -	100.00
Governor Hunt's Militia, - - - - -	1,297.72
M. Beshoar, - - - - -	75.00
Adaline McFarland, - - - - -	300.00
District Attorney Salary, - - - - -	717.15
Juan Esquibel, - - - - -	75.00
General Contingent, - - - - -	4,673.32
Interest, - - - - -	1,377.39
Printing Fund, - - - - -	1,155.89
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	\$59,423.73
Balance on hand (as above), - - - - -	3,881.11
	<hr/>
	\$63,304.84

From November 30th, 1867, to January 17th, 1869, I have not received any moneys on the Special School Fund from the sale of mining claims, nor have I paid out any moneys from this fund. Therefore I would most respectfully refer you to my report of November 30th, 1867, showing amount in my hands of \$3,280.72.

In my report of November 30th, 1867, I stated that I had received from Clear Creek County the sum of \$2,286 from the sale of claims set apart for the relief of disabled, sick, and indigent miners, since which time I have not received any addition to said fund, but have paid out altogether from the above amount received from Clear Creek County,..... \$1,891.35  
Leaving a balance in my hands Jan. 17, 1869, ..... 394.65

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\$2,286.00

In my report of Nov. 30, 1867, included with Territorial Revenue, was special military tax, the amount so included being \$51.80.

I have since received on special military account, as follows :

From Boulder County, - - - - -	\$167.16
“ Lake “ - - - - -	104.82
“ Summit “ - - - - -	81.83
“ Boulder “ - - - - -	192.50
“ Clear Creek “ - - - - -	128.50
	<hr/>
	\$726.61

I have paid out of the above the following amounts :

To County Treasurers for collecting, - - - - -	\$10.61
Paid for books to keep military accounts in, - - - - -	3.50
Vouchers retired, - - - - -	270.00
Leaving balance on hand, - - - - -	422.50
	<hr/>
	\$726.61

All of which is respectfully submitted.

COLUMBUS NUCKOLLS,  
*Territorial Treasurer.*

In this account we find four warrants numbered respectively number nine (9) and ten (10), amounting to the sum of one hundred and one dollars and twenty-six cents (\$101.26), drawn to John Wanless, for Territorial Officers' Salary, - \$101.26

Number eleven (11), amounting to nineteen dollars and thirty-nine cents, drawn on the Territorial Officers' Contingent Fund, - - - - - \$19.39

Number fifty-one (51), for the sum of sixty-one (61) dollars, drawn to Geo. Tritch & Co., from the General Contingent Fund, - - - - - \$61.00

Which warrants were drawn by H. J. Graham, a person having no authority as Auditor, and therefore the same are disallowed by us and submitted for such action as may be deemed right and proper by the next Legislature.

We find on examination and inspection of the books that there is a discrepancy between the amounts charged on the Auditor's books and the books of the Treasurer, of the sum of six hundred and ninety-eight dollars (\$698 00). The Treasurer is charged on the books of the Auditor with this amount, received from the Clerk of the District Court of the Second Judicial District, and which was collected under the law of 1867, taxing judicial writs. There are receipts of the Treasurer in the Auditor's office for this amount in excess of what appears upon the books of the Treasurer as actually received. With

these exceptions we find the books and accounts of the Auditor and Treasurer submitted to us to be in all other respects correct. All of which is respectfully submitted.

C. S. EYSTER,  
ED. C. PARMELEE,  
JAMES MILLS,  
*Commissioners.*

TREASURY DEPARTMENT, COLORADO TERRITORY, }  
Auditor's Office, Denver, Jan. 28, 1869. }

*To His Excellency, the Governor of Colorado Territory:*

SIR: I have the honor to submit herewith, in connection with the report of the Territorial Treasurer and the report of the Honorable Commission appointed to examine the accounts of the Auditor and Treasurer, such additional data as may be necessary to a full understanding of the present condition of this department.

Total amount of warrants drawn by my predecessor from Dec. 1, 1867, to Jan. 1, 1868, \$7,654 44; total amount of warrants drawn by me since the date last mentioned to Jan. 16, 1869, \$36,172 74, making an aggregate of \$43,847 18.

The Auditor's last report stated the total issue of warrants to be \$24,527 26; the Treasurer stated it to be \$29,441 03. I presume this to be the first and only instance in the financial history of this Territory in which the Treasurer was in a position to more correctly state the amount of Auditor's warrants issued than the Auditor himself. The above discrepancy is attributable to the proceedings of a supernumerary Auditor by the name of Graham, and will probably remain until rectified by Legislative action.

Our present public debt consists principally of the amount of warrants reported by the Treasurer as unredeemed, and the accrued interest on the military certificates of indebtedness, including those to be issued, which will not exceed the sum of \$5,000, making our present total indebtedness and liabilities about \$10,000.

ESTIMATED EXPENSES FOR THE PRESENT YEAR.

Judges' Salary,	-	-	-	-	\$6,000.00
Military Debt Interest,	-	-	-	-	5,000.00
Officers' Salary,	-	-	-	-	2,200.00
Officers' Contingent,	-	-	-	-	833.69

Support of Insane, - - - - -	869.43
General Contingent, - - - - -	4,555.82
District Attorney's Salary, - - - - -	2,400.00
Clerk Supreme Court, - - - - -	42.50
Assay Office, - - - - -	4,000.00
	<hr/>
	\$25,901.44

## RESOURCES.

Due the Territory from all sources, -	\$62,221.64
Fifty per cent. probably unavailable, -	\$31,110.82
Probable tax for 1869, - - - - -	60,000.00
	<hr/>
	\$91,110.82

## BALANCE DUE BY COUNTIES.

Arapahoe, - - - - -	\$13,396.23
Boulder, - - - - -	2,818.26
Clear Creek, - - - - -	2,022.64
Conejos, - - - - -	1,006.77
Costilla, - - - - -	2,644.70
Douglas, - - - - -	391.60
El Paso, - - - - -	583.81
Fremont, - - - - -	368.40
Gilpin, - - - - -	19,910.74
Huerfano, - - - - -	1,413.97
Jefferson, - - - - -	4,550.12
Lake, - - - - -	315.46
Larimer, - - - - -	1,504.65
Las Animas, - - - - -	954.64
Park, - - - - -	1,727.37
Pueblo, - - - - -	2,961.62
Saguache, - - - - -	79.96
Summit, - - - - -	157.00
Weld, - - - - -	2,500.98
	<hr/>
Total, - - - - -	\$59,308.92

## ABSTRACT OF ASSESSMENT FOR 1868.

COUNTY.	VALUATION.	TAX.
{ Arapahoe, - - - - -	3,823,668.00	19,118.34
{ Ins. Co.'s prem., - - - - -	38,917.17	389.17
Boulder, - - - - -	729,842.00	3,649.21

Clear Creek,	- - - - -	642,330.00	3,211.65
Conejos,	- - - - -	143,876.50	719.38
Costilla,	- - - - -	216,106.00	1,080.53
Douglas,	- - - - -	375,217.00	1,876.08
El Paso,	- - - - -	229,208.00	1,146.04
Fremont,	- - - - -	157,523.00	787.61
Gilpin,	- - - - -	2,609,684.00	13,048.42
Huerfano,	- - - - -	-214,594.00	1,072.97
Jefferson,	- - - - -	947,180.00	4,735.90
Lake,	- - - - -	136,939.00	684.69
Larimer,	- - - - -	325,947.00	1,629.73
Las Animas,	- - - - -	180,639.00	903.19
Park,	- - - - -	158,659.00	793.29
Pueblo,	- - - - -	897,905.00	4,489.52
Saguache,	- - - - -	35,242.00	176.21
Summit,	- - - - -	91,131.00	455.65
Weld,	- - - - -	369,135.00	1,845.67
Total,	- - - - -	\$12,323,742.67	\$61,813.25

It is more difficult to get money into the Treasury than to get it out. In my endeavors to secure the more thorough collection of the general revenue, I have been assisted by the hearty co-operation of the county authorities generally. Since assuming the discharge of the duties of this office, I have made entries in my books of revenue collected amounting to \$64,184.62 (insane money, mentioned by the Commission, not included). The lower counties evince a determination to henceforth defray their share of the public expenses. In Huerfano county no revenue has been collected since '64; this year the fraction that is left of what was once Huerfano, has paid \$985. Las Animas and Saguache make their first payments of revenue this year, while in Costilla the officers are working for nothing in order to assist their county in paying its Territorial indebtedness. I think I have good reason for saying that our finances are in a healthy condition.

Very respectfully, your obedient servant,  
N. F. CHEESEMAN, Auditor.

EXECUTIVE DEPARTMENT, C. T., }  
February 1, 1869. }

In the foregoing reports we have, simplified to the last degree, a full and intelligent compendium of the Territorial accounts which the least cultivated intellect will find no difficulty in mastering. The work of the Commissioners has been

most thoroughly performed. The books of the Auditor and Treasurer have been subjected to the most rigid investigation, and every warrant, account, and bill of expense, carefully scrutinized, and allowed or rejected as justice demanded. In defence of Mr. N. F. Cheeseman, our very efficient Auditor, it is proper to state that but one material error was discovered in his accounts, viz., that which relates to the payment of the Capitol and Penitentiary Commissioners—which was committed prior to his having personal charge of the Auditor's office. These accounts are suspended merely, in order that the next Assembly may take notice of, and adjust them by due process of legislation.

Respectfully,  
F. HALL,  
*Acting Governor.*

In regard to the compensation allowed the commissioners appointed to locate sites for the Capitol and Penitentiary, I would say, that this error is directly attributable to the vague and indefinite wording of that clause of the General Appropriation Act, providing for their payment, which is as follows: "For expenses and *per diem* of the commissioners to locate the Capitol and Penitentiary of the Territory of Colorado, one thousand dollars." Whether the word "expenses" was intended to include mileage, board and lodging, coach fare, horse hire, and like expenses of the commissioners, incurred by reason of their appointment, or whether it had exclusive application to another class of expenses, such as surveying, platting, advertising, conveyancing and recording, was matter of doubt. Then again it requires these commissioners to be paid *by the day*, without prescribing the *per diem*. Two of the commissioners presented their bills soon after the passage of the act; and in the hurry and press of matters then claiming attention, it was decided to divide the appropriation equally among the commissioners, and allow them to dispose of it in their own way. A majority of the commissioners addressed upon the subject, have filed new vouchers, specifying the number of days' services performed by each, together with a particular statement of their necessary expenses while engaged in the performance of such services; and the matter now seems in a fair way for an equitable and satisfactory adjustment, without exceeding the limits of the original appropriation.

## LUNATIC PAUPER TAX.

In distributing the blank abstracts of assessment for the year 1868, I directed the County Clerks, in making up their respective tax-lists, to compute the tax for Territorial purposes at five (5) mills on a dollar, in accordance with the provisions of the Act of the last Assembly (Rev. Stat., page 562), to which their attention was specially called. The clerks of Arapahoe, Jefferson, Fremont, and Park Counties, evidently considering this office in error as to the provisions of the Revenue Law prescribing the rate of Territorial Tax, computed the same at  $5\frac{1}{2}$  mills. A portion of this additional half-mill tax was collected in the Counties mentioned, all of which was paid into the Treasury, except that collected in Park County. On account of this tax, Arapahoe has paid \$1,655.60, Jefferson \$160.70, and Fremont \$41.05, making a total of \$1,857.35, for which amount duplicate receipts are now on file in this office. The commissioners, in referring to this matter in their report, express it as their opinion that the Auditor should have charged the Treasurer with this amount as so much revenue received, for the reason that it had been paid into the Treasury. They further say that they regard the law (Sec. 1, page 543, R. S.) directing the levy and collection of this half-mill tax, as repealed, and that this tax was improperly assessed and collected. If this view is correct, then the money having been collected without authority or sanction of law, does not properly belong in the Treasury, and the Territory can have no just claim upon it. Believing the Territory should proceed in this matter precisely as an individual who finds himself in possession of money not his own, i. e., return it to the rightful owners with the least possible delay, I did not enter the amount in my books. I can see no possible objection to refunding money which has been improperly obtained. The commissioners refer to section 30 of the Act providing for the support of lunatic paupers, which directs that all moneys arising from this half-mill tax shall be kept "a separate and distinct fund." If the law authorizing this tax has been repealed, as the commissioners allege, then this money in the Treasury does not constitute a fund "authorized by law." The latter clause of the fifth provision of section 3, pages 73-4, defining the duties of the Auditor, provides that he shall keep an account of any "separate fund in the Territory, authorized by law." In regard to separate and distinct funds *not* "authorized by law," the statute is not as clear; but my opinion is that the Auditor has nothing whatever to do with them, hence I have left this

fund severely alone. This money has not been charged up to the several Counties from which it was taken, in their abstracts of assessment; if the money is refunded there will be no occasion for it; if it is not refunded, then your Honorable Body should require this half-mill tax to be assessed and collected in all the Counties except those in which it has been collected.

#### GRAHAM WARRANTS.

Immediately upon the adjournment of the sixth annual Assembly in January, 1867, Governor Cummings for reasons indicated in his second annual message, appointed and commissioned H. J. Graham as Territorial Auditor, in the place of R. E. Whitsitt, who had been appointed for the term of two years, and had then served but one. Without obtaining the records of the Auditor's office, and with no correct or official information of the condition of the affairs pertaining thereto, he entered upon an active and original administration of the Territorial finances. His proceedings speedily resulted in throwing the Revenue department into complete confusion. The authority of himself and Mr. Whitsitt being in dispute, parties having claims against the Territory were at a loss to whom to present them for adjustment. County revenue officers refused to account for or pay over funds into the Treasury, assigning as a reason for such refusal, their desire to avoid future embarrassment and trouble, by dealing only with an official whose authority to act was unquestioned,—one with whom they could make a legal settlement. This extraordinary state of affairs continued until the next May, at which time it was summarily terminated by Acting Gov. Hall, who revoked Mr. Graham's commission. I have no official knowledge of the performances of this gentleman, except a memorandum furnished this office by Hon. E. L. Berthoud, late acting Territorial Treasurer, of which the following is a copy:

OFFICE OF THE TERRITORIAL TREASURER, }  
Golden City, C. T., July 3, 1868. }

#### SCHEDULE OF GRAHAM'S WARRANTS PAID AND CANCELLED.

##### ON WHAT FUND DRAWN.

Legislative Fund,	- - - - -	\$1,878.44
Territorial Officers' Salary Fund,	- - - - -	1,435.28
Adjutant General's Special Fund,	- - - - -	700.00
“ “ Contingent Fund,	- - - - -	287.50
Territorial Officers' “ “	- - - - -	94.39
Newspaper Fund,	- - - - -	52.00

Territorial Library Contingent Fund, - - - -	24.00
Interest General Contingent Fund, - - - -	.44
General Contingent Fund, - - - -	429.66
	<hr/>
Total amount, - - - -	\$4901.71

Warrant No. 60, to Byers & Dailey, for \$12.50, is the only one left not paid. Total No. of Warrants issued by Graham is 66.

E. L. BERTHOUD,  
*Acting Territorial Treasurer.*

The vouchers for these Warrants, I suppose, are still in existence, but have been unable, after considerable effort, to ascertain their whereabouts. If they can be had, it is desirable that they be filed in this office, especially if the Auditor is directed to credit the Treasurer with the Warrants for which they were originally given, and which have been paid. No record of these Warrants having been made in the Auditor's books, they show the Treasurer's balance to be \$4,889.21 in excess of the amount actually on hand. This discrepancy between the books of the Auditor and Treasurer should be adjusted. I would therefore recommend the appointment of commissioners by your Honorable Body, to obtain and examine the vouchers in question (and the books of Mr. Graham, if he kept any), and allow the Treasurer all sums paid by him, which shall appear to have been justly chargeable against the Territory; and that the Auditor be authorized and directed to incorporate them with and make them a part of his regular accounts.

#### JUDICIAL DISTRICT ACCOUNTS.

Another discrepancy mentioned by the Commissioners, is the sum of \$698.00, charged to the Treasurer, as having been received from the Clerk of the Second Judicial District, on account of fees collected in the courts. As a portion of the preliminary history of this item, I would refer you to the following extract from the Territorial Treasurer's report for 1867, page 11:

*Statement showing the amounts due from the several counties, as per Treasurer's report, December 12th, 1866, with additional assessments added thereto for the year 1867, the receipts into the treasury and balances due from said counties at the date of this report, and of the counties failing to render abstracts of assessments.*

	Balance Due Dec. 12, 1867.	Assessment 1867.	Total.	Amount Paid.	Balance Due.
Arapahoe, ...	13,712 23	No rep't	13,712 23	8,950 86	4,761 37
Boulder,.....	.....	.....	.....	182 82	.....
Clear Creek, ..	717 75	.....	717 75	633 10	84 65
Conchos,.....	411 00	.....	411 00	.....	411 00
Costilla,.....	1,625 67	.....	1,625 67	384 18	1,241 49
Douglas,.....	765 07	.....	765 07	496 33	268 74
El Paso,.....	785 50	.....	785 50	774 46	11 04
Fremont, ....	237 10	.....	237 10	.....	237 10
Gilpin,.....	12,335 81	.....	12,335 81	7,107 62	5,228 19
Huerfano,....	682 22	.....	682 22	.....	682 22
Jefferson, ....	2,932 22	.....	2,932 22	1,128 47	1,803 75
Lake, .....	422 02	.....	422 02	214 75	207 27
Larimer,.....	747 29	.....	747 29	662 12	85 17
Las Animas, .....	.....	.....	.....	.....	.....
Park, .....	1,185 60	.....	1,185 60	468 90	716 70
Pueblo,.....	387 60	.....	387 60	652 00	.....
Saguache, ...	.....	.....	.....	.....	.....
Summit,.....	161 17	.....	161 17	.....	161 17
Weld,.....	1,237 36	.....	1,237 36	959 95	277 41
1st Jud'l Dist	.....	.....	.....	.....	.....
2d " "	.....	.....	.....	1,150 00	.....
3d " "	.....	.....	.....	.....	.....
	38,345 61	.....	38,345 61	23,765 56	11,177 27

The superior branch of the Legislature, feeling their inability to grapple with the above chaos of numerals, appointed a special committee to wrestle with, and if possible bring it within their comprehension. The result of the labors of that committee you will find duly recorded in the Council Journal of the 7th session, on page 130. One of the conclusions arrived at by said committee, was that the second Judicial District had "overpaid" the amount of revenue due therefrom in the sum of \$1,150.00. The facts are otherwise; the total amount of revenue due from that District at the time this report was rendered was \$1,735.00. The amount actually paid in at that time, it is impossible for me to state, but I am posi-

tive that not one cent had been "overpaid," for the following reasons: It will be observed that in the foregoing "statement" the 2d District alone is credited with payments into the Treasury. No credits are given to the Clerk of the first District, none to the Third. Two months prior to the date of the report in question, the Clerk of the 1st District had paid into the Territorial Treasury the sum of \$750.00, and had the Treasurer's receipts therefor. Upon taking charge of this office I was unable to find duplicate receipts for moneys paid in from either of the Judicial Districts. After much solicitation and correspondence I succeeded in obtaining from the Acting Treasurer (Berthoud), duplicates of the receipts in the hands of the Clerk of the First District, but failed after frequent and urgent solicitation to obtain duplicates of the receipts given the Clerk of the 2d District. Determined to have data of some description, I wrote directly to the Clerk of the 2d District and requested him to forward certified copies under his official seal, of all receipts he might have in his possession, for money paid into the Territorial Treasury. He sent the following:

CENTRAL CITY, Apr. 15, 1868.

Received of H. H. Atkins, District Clerk, Three hundred and thirty dollars, on account Judges' fees, Clear Creek County.  
\$330. C. NUCKOLLS, *Ter. Treas.*

Nov. 16, 1868.

Received of H. H. Atkins, three hundred dollars, on account of Judges' fees.  
\$300. C. NUCKOLLS, *Ter. Treas.*

Received, Central City, Oct. 5, 1867, of H. H. Atkins, Clerk District Court, two hundred and fifty dollars, on account Judges' fees.  
\$250. C. NUCKOLLS, *Ter. Treas.*

Received, Central City, August 14, A. D. 1867, of Horace H. Atkins, Clerk of the District Court of the 2d Judicial District of Colorado Territory, the sum of three hundred and twenty dollars, the same being paid on account of Judges' fees.  
C. NUCKOLLS, *Ter. Treas.*

Received, Central City, May 15, 1868, of Horace H. Atkins, one hundred and eighty dollars, (\$180) on account of Judges' fees.  
C. NUCKOLLS,  
per P. M. MARTIN.

Received, Central City, May 1, A. D. 1867, of H. H. Atkins, Clerk of 2d Judicial District, two hundred and ninety dollars, on account of fees for Judges.

C. NUCKOLLS, *Ter. Treas.*

TERRITORIAL TREASURER'S OFFICE,  
Golden City, C. T., June 13, 1868. }

Received of H. H. Atkins, Esq., Clerk of the 2d Judicial District, the sum of five hundred and ten dollars, on account of revenue due from said District to the Territory for the year 1868, 1st quarter.

E. L. BERTHOUD, *Deputy Ter. Treas.*  
per C. NUCKOLLS, *Ter. Treas.*

TERRITORY OF COLORADO, }  
County of Gilpin, } ss.  
2d Judicial District. }

I, Horace H. Atkins, Clerk of the District Court of the 2d Judicial District of said Territory, do hereby certify that the above and foregoing are true and perfect copies of certain receipts received from the Territorial Treasurer for moneys paid into the Territorial Treasury on account of Judges' fees.

{ SEAL OF } Witness my hand and the seal of said Court,  
{ COURT. } this 31st day of August, A. D. 1868.

H. H. ATKINS, *Clerk.*

MR. N. F. CHEESEMAN:

*Sir:* The above includes all the money paid into the Territorial Treasury by me for the 2d District on account of Judges' fees, except \$185, which was paid by Mr. Carpenter of Jefferson county, and for which he gave a check payable to the order of C. Nuckolls, which was paid at the Colorado National Bank.

Yours, &c.,

H. H. ATKINS.

Regarding this date as sufficiently authentic, under the circumstances, to warrant me in crediting the 2d District with the several amounts above specified, I made entries accordingly. The Treasurer claims that these receipts and the statement represent \$698 in excess of the amount actually paid in from that District; that this excess arose from the fact that receipts for the same payments had been given both by himself and deputy. Thus it came about that our books differed as to the amount of revenue received from the 2d Judicial District. Since the publication of the last statement the Clerk

of said District has informed me of another payment of \$600 on account of Judges' fees made July 10, 1869; for this amount no duplicate has been sent this office. This added to the payment of \$65, made by the Deputy Clerk in Boulder county nearly cancels the discrepancy in question. The total number of causes tried in said District from January 1, 1867, to April 1, 1868, subject to a special tax of \$5, were according to the returns certified by the presiding Justice, 444, upon which there should have been collected and paid into the Treasury the sum of \$2,220. In addition, there should have been collected and paid \$5, on each cause commenced in said District during the 2d quarter in 1868, ending July 1st, at which time the operation of the law assessing this tax ceased. The report of the number of causes for this last quarter has been due for a year and a half. I have made strenuous efforts to obtain it, but for some cause unknown it has not been returned to this office.

#### MILITARY INDEBTEDNESS.

The indebtedness assumed by the Territory for the pay of the officers and men of the 1st Regiment Colorado M. M., amounted to \$42,285. For the payment of this sum, Certificates of Indebtedness were issued under date of April 29th, 1865, bearing interest at 10 per cent. per annum, and payable on the 29th day of April, 1870. Congress having appropriated the total amount claimed, the money reached here and the Commissioner authorized by special act of the Legislature, to receive and disburse the same, gave public notice of his readiness to commence paying these certificates on the 27th day of January last. Parties holding said certificates came forward and voluntarily surrendered them, receiving interest thereon, computed from the date of the last payment to the time the Territory was prepared to retire them. The Commissioner paying these obligations deducted 3 per cent. as his compensation, the same being allowed him by the provisions of section 6, of the act providing for his appointment. Whether these parties after thus voluntarily surrendering their scrip before maturity have a still further claim upon the Territory for the 3 per cent. thus deducted, is a question that will probably come before you for decision. The Territory has made extraordinary and expensive efforts to obtain this money, and considerations of equity would suggest that the parties directly benefited, should bear a portion of the burden.

## COUNTY TREASURERS.

County Treasurers are now required to come in person to the Auditor's office and make annual settlements. This provision looks well on paper, but experience has convinced me that it is unnecessary, and should be abolished. It is utterly impossible for the Auditor to determine whether such settlements are correct or not. If the Treasurer brings with him his tax-list (which he seldom does), places it before the Auditor and goes over it with him, indicating the parties that have paid their taxes and the parties that are delinquent, even then the Auditor can do no more than compute the respective items of Territorial tax set opposite the names in the list. He has no means of determining whether the parties designated as delinquent are really so or not. Whatever representations the Treasurer may choose to make, the Auditor as a matter of course, must accept as correct. Hence it is obvious that these so-called settlements are of no value—nothing, in fact, but abstract exercises in addition. The Auditor has the Treasurer's unsupported statements as the basis of settlement, and nothing more. For the present provision requiring a settlement with the Auditor, if another should be substituted requiring County Treasurers to make semi-annual settlements with commissioners of their counties respectively, the law would be far more efficient, and the travelling fees paid to Treasurers would be saved to the Territory, the commissioners would know whether the Treasurer had exercised due diligence in endeavoring to collect the revenue, and whether the reasons he assigns for his failure to collect that portion of the tax claimed as delinquent are correct. The results of these settlements should be authenticated by the county seal, the signatures of the clerk and a majority of the board of commissioners, and made out in duplicate upon blanks similar to those now used, one copy preserved in the office of the clerk, and the other immediately transmitted to the auditor.

The power now granted to the auditor to compel treasurers to pay over their December balances, should be extended, and have equal application to their July balances. The proper place for the Territorial funds is in the Territorial treasury; and the sooner they are paid in after collection, the less liable they are to misappropriation, and the better the interests of the Territory are subserved. Neither is there any occasion for county treasurers to come in person to make deposits; the funds can be transmitted by express with less delay and equal safety, and the mileage saved.

No statement of the condition of the Territorial revenue in

Larimer County, either for 1868, or for the past year, has yet been received. I have made repeated application for them, but for some cause, either from the neglect of the clerk, or the failure of the treasurer of that county to make regular settlements, it has not yet been returned.

County treasurers sometimes neglect or refuse to make settlements at the times required by law. Take a case in point: The deputy clerk of Gilpin County, in response to my second application for the regular statement of the condition of the public revenue in that county for 1868, (the statement from that county for the past year has not yet been received,) writing under date of March 20th, 1869, says: \* \* \* "The county treasurer did not make any settlement with the county clerk or board of county commissioners, as provided for in Rev. Stat., sec. 57, page 557. \* \* \* I do not know how I can make the report you desire, until such settlement is made. Awaiting suggestions from you, I remain, &c.,

P. M. MARTIN, *County Clerk,*  
By H. GRANNIS, *Deputy.*"

At the time of the reception of the above, March 24, 1869, the statement desired was three months over due; having no further "suggestions" for the clerk, I immediately wrote the treasurer of that county, urging an early settlement. He replied: "I will attend at an early day to your request." Two months having elapsed, and no settlement having been effected, I again addressed the treasurer as follows:

TREASURY DEPARTMENT, COLORADO TERRITORY, }  
Auditor's Office, Denver, May 28, 1869. }

HON. C. NUCKOLLS, Treas. of Gilpin Co., Central, C. T.:

*Dear Sir:* The fact that none of the Revenue assessed in Gilpin County in 1868, has yet been paid into the Territorial Treasury, is beginning to attract a good deal of attention, and elicits unfavorable comment. The holders of scrip express much dissatisfaction because they cannot get it cashed, when the Treasury accounts show that had the average payments from your County been made as required by law, there would have been a surplus in the Treasury.

Please avoid further and more serious embarrassment by an early settlement.

Very respectfully, your obedient servant,  
N. F. CHEESEMAN, *Auditor.*

To which he replied as follows:

OFFICE OF THE TREASURER OF GILPIN COUNTY, }  
 Central City, Col., June 1st, 1869. }

N. F. CHEESEMAN, Esq., Auditor, Denver:

Yours received. *There is a time* in the affairs of men when indulgence ceases to be a virtue. Well, I don't blame you; but had my account made out some time ago, and ought [to] have settled. Have been detained here on account of some law-suits, but will certainly be down this week. Money scarce,—times rather quiet. Feel under obligations to you for not getting huffy ere this. Very truly,

C. NUCKOLLS.

The settlement was finally made, and the money (\$8,541.89) paid in, June 15th, just six months after it was due.

County Treasurers sometimes keep their accounts after a method peculiar to themselves. In the year 1867, taxes were assessed for the first time in the County of Las Animas. I have understood that a portion of them were collected, but have no official knowledge of that fact. Whatever Territorial Revenue may have been collected in that County in 1867, is there still; at all events, none of it ever reached the Treasury. My endeavors to obtain a revenue statement for the year in question, culminated in the following remarkable contribution to the financial archives of the Territory:

M. B. E.,	-	-	-	-	-	-	\$10.55
W. R. W.,	-	-	-	-	-	-	26.50
M. B.,	-	-	-	-	-	-	5.40
"	-	-	-	-	-	-	3.50
"	-	-	-	-	-	-	29.35
"	-	-	-	-	-	-	10.75
Smith,	-	-	-	-	-	-	180.00
							<hr/>
							\$285.45
Van Brimer,	-	-	-	-	-	-	35.00
Branoford,	-	-	-	-	-	-	34.00
W. R. W.,	-	-	-	-	-	-	18.00
A. W. A.,	-	-	-	-	-	-	20.00
							<hr/>
							\$392.45
J. Beard,	-	-	-	-	-	-	25.00
							<hr/>
							\$417.45

I hereby certify that the foregoing account is a true copy of

book filed in my office, and no other book here turned over by William Branoford, as Treasurer for Las Animas County.

In testimony whereof I set my hand and seal  
 of Las Animas County, this 12th day A. D.  
 1869. L. M. PETERSON,  
*County Clerk.*

If your Honorable body are of opinion that the foregoing means *taxes*, and can determine how much of the last total (\$417.45) belongs to the Territory, and can devise some means of getting it, the resultant benefits to the public exchequer will clearly entitle you to the lasting gratitude of a tax-paying constituency.

The total indebtedness of Costilla County, exclusive of the assessment for the present year, together with the amount returned by the commissioners as "unavailable" is \$2,498.40. The revenue statement from that county for 1868 shows that all but \$75.60 of this amount has been collected, and \$350 of the same paid in. Upon notifying the Treasurer of that county to pay over the balance, \$2,072.80, it appeared that said balance was all in local currency or *county scrip*.

The special efforts of the officers of that county to get it out of debt were noticed in my former report. The Treasurer is clearly liable for this entire amount, together with the accrued interest thereon, but in view of the peculiar circumstances connected with this case, I would recommend that it be made the subject of special Legislative action, and that your Honorable body grant said Treasurer such relief as shall with due reference to the public interests seem just and proper.

J. E. Tuttle, the Treasurer of Park county for 1865, and J. Ewing, Treasurer of the same county for 1866, are each indebted to the Territory for collections made during their respective terms,—the former in the sum of \$220.78, the latter in the sum of \$241.73; both are insolvent and their bondsmen are no longer liable. They have been addressed in relation to this matter, and in reply express their most earnest desire and intention to pay this indebtedness at the earliest possible moment.

#### DELINQUENT TAX.

Fully one half, perhaps two thirds of the amounts charged to the respective counties never will, never can be collected. This delinquent tax is erroneously called "county indebtedness." I can find nothing in the statutes warranting its being regarded as such. The counties have not assumed this indebt-

edness, they have issued no bonds, scrip or obligations of any sort, nothing whereby they can be made liable to the Territory in their corporate capacity. This delinquent tax then does not represent a debt due from the county; it arises not from the failure of the county to pay, but from the failure of certain individuals in the county to pay the taxes assessed against them. Many of these parties have left the county, others are insolvent, and still others are dead; from various causes a very large percentage of this delinquent tax is unavailable.

It is exceedingly desirable that the amount of unavailable taxes be definitely ascertained and reported to this office, in order that the Auditor's books may be freed from nominal but unavailable charges. To this end, I would recommend the adoption of a method similar to that employed by the United States in ascertaining the amount of uncollectible taxes pertaining to the Internal Revenue. In this connection the following form is respectfully submitted, in the hope that the wisdom of the Legislature will suggest a better.

STATEMENT OF UNCOLLECTIBLE TERRITORIAL TAXES,  
in ——— county for the year 18—.

The total amount of uncollectible Territorial Revenue in the county of ———, Colorado Territory, for the year 18—, is ——— dollars, as appears from the books of the Treasurer of said county.

Territory of Colorado, }  
County of ———. } ss.

I, ——— Treasurer in and for the county aforesaid, do solemnly swear that the above amount of the Territorial taxes, levied in said county for the year 18—, have not been, and cannot be collected; that said taxes were assessed on personal property exclusively; that I have made diligent efforts to collect the same; and that the failure to collect said taxes did not arise out of or through any omission or neglect of duty upon my part.

Subscribed and sworn to }  
before me this — day of } A. B.,  
——, A. D. 18—. } Treasurer of  
———county, C. T.

Territory of Colorado, }  
County of ———. } ss.

We the undersigned, County Commissioners of the county

aforsaid, do hereby certify that we have carefully examined the return of uncollectible taxes in said county for the year 18—, presented to us by — Treasurer of said county, and find that the parties therein named are assessed for personal property only, that we have directed the taxes for county purposes charged to said parties to be cancelled; and that we are well satisfied that said taxes cannot be collected by distress.

In testimony whereof we have hereunto set our hands and seals, this — day of —, A. D. 18—.

[SEAL.]

[SEAL.]

[SEAL.]

The above if properly filled out, would afford the best available evidence of the actual amounts of uncollectible taxes in the respective counties, and should be sufficient to warrant the Auditor in cancelling the same upon his books.

#### EQUALIZATION OF TAXES.

The Territorial Board of Equalization did not meet last year, did not this year; I am not aware that they have ever met. They could have accomplished nothing if they had convened. This year, at the time provided by law for their meeting—the first Monday in July—but three abstracts of assessment had been received at this office; the last abstract did not come to hand till the 20th of October last, consequently the rate of Territorial tax has not been graduated with reference to the discrepancies existing in the property valuations of the different counties; the extent and nature of such discrepancies will more fully appear upon referring to the abstracts returned from the several counties, and which are embodied in this report. Until county officers can be induced to be more prompt in making up and forwarding revenue returns, little or nothing can be done in the way of equalization.

#### PENITENTIARY.

In making my estimates for the ensuing two years, it seemed highly probable that an appropriation would be required at your hands for defraying the current expenses of the Penitentiary now in course of construction at Cañon City, in Fremont county. Thinking that we might profit by the experience of our neighbors in this respect, I addressed communications to the Auditors of Kansas, Nebraska, Minnesota, and to

the Controller of Nevada, desiring them to furnish this office with information upon the following points:

1st. Prior to the admission of their respective States into the Union, what amount of money, if any, was appropriated by Congress for the erection of a prison house therein?

2d. The total cost of the same?

3d. The total annual expense of the same?

4th. Average cost per annum of each criminal confined therein?

5th. What current expenses, if any, were paid by the United States, and the annual amount thereof?

I further requested them to furnish any other items of information pertaining to the history of their respective prisons, or any suggestions in relation to the future management of our penitentiary, that might assist us in securing the greatest attainable efficiency and economy in the administration of its affairs.

The responses were as follows:

STATE OF NEBRASKA, AUDITOR'S OFFICE, }  
Lincoln, August 19th, 1869. }

N. F. CHEESEMAN, Auditor of Colorado:

*Dear Sir:* In reply to yours of the 13th inst., will say that Nebraska, whilst in a Territorial condition, never received an appropriation from the general government, on account of a prison. Our admission as a State cut us out of the anticipated appropriation of the proceeds of the collection of Internal Revenue, which I presume you are now using in the erection of a prison.

Very respectfully, yours &c.,

JOHN GILLESPIE, State Auditor.

STATE OF KANSAS, AUDITOR'S OFFICE, }  
Topeka, August 19, 1869. }

N. F. CHEESEMAN, Auditor Colorado Territory:

*Dear Sir:* Your esteemed favor of the 12th inst., is received, and in answer to your first question, I would say that Kansas never received any aid whatever from the general government, in the construction of a State Prison. I hope you may be more successful. I have referred your letter to the Hon. J. L. Philbrick, our efficient Warden of the State Penitentiary. He will give you the desired information in relation to the other questions. I am very respectfully yours,

A. THOMAN, Auditor of State.

OFFICE KANSAS STATE PENITENTIARY, }  
 August 20th, 1869. }

N. F. CHEESEMAN :

*Dear Sir :* Your letter to A. T., Auditor of State of Kansas, has been handed me for answer. In reply will say to your questions as follows :

1st. Prior to the admission of Kansas into the Union, what amount of money, if any, was appropriated by Congress for the erection of a prison-house therein ?

Ans. Not any.

2nd. The total cost of the same ?

Ans. One wing with only 172 cells completed, with steam heating apparatus, stone shop 115 x 30, blacksmith and carpenter shop 86 x 24, shoe, tailor, and harness shop, 80 x 24, and a small portion of prison wall built, cost the State about \$450,000. When all is completed, will cost about \$1,000,000.

3d. Annual expenses of the same ?

Ans. This year about \$75,000 will be expended,—\$60,000 for current expenses, and \$15,000 for public improvements.

4th. The average cost per annum for each convict confined therein ?

Ans. It costs in this prison about 50 cents per day for each convict, for food and clothing. This does not include expense of guards.

5th. What amount of expenses, if any, were paid by the United States, and the total amount per annum of the same ?

Ans. The United States pays fifty cents per day for each convict sent here by the United States Courts in this District. There are now 12 U. S. convicts confined in this prison. This is all that is paid to this institution, or ever has been, by the United States government. All other expenses are met by appropriations made by the legislature of Kansas.

You ask for information connected with this institution, relating to its construction, management, &c.

To this question I will say, that this prison, so far as completed, is built on the *Auburn plan*, as most of the prisons built since 1825, are ; and was commenced in 1864 by contract, and continued until August, 1867, under the contract system, when the State became its own builder, using convict labor instead of hired mechanics. This institution cost the State under the contract, about \$400,000, and I am fully convinced that if one half of that amount had been placed in the hands of some competent and experienced person in prison matters, capable of controlling convicts and using their labor, where practicable, the institution would have been further advanced

than it now is. But all new States in the West, I believe, so far as my knowledge goes, will insist upon paying for this kind of experience,—unusual prices,—rather than secure the services of a proper person at the commencement. This State was not an exception, but yours can be, if you start right; this can be done only by an experienced prison keeper.

Your question in regard to management would require a very long answer, it being general. If you will refer to any particular department at any time, I will communicate to you any information at my command. One thing further. I have never seen an architect that could build a prison and have it practicable when completed.

Very respectfully,

J. L. PHILBRICK, *Warden.*  
*Bill-Clerk K. S. Territ'y.*

P. S. In these days a large portion of prison keepers are appointed on account of their political influence, rather than for their competency to take charge of and control such institutions; hence the useless expenditure in constructing and supporting them.

J. L. P.

SEAT OF GOVERNMENT, STATE CONTROLLER'S OFFICE, }  
Carson, Nevada, August 27th, 1869. }

N. F. CHEESEMAN, Territorial Auditor, etc., etc.:

*Dear Sir:* Your favor of August 13th, inst., is at hand. I regret that I am unable to answer your query with the minuteness, or give you the full information that the importance of the case demands. However, it is possible that my answers may be of some benefit to you. In answer to your 1st and 5th questions, I would say, that no appropriation was made by the general government for the erection of a prison house, for current expenses, or support of the same, for the Territory of Nevada.

In answer to your 2d, 3d and 4th questions, I would further say, that no prison building was erected by the Territory of Nevada. A building was leased for that purpose, and contracts let for the keeping of prisoners. I beg to refer you to Chap. CXX., Territorial Laws of 1862, which reads as follows, to wit: The Secretary of the Territory, Territorial Auditor and Treasurer, shall constitute a Board of Commissioners, with power to lease suitable buildings for the use of the Territory, as a Territorial prison, from the first day of January, 1863, to the first day of March, 1864, and to contract for the keeping of all prisoners during the said fourteen months, at a cost not to exceed in the aggregate, ten thousand dollars.

On February 20th, 1864, an act was passed by the Territorial Legislative Assembly, authorizing the prison commissioners to purchase a certain stone building, together with twenty acres of land including a stone quarry, for the sum of \$80,000, and the purchase was duly made. The above act also appropriated \$5,000, coin, for the maintenance of said prison for the year 1864. Such was the condition of affairs, when in the latter part of the same year, the Territory was merged into the present State of Nevada. Some improvements were made during the year 1866, and in May, 1867, the prison was burned. It was rebuilt in the Summer and Fall of said year, in a superior manner, and fitted up with all modern improvements. For the total ultimate cost of rebuilding, as well as the annual expense of same, I beg to refer you to the report of the State Prison Warden for 1867-8, herewith enclosed. I would further state that our State Legislature appropriated \$35,000 per annum for the support of the Prison for the years 1867 and 1868, upon a currency basis, and \$30,000 per annum for same purpose, for the years 1869 and 1870, upon a coin basis.

I hand you herewith the report of Warden of Prison for the years 1866, 1867, and 1868, also Joint Com. report on Prison for 1868. Referring you to these, I refrain from making any suggestions of my own.

Hoping that you may glean some information from the accompanying reports, I have the honor to be

Your obedient servant,

WM. K. PARKINSON, State Cont.

By THEO. A. HALE, Dep.

Our thanks are due for the valuable information furnished above. The letter from the Warden of the Kansas Penitentiary is especially deserving of attention. We have reason to think that we have "started right" in this Penitentiary business, for it has cost us nothing. What further progress can be made under the same auspices, depends entirely upon the liberality of the general government. There is nothing in the experience of Kansas and Nevada that should make us at all impatient to have this establishment turned over to us in its present state of costly incompleteness. The question arises, can we not for the next few years hire our convicts and lunatics kept in the East, cheaper than they can be kept at home? Recent experience has proved that lunatics can be thus cared for at less than half the cost of making suitable provision for them here. Nevada, with a population but little greater than our own, pays some \$35,000 (more than our entire expenses), for the support and custody of its forty-one criminals, making

the average cost about \$850 per annum for each convict. Kansas, it appears, can board a convict for \$182.50 per annum. An able-bodied convict kept in an eastern prison provided with workshops and tools, ought to be nearly self-supporting. By keeping convicts abroad the expense of an entire set of prison officers, guards, &c., is saved, and when they are discharged there is some probability of their remaining beyond the borders of the Territory. The Penitentiary at Cañon City is at present the exclusive property of the United States, and no more the subject of Territorial legislation than the U. S. Mint here in Denver. For the foregoing reasons, I have made no estimate for defraying its expenses.

#### EVASION OF TAXES.

A large amount of property escapes taxation in the following manner: The owner of a herd of cattle winters them in a certain county, keeps them there until they are assessed, and then drives them to another county, but refuses to pay taxes therein, because of his assessment elsewhere. Instead of returning on the following winter to the county in which he is assessed, he goes to another, and thus escapes taxation altogether. To remedy this evil, I would suggest that personal property of this description be made taxable in the county in which it is kept at the time the taxes are collected.

#### TAX TITLES.

In order to enforce the collection of taxes on real estate, the Territory must be in a position to warrant and defend the title given to parties that it induces to purchase such real estate. Unless the purchaser is protected in his acquired rights, it will after a time be next to impossible to collect any revenue at all. That our present revenue law is defective in this respect, has never been generally determined; but parties whose opinions are entitled to respect, express grave doubts as to its efficiency. The first and only tax sale of real estate that I am aware of, occurred in Arapahoe County last March. The legality of this sale cannot be tested until the expiration of two years from the date of such sale. Meantime, the law should be carefully examined, and whatever improvement it may be susceptible of, should be made.

## WOLF SCALPS.

I would most earnestly urge the immediate and unconditional repeal of the act passed at the last session of the Legislative Assembly providing for the payment of bounties on wolf scalps. This law was evidently passed for the protection of the stock interest, which all experience has shown to be the safest and most lucrative branch of industry within the Territory, and consequently abundantly able to take care of itself. Minnesota has, or had, a similar law. The Auditor of that State in his last report calls attention to its practical operation, and urges its repeal. He says: "The act paying for the destruction of wolves, from the State treasury, should be repealed. It will be seen by the statement in the appendix that five counties pay their entire State tax in bounty orders, and that large sums are paid to several other counties. The first year that bounty was allowed it amounted to \$384, the second, to \$3,912, the third, to \$11,331, and, unless the act is repealed it will amount to \$25,000 the present year." The State Treasurer indorses the views of the Auditor, and in confirmation, quotes from a letter from the State Treasurer of Wisconsin, in which he furnishes the experience of that State in paying these bounties. He says: "In 1865 a law was enacted in this State (Wisconsin) authorizing the payment of five dollars from the State treasury for each wolf killed within the State. Under this law was paid in 1865, \$490, in 1866, \$3,275. At the session of our Legislature for 1867, the law was amended, increasing the reward to ten dollars for each wolf, wild-cat, or lynx. This amended law took effect April 1st, 1867. The amount paid for the year ending September 30th, 1867, was \$9,225. From September 30th, 1867, to January 25th, 1868 (being less than four months), the amount paid was \$16,660. In some portions of the State the people were just learning of the existence of such a law, and preparations were being made to push things on that line. That being the case, the question was, if the payments for bounty amounted to \$5,000 per month, what would they probably amount to when the existence of the law should be generally known. The Legislature being in session, promptly answered the question by repealing the law by a nearly unanimous vote." To which the Minnesota State Treasurer adds: "Under the circumstances, being alarmed at the probably very heavy expenditures, I feel it my duty to recommend a prompt repeal of the present law."

## ASSAY OFFICE.

Viewed from the stand point of receipts and expenditures, the Territorial Assay Office cannot be regarded as a "success." Since its establishment it has paid into the Treasury the sum of \$1,898, while it has cost \$7,333.44. The inference from this showing is unfavorable to its further continuance. My convictions are, that mining, like any other branch of business can safely be intrusted to individual enterprise. Justice requires on the one hand, that all taxation shall be equal and uniform; it requires on the other hand, that the benefits of such taxation shall be distributed with like uniformity. The miner a hundred miles away from this office is required to contribute as much to its support as the one near at hand, while the resultant advantages are more available to the latter than to the former. The net cost of this office as appears above has been \$5,435. Prudence would suggest that before further appropriations are made in its behalf, that it be affirmatively shown to have contributed an equal sum to the general wealth.

## PRINTING THE LAWS IN THE SPANISH LANGUAGE.

There have been two translations of the General Statutes into the Spanish language. The first was made in 1864, pursuant to an act of the Legislature at its third session, whereby 150 copies of the laws passed at the first, second and third sessions were translated, printed, and bound "with pasteboard covers," at an expense of \$5,840, making the cost of each volume a few cents less than \$39. These 150 copies the Secretary of the Territory was directed to distribute throughout the counties of Huerfano, Costilla, and Conejos. The amount of revenue contributed at that time by said counties was \$3,792.92, just \$2,046.08 less than the cost of these books. Books that cost the Territory in round numbers \$39 each, I have seen offered for sale at an auction stand in this city for *fifty cents*, with no takers. The second and last translation was made in 1866, in accordance with an act of the Sixth Legislature, wherein the Territory paid \$2,480 for three hundred copies, making the cost per volume about \$8.00. About a hundred copies have been distributed, of this last translation, so that the books in use virtually cost about \$25.00 each. Both translations are now but little better than old lumber. It thus may be seen that the cost of a translation is very great, while the benefits of such translations are temporary and partial.

It seems unjust to place before our fellow-citizens of Spanish extraction, laws that they cannot read, and require, under severe penalties, obedience to those laws; but the injustice is more nominal than real. The laws are furnished our Spanish citizens on precisely the same terms that they are furnished the thousands of our German citizens whose knowledge of the English language is no better than theirs, and who have equally as good a right to demand an edition in German as they have in Spanish. The laws of the United States, and of the several States, are printed at the public cost in the English language, and no other; yet there are millions of citizens of foreign birth that cannot read a word of those laws. Neither is the inconvenience, much less the injustice, to citizens of another tongue as great as might at first be supposed. If the laws are what they ought to be, "rules of action, commanding what is right, and prohibiting what is wrong," no well-intentioned person need be at all apprehensive of violating them unwittingly, even though they were written in Sanscrit. If his rights of person or property are infringed, the courts are open to him, and the means of redress always at hand. Considerations of wise economy forbid the further expenditure of the public funds for benefits that are local and temporary, rather than general and permanent.

#### REQUISITIONS.

The law providing that the expenses incurred in the apprehension of fugitives from justice, under requisitions from the Governor, shall be paid out of the Territorial Treasury, should be so modified that the Territory shall be liable for these expenses, not until after the arrest, trial, conviction, and sentence of the criminal thus returned. Parties take advantage of the present law, to recover stolen property at the expense of the Territory, after which, they manifest no further interest in the matter, and the criminal goes unpunished.

#### CONTINGENT EXPENSES OF THE LEGISLATURE.

The contingent expenses of the Legislature with a few exceptions, are liberally provided for by the general government. The amounts heretofore paid by the Territory in addition to the compensation allowed by the United States have been unnecessarily large. Five dollars per day is ample compensation for sweeping rooms and building fires; there are scores that would gladly do the work for two dollars per day. One Clerk for each House can with ease do all the engrossing

and enrolling for the first half of the session. If in adjusting the number of Legislative employes and their compensations, no more be engaged than will suffice for the work to be done, and no greater compensation allowed them than you would pay them for similar services in a private capacity, it will result in a saving of nearly \$2,000 to the Territory.

At the time of the passage of the act allowing members of the Legislature \$5.00 per day in addition to the *per diem* (\$3.00) then allowed by the general government, the expenses of living were much greater than they are now, besides, Territorial warrants were nearly fifty per cent. below par. Eight dollars it appears was then regarded as sufficient compensation for a Legislative day's work; should your Honorable Body be inclined to view the matter in the same light, it would result in a diminution of nearly \$5,000 in the expenses of the present session. Taxes are odious. To the majority of tax payers the benefits of taxation are not preeminently conspicuous. Men when they part with their money, prefer some equivalent possessing other elements of value than those pertaining to a tax receipt. No wonder that they complain when their property is wrested from them by the tax gatherer to pay a debt they never contracted. Excessive or unnecessary taxation is legalized extortion. Public funds should be expended with the care and economy that belong to the administration of personal affairs. A glance at our financial history shows that this has not at all times been done.

The present condition of our finances is better than ever before. We are virtually out of debt. There is not the slightest reason for the levying or collection of one cent additional tax for 1870. The present balance in the Treasury, together with the amount of back taxes that can with proper effort be collected, will be amply sufficient to pay all needful expenses of the Territory during the ensuing year. Of course we need many expensive things; but in the present dearth of currency, and with a financial crisis looming in the future, threatening a return of the dark days of '57, it is better that we should study what we can do without, rather than what we can do with.

Respectfully submitted,

N. F. CHEESEMAN,

*Auditor Col. Ter.*

TREASURER'S REPORT.

TREASURY DEPARTMENT, COLORADO, }  
Denver, December 25th, 1869. }

To the Honorable Legislature of Colorado Territory:

GENTLEMEN: Pursuant to law, I have the honor to present the following statement of the business done in this department from January 17th, 1869, to December 25th, 1869. It is gratifying to be able to say that the financial condition of the Territory is in the highest degree satisfactory. It can be best preserved by the exercise of great caution in entering upon new enterprises requiring large appropriations of money.

Very respectfully, your obedient servant,  
COLUMBUS NUCKOLLS,  
Territorial Treasurer.

GENERAL STATEMENT,

Showing the total receipts and disbursements of the Treasury of Colorado from January 17th, 1869, to December 25th, 1869.

RECEIPTS.

Balance in Treasury, Jan. 17th, 1869, as shown by		
report of date January 17th, 1869,	- - - - -	\$3,881.11
Receipts from Jan. 17, 1869, to Dec. 25, 1869,	- - - - -	43,062.19
Total,	- - - - -	<u>\$46,943.30</u>

DISBURSEMENTS.

Disbursements from Jan. 17, 1869, to Dec. 25, 1869,	\$22,561.57
Balance in Treasury Dec. 25, 1869,	- - - - - 24,381.73
	<u>\$46,943.30</u>

STATEMENT NO. 1,

*Showing the Receipts and Disbursements from January 17th, 1869, to December 25th, 1869.*

RECEIPTS.

From Weld	County,	- - - - -	\$1,511.89
" Boulder	"	- - - - -	2,261.46
" Las Animas	"	- - - - -	1,205.00
" Larimer	"	- - - - -	1,478.40
" Park	"	- - - - -	969.75
" Douglas	"	- - - - -	511.04
" Arapahoe	"	- - - - -	13,843.46
" Gilpin	"	- - - - -	8,541.89
" Saguache	"	- - - - -	368.86
" Conejos	"	- - - - -	773.98
" Clear Creek	"	- - - - -	1,814.76
" El Paso	"	- - - - -	750.77
" Pueblo	"	- - - - -	2,874.32
" Summit	"	- - - - -	464.35
" Jefferson	"	- - - - -	3,538.59
" Fremont	"	- - - - -	1,027.17
" Locating Capitol and Penitentiary, (refunded)			9.50
" Assay Office,			892.00
" 2nd Judicial District,			65.00
" Officers' Salary Fund, (refunded)			150.00
" 3d Judicial District,			10.00
Balance in Treasury, see report January 17, 1869,			3,881.11
			<hr/>
			\$46,943.30

DISBURSEMENTS.

For Territorial Library Contingent Fund,	- - - - -	\$10.00
" Adjutant General Special Fund,	- - - - -	84.00
" Fund for Insane,	- - - - -	623.33
" Judges' Salaries,	- - - - -	6,378.00
" Revising Statutes,	- - - - -	95.00
" District Attorneys' Salaries,	- - - - -	2,083.82
" Locating Capitol and Penitentiary,	- - - - -	32.75
" Gov. Hunt's Militia,	- - - - -	165.00
" Assay Office,	- - - - -	3,209.74
" Printing Common-School Laws,	- - - - -	100.00
" Legislative Fund,	- - - - -	323.00
" Officers' Contingent Fund,	- - - - -	750.55

For Officers' Salary,	- - - - -	1,875.00
“ Military Debt Interest,	- - - - -	3,741.54
“ General Contingent Fund, (Warrants)	- - - - -	2,623.98
“ “ “ Interest on Warrants,	- - - - -	218.86
“ “ “ Wolf Scalps,	- - - - -	247.00
		<hr/>
Total amount disbursements,	- - - - -	\$22,561.57
Balance on hand this day,	- - - - -	24,381.73
		<hr/>
		\$46,943.30

The foregoing Statements include all Territorial Revenue received from all sources, as well as the disbursements from same, from 17th January, 1869, to 25th December, 1869.

#### STATEMENT NO. 2,

*Showing the amount of money received, and amount on hand, of the Special School-Fund derived from the sale of School Mining Claims, from January 17th, 1869, to December 25th, 1869.*

#### RECEIPTS.

Amount on hand, January 17th, 1869,	- - - - -	\$3,280.72
Interest received on same, from time it came into my hands, Aug. 20th, 1867, to Dec. 25th, 1869,	- - - - -	542.23
Am't received from Clear Creek Co., July 26, 1869,	- - - - -	49.50
		<hr/>
Total am't Spec. School Fund on hand Dec. 25, 1869,		\$3,872.45

It may not be amiss to state that the interest arising from the Special School Fund has been so small, that I have not deemed it best to undertake to divide it among the several Counties, as with the reports that have been received from County Superintendents for the last two years, an equal and fair distribution could not have been made by me.

## STATEMENT NO. 3,

*Showing the receipts and disbursements from the sale of Mining Claims set apart for the relief of disabled, sick, and indigent miners.*

## RECEIPTS.

Amount on hand as per report, Jan. 17, 1869, -	-	\$394.65
No receipts from Jan. 17, 1869, to Dec. 25, 1869.		
		\$394.65

## DISBURSEMENTS.

By Vouchers paid April 3d, 1869, -	-	\$150.00
“ “ “ “ 30th, “ -	-	90.00
“ “ “ “ June 15th, “ -	-	122.00
“ Balance on hand this day, -	-	32.65
		\$394.65

## STATEMENT NO. 4,

*Showing the receipts and disbursements of the Territorial Military Fund derived from Military Poll-Tax.*

## RECEIPTS.

Amount on hand as per report Jan. 17, 1869, -	-	\$442.50
“ received from Boulder Co., Sept. 17, 1869,		131.44
		\$573.94

## DISBURSEMENTS.

By vouchers paid Feb. 3d, 1869, -	-	\$90.00
“ “ “ “ April 8th, “ -	-	330.00
“ “ “ “ “ “ -	-	22.50
“ Balance on hand this day, -	-	131.44
		\$573.94

I trust your Honorable Body will excuse me for making a few suggestions in regard to the above fund. 1st. Article 4, section 1, page 462, Revised Statutes of Colorado, says: “An annual poll-tax of fifty cents shall be levied upon each male

inhabitant of the Territory, of the age of 21 years and upward, to be known as the military poll-tax," &c.; and sections 2, 3, 4, 5, 6, and 7, under same article, specify in what manner said military fund shall be used. From information of a positive nature, I conclude that only a few of the County Collectors collect said tax, which is injustice to the counties that it is collected from. I would recommend that the law be abolished entire, or all the counties be required to carry it out to the letter (which latter would be better). The law is vague and indistinct as to the authority of the Territorial Treasurer to pay from said fund. I would recommend that County Treasurers be required to collect said tax and pay it over to the Territorial Treasurer, and that you constitute a Military Board, composed of his excellency, the Governor, the Territorial Secretary, Adjutant-General of the Territory, and the Territorial Auditor and Treasurer, any three of them to act in the absence of the other or others, and decide upon all claims that may be presented against said fund; and if found correct, said Board shall report in writing, under their signatures, the amount of claim allowed, to the Territorial Auditor, who shall draw a voucher on the Treasurer for amount of said claim allowed; and would also recommend that the Territorial Treasurer be required to file with the Auditor of the Territory a duplicate receipt as given to County Treasurers for said military fund when received by him from County Treasurers, and that the Auditor be required to keep an account of said revenue received by Territorial Treasurer, and of vouchers drawn by him on Territorial Treasurer, against said fund. With such a fund punctually collected and paid into the hands of the Territorial Treasurer by County Collectors at time they pay over Territorial revenue, our Territory would soon have partial if not full resources for repelling hostile bands of savages, that may invade her domains. I would recommend that you make an appropriation sufficient to enable the Territorial Treasurer to purchase a fire and burglar-proof safe for the books and valuable papers of his department; also a suitable desk, to enable him to keep the letters and documents of his office properly filed.

All of which is most respectfully submitted.

Your obedient servant,

COLUMBUS NUCKOLLS,

Territorial Treasurer.

## ASSAYER'S REPORT.

*To His Excellency, Edward M. McCook, Governor of Colorado Territory:*

SIR: I have the honor to submit herewith the report of Territorial Assay Office for the years of 1868-69.

The total number of assays from the time the office was established (May 6th, 1868,) to the present date amount to 1075, at \$2,00	-	\$2,150	
Abstracts, 12 at \$1,00,	- - - - -	12	
			----- \$2,162
Deduct assays not called for, 34 at \$2.00,	-		68
			-----
Balance,	- - - - -		\$2,094
Property belonging to office, furnaces, furniture, apparatus, &c.,	- - - - -		1,200
			-----
Total,	- - - - -		\$3,294
Amount expended 1868 and 1869 to date,	- -	\$7,333.39	

Your assayer has had many difficulties to contend with, owing to the smallness of the appropriation, some detrimental clauses in the bill creating the office; and from the obstacles that would naturally arise in establishing any new business, no matter how favorable the circumstances.

The clause in the bill requiring an affidavit to accompany each specimen submitted for assay, stating depth of shaft, width of crevice, &c., &c., is a drawback, preventing many from patronizing the office that would otherwise do so; whereby the benefit of the records of some of our most productive mines are lost; also some of the most valuable specimens that would be contributed to the cabinet, as well as the pecuniary disadvantages resulting from this source, are all serious objections, in consideration of which I would suggest that it be amended. In this locality a large proportion of the assay samples are taken from quantities of crushed ore whose position in the mine could be neither described or sworn to with any degree of accuracy, and must therefore be rejected. With parties residing in other localities, however, other obstacles present themselves, fully as serious in their nature, and of more frequent occurrence. A considerable percentage of our mining population are in places where there is no person qualified to administer the necessary oath; and in other instances

people only know that a certain formula must be complied with that would require their presence, and more time than could be spared; consequently without taking the trouble to inform themselves, give the matter no further attention, unless the circumstances are such that a Territorial certificate would be of more value than that of any other reliable assayer.

I have answered numerous letters regarding the form required, but in that way have only been able to reach a few out of the many, while the fund appropriated for expenses was insufficient to justify my advertising enough to answer the purpose required. I would recommend that a certificate be substituted in place of the affidavit now used, the blanks to be printed and distributed by the office gratis, so that any person could certify to the facts in the case *or as nearly as possible* without assistance from any other party. These blanks could have all the necessary instructions printed on them to inform the public of the change, and assist in bringing about the desired result. As the clause now stands it may occasionally prevent fraud, but I am confident that a certificate would answer the same purpose in that respect, give all the necessary information to be placed on record, and allow hundreds to patronize the office that have been heretofore debarred from causes already mentioned. I also deem it advisable to change the fee for assaying from two to three dollars, as the actual cost will equal if not exceed the prices now charged. Under the present system the fee of two dollars, with the notary fee for affidavit of fifty cents additional makes the price \$2.50, of which the office receives but two dollars. With the changes recommended the increase of the fee would be trifling, while the revenue would be one third greater, and I think we may safely estimate an increase in the number of assays that would reach two thousand per annum, from which an income of six thousand dollars would be derived. This result would warrant an appropriation of an additional two thousand dollars, which would support the institution in a more worthy and dignified manner, place it on a sound financial basis, and make it an ornament to Colorado. The benefits arising from this office are numerous and ought not to be underrated. At a trifling cost it assists the miner, the prospector, and the mill man; the miner, that he may by working more intelligently know what portion of his ore is suitable for the mill and what to reject as worthless; the prospector, in determining the value of his discoveries, that the valuable property may not remain idle or the valueless engross his time or attention; the miller, that he may be enabled to determine the amount of precious metals lost or saved, and regulate his method of work-

ing accordingly. It also furnishes an agreeable and instructive place of resort to visitors of the Territory, where they may obtain valuable information without expense or loss of time, a cabinet where the gold specimens of Lake county, the copper and iron sulphides of Gilpin, the silver and galena of Clear Creek and Summit, together with the iron, copper, and coal of Boulder and Jefferson counties give better proof than mere description of the magnitude of our mineral wealth. It can hardly be denied that the mining interests are paramount to all other branches of industry in the Territory, inasmuch as the farmer, the manufacturer, and the mechanic alike depend upon the miner for a market for their productions. Any course therefore that protects and encourages the class whose well-directed efforts are conducive to the well being of the nation, and the sole cause of the prosperity of the Territory, must be a benefit to all. Even if the farmer and the merchant were *taxed* to assist the miner they are recompensed by the increased activity in mining that causes an influx of capital and labor; creating a proportionate demand for their merchandise, peopling our barren hills with life and activity, enriching the world with productions that speak louder for Colorado than any human tongue, and true as any law of nature.

Very respectfully submitted,

E. E. BURLINGAME,

*Territorial Assayer of Colorado.*

REPORT OF COMMISSIONER D. H. MOFFAT, JR.,

DENVER, COLORADO, January 1, 1870.

*To His Excellency, Hon. Edward M. McCook, Governor of Colorado:*

SIR: I have the honor herewith respectfully to submit the following report, in compliance with the requirements of section 7, of an act entitled "an act providing for the appointment of a commissioner," &c., &c. Approved January 10, 1868.

January 23d, 1869. Received from the Treasurer of the United States, in pay- ment for claims of Colorado for militia service rendered during the years 1864 and 1865, - - - - -	\$55,238.84
Less 3 per cent. commissions allowed by statute, - - - - -	1,657.16
Net amount of funds in my hands for dis- bursement, - - - - -	<u>\$53,581.68</u>

## DISBURSED AS FOLLOWS:

To Arapahoe County, - - - - -	\$4,862.42
“ Gilpin “ - - - - -	2,932.74
“ Boulder “ - - - - -	1,789.65
“ Weld “ - - - - -	847.78
“ Clear Creek “ - - - - -	794.43
“ Jefferson “ - - - - -	360.46
Total paid to counties, - - - - -	<u>\$11,587.48</u>
Total paid individuals holding certificates of indebtedness of the Territory issued for per diem of soldiers, 298 certificates,	34,291.40
Total disbursement, - - - - -	<u>45,878.88</u>
Balance in my hands, - - - - -	<u>\$7,702.80</u>

The balance on hand is held by me in accordance with the provisions of the aforesaid act, for the payment of such certificates of indebtedness as may be presented. The disbursements to counties have been made by me on the bills of said counties as they were audited and allowed by the Treasury Department of the United States.

I would respectfully call your Excellency's attention to the fact that in accordance with the act appointing Commissioner &c., I have only paid ninety-seven cents on the dollar upon the claims presented, the remaining three per cent. being deducted as commissions. Under the present provisions of the act I am unable to make final settlement, no person being designated as authorized to receive from me, or to whom I am to surrender the paid certificates for indebtedness now held by me.

Respectfully submitted,

DAVID H. MOFFAT, JR.,  
*Commissioner for Colorado.*

TERRITORY OF COLORADO, ADJUTANT-GENERAL'S OFFICE, }  
 Central City, Dec. 31, 1869. }

*To His Excellency, E. M. McCook, Governor and Commander-in-Chief:*

SIR: I have the honor to submit herewith the biennial report of the Adjutant-General's Department, from Nov. 30th, 1867, to January 1st, 1870.

I am, sir, very respectfully, &c.,

HAL SAYR,  
 Adjutant-General, Colorado.

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### ADJUTANT-GENERAL'S REPORT.

TERRITORY OF COLORADO, ADJUTANT-GENERAL'S OFFICE, }  
 Central City, Dec. 31st, 1869. }

*To His Excellency, Edward M. McCook, Governor and Commander-in-Chief:*

SIR: In accordance with the requirements of law, I have the honor to submit my report of the Adjutant-General's Department, from November 30th, 1867, to January 1st, 1870.

#### TERRITORIAL MILITIA.

There are no organized militia within the Territory; nor do I think an organization could be perfected under our present law. This law has been in force since February 10th, 1865.

I know not what exertions were made by my predecessors to perfect an organization under it; but with the most strenuous endeavor on my part I have utterly failed to accomplish anything. Many reasons might be adduced for its inefficiency,

but the principal defect is a want of adequate compensation for services to the various officers whose duty it is to carry out its several provisions.

In the year 1868 I caused to be printed muster rolls, for the purpose of the enrolment of the militia, as provided in Article 2d, of the act approved February 10th, 1865. These rolls were duly distributed to the various officers as provided by said act; and of all the rolls so distributed *not one* was properly returned. For this reason—deeming it a useless expense—I did not distribute any this year; and being without the necessary information on this subject, I have not made the returns to the general government as required by the laws of the United States.

#### VOLUNTEER MILITIA.

Of volunteer militia there are none; at least nothing appears in my office that shows any such organizations to exist.

#### ORDNANCE AND ORDNANCE STORES.

Since my last report there have been received by the Territory as follows:

From Bvt. Brig. Gen. H. W. Wessells, U. S. A., as per invoice dated 28th August, 1868.

50 Springfield Breech Loading R. Muskets, Cal. 50.

32 Firing Pins.

22 Friction Springs.

56 Main Springs.

56 Ejector Springs.

56 Sear Springs.

3000 Centre primed Cartridges, Cal. 50.

3 Arm Chests.

3 Packing Boxes.

Also as per invoice dated Sept. 5th, 1868:

40 Springfield Breech Loading R. Muskets, Cal. 50.

3000 Centre Primed Cartridges, Cal. 50.

2 Arm Chests.

3 Packing Boxes.

From Bvt. Lt. Col. E. B. Carling, U. S. A. as per invoice dated 9th Sept. 1868.

500 Springfield Rifle Muskets, Cal. 58.

2500 Paper ball Cartridges “ “

500 Bayonets.

25 Arm Chests.

• 25 Packing Boxes.

From Bvt. Brig. Gen. B. C. Card, U. S. A. as per invoice dated October 10th, 1868.

500 Spencer Carbines, Mod. 1865, Cal. 50.

500 Brushwipers and Thongs.

500 Screw Drivers.

50 Wiping Rods.

150 Main Springs.

150 Tumbler Screws.

500 Spencer Rifles, Cal. 52, (no bayonets).

500 Brushwipers and Thongs, Rifle.

500 Screw Drivers. " "

50 Wiping Rods. " "

500 Carbine Slings.

500 " Swivels.

1000 Carbine Cartridge Boxes.

1000 Waist belts and Plates, Pvt's.

50000 Spencer Carbine Cartridges, Cal. 50.

50000 " Rifle " " 52.

168 Packing Boxes.

31 Arm Chests.

On hand and accounted for at last report :

248 Warner Carbines.

17136 " " Cartridges.

Gives a Total of 590 S. R. Muskets.

" " " " 500 Spencer Carbines.

" " " " 500 " Rifles.

" " " " 248 Warner Carbines.

" " " " 6000 C. P. Cartridges, Cal. 50.

" " " " 25000 Paper Ball Cartridges, Cal. 58.

" " " " 50000 Spencer Carbine Cart's, Cal. 50.

" " " " 50000 " Rifles. " " 52.

" " " " 17136 Warner Carb's. "

There are now stored with Messrs. Lincoln & Strickler of Denver,

Ten (10) McClellan Saddles.

" (10) Saddle Blankets.

Eight (8) Bridles.

Thirteen (13) Spurs.

Seven (7) Nose Bags.

Six (6) Horse Brushes.

Eight (8) Curry Combs.

From the foregoing the following issues have been made :

## APRIL, 1868.

To Wells Fargo & Co., Twelve (12) Warner Carbines.  
To R. Sopris, Two (2) Carbines.

## MAY, 1868.

To Wells Fargo & Co., Ten (10) Warner Carbines.

## AUGUST, 1868.

To Morrison & Halleck, Six (6) Austrian Rifles.

To D. B. Baily, Seven (7) Warner Carbines and Eighteen hundred (1800) rounds of Ammunition.

To Henry Wendling, Fifteen (15) Warner Carbines and Six (6) Cases of Ammunition.

To John Ewing, Three (3) Warner Carbines and Thirty (30) Rounds of Ammunition.

To Joseph Rist, Two (2) Warner Carbines.

To Geo. V. M. Boutell, Ten (10) Warner Carbines and Seven hundred and twenty (720) Rounds of Ammunition. Also, Ten (10) Cartridge Boxes, (Two Guns returned).

To H. E. Austin, Five (5) Belgian Rifles.

To John Howard, Eight (8) Muskets.

To Wm. H. Lessig, Eight (8) Warner Carbines and Six (6) Cases of Ammunition.

To L. Doughty, Ten (10) Warner Carbines and Fifteen hundred (1500) Rounds of Ammunition.

To L. Doughty, Ten (10) Springfield Rifles, Five hundred and twenty (520) Rounds of Ammunition, and Twenty (20) Gun Slings and Swivels.

To E. M. Ashley, Two (2) Springfield Rifles and Five (5) Cases Ammunition.

## SEPTEMBER, 1868.

To C. C. Gird, Two (2) Springfield Rifles and One hundred and sixty (160) Rounds of Ammunition.

To John B. Van Tuyle, Six (6) Springfield Muskets and Three hundred (300) Rounds of Ammunition.

To D. P. Curby, Two (2) Springfield Muskets and One hundred (100) Rounds of Ammunition.

To P. P. Wilcox, Two (2) Springfield Muskets and One hundred (100) Rounds of Ammunition.

To Geo. W. Snell, Two (2) Springfield Muskets and One hundred (100) Rounds of Ammunition.

To D. C. Maxson, Three (3) Springfield Muskets and One hundred and fifty (150) Rounds of Ammunition.

To Andrew Nichols, One (1) Gun and Fifty (50) Rounds of Ammunition.

To E. T. Stone, Thirty (30) Springfield Muskets and Two thousand One hundred (2100) Rounds of Ammunition.

To A. D. Wilson and G. A. Lord, Two Warner Carbines, Four (4) Cases of Ammunition and Three (3) Springfield Rifles and Two hundred (200) Rounds of Ammunition.

To Frederick Bortriff, Twenty (20) Springfield Rifles and One thousand (1000) Rounds of Ammunition.

To Thomas Fakey and John Kennedy, Five (5) Springfield Rifles and Two hundred and fifty (250) Rounds of Ammunition.

To J. T. Van Houten, Two (2) Springfield Rifles and One hundred (100) Rounds of Ammunition.

To Robert Hawkez, Two (2) Springfield Muskets and One hundred (100) Rounds of Ammunition.

To Wm. Jones, Four (4) Springfield Muskets and Two hundred (200) Rounds of Ammunition.

To Asa H. Pangborn, Two (2) Springfield Muskets and One hundred (100) Rounds of Ammunition.

To Thomas S. Kerritt, Two (2) Springfield Muskets and One hundred (100) Rounds of Ammunition.

To H. T. Vandermark, One (1) Springfield Musket and Fifty (50) Rounds of Ammunition.

To H. T. Bartells & Co. Seven (7) Springfield Muskets and Three hundred (300) Rounds of Ammunition.

To Wm. Nash, Three (3) Springfield Muskets and One hundred and fifty (150) Rounds of Ammunition.

To J. G. Moore, Three (3) Springfield Muskets and One hundred and fifty (150) Rounds of Ammunition.

To Wm. H. Bassett and Henry Augustine, Twenty (20) Springfield Muskets and One thousand [1000] Rounds of Ammunition.

To Henry Allshouse and Windexter Massey, Four (4) Springfield Muskets and Two hundred (200) Rounds of Ammunition.

To J. B. Duncan, Two (2) Springfield Muskets and One hundred (100) Rounds of Ammunition.

To James Murphy, Two (2) Springfield Muskets and One hundred (100) Rounds of Ammunition.

To R. S. Little, Twenty (20) Springfield Muskets and One thousand [1000] Rounds of Ammunition.

To E. T. Stone, Ten (10) Warner Carbines and Five hundred (500) Rounds of Ammunition : also Eight hundred and eighty (880) Needle Gun Cartridges.

To W. B. O. Skelton, Five (5) Springfield Muskets and Two hundred and fifty (250) Rounds of Ammunition.

To H. Willinkter, Two (2) Springfield Muskets and One hundred (100) Rounds of Ammunition.

To Gideon C. Pratt, Fifteen (15) Springfield Muskets and Seven hundred and fifty (750) Rounds of Ammunition.

To C. A. Deane, One (1) Warner Carbine and Forty-two (42) Rounds of Ammunition.

To Geo. Long, Three (3) Springfield Muskets and One hundred and fifty (150) Rounds of Ammunition.

To J. W. Davis, four [4] Springfield muskets and two hundred [200] rounds of ammunition.

To G. W. Perkins, Six (6) Springfield Muskets and Three hundred (300) Rounds of Ammunition.

To W. A. Helen, Twenty (20) Springfield Muskets and One thousand (1000) Rounds of Ammunition.

To Charles Ruter, Fifteen (15) Springfield Muskets and Seven hundred and fifty (750) Rounds of Ammunition.

To Philip Cranshaw, One (1) Springfield Musket and Fifty (50) Rounds of Ammunition.

To J. M. Brown, Four (4) Springfield Muskets and Two hundred (200) Rounds of Ammunition.

To L. Cropper & Buzzard, Ten (10) Guns and One hundred (100) Rounds of Ammunition.

To E. J. Baldrige and M. Norton, Four (4) Springfield Muskets and Two hundred (200) Rounds of Ammunition.

To B. N. Sanford and Geo. J. Barnett, Two (2) Springfield Muskets and One hundred (100) Rounds of Ammunition.

To Peter Diepl, Six (6) Springfield Muskets and Three hundred (300) Rounds of Ammunition.

To Geo. Aux, One (1) Springfield Musket and Fifty (50) Rounds of Ammunition.

To Jackson Farley, Ten (10) Springfield Muskets and Five hundred Rounds of Ammunition.

To James Craig, Ten (10) Springfield Muskets and Five hundred (500) Rounds of Ammunition.

To D. W. Field, Two [2] Springfield Muskets and One hundred (100) Rounds of Ammunition.

To D. T. Wolf and C. Manhart, Ten (10) Springfield Rifles and Three hundred (300) Rounds of Ammunition.

To D. M. Holden, M. J. Dougherty, Geo. Aux and L. Hayden, Sixty (60) Springfield Muskets and Four thousand (4000) Rounds of Ammunition.

To H. P. Bennett, Four (4) Springfield Muskets, One (1) Warner Carbine, Three hundred and twenty [320] Rounds of Ammunition; also Three [3] Slings and Swivels.

To Wm. Van Emert and F. A. Broecker, Eight [8] Springfield Muskets and Four hundred (400) Rounds of Ammunition.

To James Torrance, Four (4) Austrian Rifles, Fifteen [15] Springfield Rifles, One thousand (1000) Rounds of Ammunition, Four (4) Warner Carbines and accoutrements and Three hundred and fifty (350) Rounds of Ammunition.

To David Gregory, Four (4) Springfield Muskets and Two hundred (200) Rounds of Ammunition.

To E. H. Starrett, for D. & S. F. S. L., thirty (30) muskets and fifteen hundred (1500) rounds of ammunition, sixteen (16) guns returned; also twenty (20) Spencer carbines and five hundred (500) rounds of ammunition; also three (3) Warner carbines and two hundred (200) rounds of ammunition.

To A. Dolan, five hundred (500) Warner carbine cartridges, to be delivered to M. M. Delano.

To Wm. B. Palmer, ten (10) Warner carbines and accoutrements.

To Gideon C. Pratt, ten (10) Springfield rifles and six hundred (600) rounds of ammunition; also one hundred and sixty-eight (168) Spencer cartridges.

To J. H. Craig, ten (10) Springfield rifles and five hundred (500) rounds of ammunition.

To Edwin Scudder and Geo. W. Redman, five (5) Springfield rifles and two hundred and fifty (250) rounds of ammunition.

To Alonzo Weltz, five (5) Austrian rifles.

To W. T. Davenport, five (5) Austrian rifles, five (5) Springfield rifles and two hundred (200) rounds of ammunition.

To Joseph Oaks, two Warner Carbines and accoutrements.

To W. H. Gunner ten (10) Springfield rifles and eight (8) cases of ammunition; also five [5] Austrian rifles and five [5] cases of Warner carbine cartridges.

To M. M. Delano, five [5] Warner carbines, ten [10] slings and swivels and five [5] cartridge boxes; also one [1] Springfield rifle and eighty [80] rounds of ammunition.

To G. J. Ross, two [2] Austrian rifles.

OCTOBER, 1868.

To A. J. Templeton, ten [10] Springfield muskets and five hundred [500] rounds of ammunition.

To Londoner & Bro. twenty [20] Springfield muskets and one thousand [1000] rounds of ammunition, to be delivered to G. M. Chilcott.

To G. M. Chilcott, sixty [60] Springfield muskets and three thousand [3000] rounds of ammunition.

To Redwood Fisher, one [1] needle gun.

To Thomas S. Wells, one [1] needle gun accoutrements and sixty [60] rounds of ammunition.

NOVEMBER, 1868.

To Wm. Rankin, six [6] Springfield muskets for G. A. R. Post No. 3.

To M. M. Delano, two hundred and fifty-four [254] Spencer cartridges.

DECEMBER, 1868.

To John H. McMurdy, for G. A. R. Post No. 2, six [6] Springfield muskets and six [6] bayonets.

JANUARY, 1869.

To Elizabeth Kelly, two [2] Springfield muskets.

APRIL, 1869.

To G. A. R. Denver, ten [10] Springfield rifles and ten [10] bayonets.

To Daniel Sayer, for G. A. R. Denver, four [4] Springfield muskets.

To F. J. Cram, one [1] Warner carbine.

JUNE, 1869.

To J. H. Morrison, twenty [20] Spencer rifles and one thousand [1000] rounds of ammunition.

JULY, 1869.

To H. P. Bennett, two [2] Springfield rifles and eighty [80] rounds of ammunition.

To M. D. Clifford, seven [7] Springfield rifles.

To D. H. Goodwin, two [2] Springfield rifles.

To John E. Clark, four [4] Spencer rifles and two hundred [200] rounds of ammunition.

AUGUST, 1869.

To Phelps, Biggs & Co., ten [10] Springfield muskets.

SEPTEMBER, 1869.

Clements & Bush, twelve [12] muskets.

Other issues have been made, but neither invoices of, nor receipts for the same have been received by me.

## THE INDIAN WAR OF 1868.

About the middle of August, 1868, there was a general uprising of the Indians inhabiting that part of our Territory lying east of the mountains. This uprising was doubtless preconcerted, as the attack was almost simultaneous throughout the whole country.

Dispatches flowed in upon Secretary Hall, then Acting Governor (Gov. Hunt being absent), from all parts of the Territory, asking assistance and arms, and giving details of outrages committed by the Indians.

To grant assistance was almost impossible, as there was not an organized company of militia within the Territory, and by the time a force could have been organized and equipped, the Indians would have done all the damage in their power, and placed hundreds of miles of distance between themselves and the scenes of their depredations.

All the arms of the Territory, consisting of a few hundred worthless Austrian rifles, and less than one hundred Warner carbines, were distributed among the settlers at the most exposed points.

Requisitions were at once made on the general government for arms and ammunition, which requisitions were filled, as shown by the report under the head of "Ordnance and Ordnance Stores."

Companies of volunteers were organized at several points within the Territory, who went in pursuit of the Indians, in several cases coming upon and giving them battle, and resulting in the killing of perhaps thirty or forty of the Indians.

Gov. Hall was strongly importuned to call out the militia, but for reasons hereinafter given, this he very wisely refused to do, and dispatched Gen. Sheridan, then at Fort Leavenworth, the state of affairs, as follows:

DENVER, C. T., Aug. 25, 1868.

*To Major Gen. P. H. Sheridan, Ft. Leavenworth, Kansas:*

A war party of Arapahoe Indians numbering about two

hundred, is traversing southern Colorado, committing all kinds of depredations, maltreating citizens, stealing stock, and stopping travel. My information is perfectly reliable. Gov. Hunt is absent. I shall go to the scene of trouble to-morrow. Please give me authority to call on Fort Reynolds for detachments of troops to check them, if found necessary.

(Signed)

FRANK HALL,  
Acting Governor, C. T.

The following was also sent on the following day :

DENVER, Aug. 28, 1868.

*To Gen. P. H. Sheridan, Fort Leavenworth, Kansas :*

The Arapahoes are killing settlers, destroying ranches in all directions. For God's sake give me authority to take your men from Reynolds.

I shall arm a party of volunteers to-morrow, and if they meet the Indians some of them will get killed; for the people are thoroughly roused and will not be restrained.

(Signed)

FRANK HALL,  
Acting Governor, C. T.

To these Gen. Sheridan replied as follows :

FORT HAYS, KANSAS, Aug. 27, 1868.

*To Lieut. Gov. Frank Hall, Denver, C. T. :*

Your telegram received. You can call on the commanding officer at Fort Reynolds for troops; but this order is not to interfere with the company of the 7th Cavalry ordered to Fort Dodge.

(Signed)

P. H. SHERIDAN, M. G.

In answer to similar dispatches, Gen. Sherman telegraphed as follows :

FORT SANDERS, Aug. 26, 1868.

*To Frank Hall, Acting Governor :*

Your dispatch of 7 p. m. received. You can organize your militia and defend the lives and property of your people.

The commanding officer of Fort Reynolds will act on the best information he receives. Communicate with Gen. Sheridan, who has the matter in charge.

What cause do you assign for this sudden change of conduct on the part of the Arapahoes?

(Signed)

W. T. SHERMAN,  
Lt. General.

The following order was issued by Gen. Sheridan, to commandant of Fort Reynolds:

FORT HAYS, KANSAS, Aug. 27, 1868.

*To Commanding Officer, Fort Reynolds, Col. Ter. :*

Gov. Hall reports serious Indian troubles, and requests the use of the company of 7th Cavalry ordered to Dodge. Suspend the order and let him have the company.

By command of  
(Signed)

MAJ. GEN. SHERIDAN.  
J. SCHUYLER CROSBY, A. A. G.

The following dispatch to and answer from Gen. Sherman were also sent and received:

DENVER, C. T., Aug. 27, 1868.

*To Lieut. Gen. Sherman, Fort Sanders :*

We are completely surrounded by hostile Indians, extending from Cheyenne Wells to South Park, south, to Julesburg, north, estimated at six hundred warriors, divided into bands.

I have sent out sixty mounted men to points most seriously menaced. A woman and child, killed and scalped, brought to city last night. Reliable information of twelve people killed thus far. Wells, Fargo & Co., and all settlers have been stripped of stock. Stages fight their way through from Cheyenne Wells. Three men killed at Latham on Monday.

We have reports here that one Major North went hunting buffalo in or near Kansas a few days ago, drove buffalo in among Sioux and Arapahoes on reservation; Indians resisted, when North's party killed a number of Indians, when word was sent to all tribes, and they started on the war-path. Know nothing as to correctness of this rumor; published in Omaha papers.

I have ordered my men not to attack Indians, but to protect the defenceless only.

[Signed,]

FRANK HALL,  
Acting Governor.

FORT SANDERS, Aug. 27, '68.

*To Gov. Hall:*

Troops cannot reach you in time to meet present danger.

You need not restrict your people to pure defence, if certain the Indians are hostile.

It must be the Arapahoes that have attacked your parties; they have not six hundred warriors; not more than two hundred. The Cheyennes are down about Fort Laramie.

[Signed,] W. T. SHERMAN,  
Lt. General.

Orders were issued by General Sheridan for the troops at Forts Reynolds and Lyon to co-operate with Colorado volunteers in suppression of hostilities. The following telegram of Gen. Sheridan to Gov. Hall, shows the force of government troops in the field:

HEADQUARTERS IN THE FIELD, }  
Fort Hays, Kansas. }

*To His Excellency, Frank Hall, Acting Governor, C. T.:*

Your dispatch received. Gen. Bradley is now at the fords of the Republican with eight companies, two of cavalry and six of infantry, and will scour the country as far as Kiowa.

The advance of seven companies of the Fifth Cavalry has arrived at Fort Harker, and as soon as they all arrive, will march via the forks of the Republican to your frontier at Kiowa. That will make fifteen (15) companies in that section. Four companies of Tenth Cavalry are under marching orders from Fort Dodge to Fort Lyon, to operate against the Indians from that point.

Captain Graham's company will soon be fitted up again, and with Carpenter's company of Tenth Cavalry, will have the line of stage road to Kiowa. Capt. Carpenter's company took Graham's place, and was on its march to Kiowa, when I had to direct it to the assistance of Col. Forsyth, who had a fight on the dry fork of the Republican with four hundred and fifty (450) Indians, in which he was twice wounded severely, Lieut. Beecher killed, and three men of his command killed and eighteen wounded. He killed thirty-five Indians and wounded a great many, but was unable to come in on account of his wounds, as he had no wagons, and all his horses were killed in the fight. A large number of Indian ponies were killed.

General Sully's command is still south of the Arkansas. He had a fight in which he killed seventeen Indians, losing three soldiers.

I am exceedingly sorry to have been unable to relieve the distress of the people of your frontier; but the fact of the case is, I have my hands full.

I hope the movement and presence of the forces above described will bring relief.

[Signed,]

P. H. SHERIDAN,  
Maj. Gen. U. S. A.

Everything that could be, was done, and about the middle of October hostilities within our borders had ceased. Acting Gov. Hall has been severely censured in some quarters for the means adopted by him at the time for the suppression of the Indian troubles, and soon after the cessation of hostilities he wrote an article giving a concise statement of the rise, progress, and policy adopted for the suppression of the same, which he intended for publication, but afterwards turned over to me to be placed on file in my office. I extract as follows:

“The war burst upon the country like a thunderbolt, paralyzing its energies and spreading consternation on every side. The savages came with the most earnest expressions of friendship on their lips, and bearing in their hands abundant testimonials of character, issued by the Laramie Peace Commission. The people always anxious for peace with the red men, because they have everything to lose and nothing to gain by war, received them with the utmost kindness, contributing to their wants from their domestic stores, and placing implicit reliance upon the guarantees furnished by the authorized agents of the general government.

The savages conducted themselves with propriety, quieting all apprehensions of the coming storm; distributed their forces so as to effectually cover every field of contemplated plunder, throttle every avenue of escape and render the blow when it should be struck the most deadly, destructive and terrible that had ever descended upon the western country. How well the plan succeeded is familiar to all, and its horrible details need not, therefore, be repeated.

A region of country one hundred and fifty miles square, teeming with the rich products of the soil, and subsisting innumerable herds of horses, sheep and cattle, was laid waste, houses burnt, people butchered, fields destroyed, and herds driven to the secret fastnesses of the Republican river to swell the number already there, obtained from many previous forays.

The settlers unarmed and in every way unprepared for this startling denouement, fled to the Capital and laid their sad story before the executive. Nothing could be done to alleviate their distress except to issue arms and ammunition.

The supply of ordnance stores was small; these were issued immediately and efforts made to effect a thorough organization of the people inhabiting the exposed frontiers for the more efficient protection of their homes. Denver, ever patriotic and liberal, mounted and equipped fifty volunteers, who marched immediately to the field, but returned after nearly six days' absence, without having met the Indians in battle. Meanwhile Generals Sherman and Sheridan had been apprised of the situation by telegrams and letters. They promptly responded to my request for assistance. Col. Geo. A. Forsyth was dispatched to the Republican with a small force. He swept the valley for about one hundred miles, but finding no Indians, returned to Fort Wallace.

The day following his return, two scouts who had been sent by me to urge our necessities, reached the Fort and presented their dispatches, whereupon Col. Forsyth directed Capt. Graham with a company of colored cavalry to proceed up the Smoky Hill road as far as Kiowa and co-operate with any Colorado troops he might meet. Meantime the Col. himself marched a company of Kansas scouts numbering fifty-five, across to the Republican and up towards its head, intending to form a junction with Graham at Kiowa. Both officers met the enemy in battle and both were overpowered by superior numbers.

Col. Carpenter had been directed by General Sheridan to relieve Capt. Graham's crippled force and pursue the route prescribed by that officer, but was subsequently called to the relief of Col. Forsyth.

The critical situation of the frontier, exposed to constant desolation, rapine and murder, was a subject which engrossed every mind, and none more absolutely than mine. Turn which way I would the aspect was equally appalling, for without money, credit or arms, the country taxed almost beyond its capacity to bear, the United States authorities powerless to render assistance because destitute of armed forces requisite for the exigency, the war assuming proportions which promised to spread from Minnesota to Texas, with the Sioux, Cheyennes, Arapahoes, Kiowas and Comanches marshalling their warriors in battle order for a grand concentrated strike throughout the Territories, the Treasury empty and with the necessities for immediate defence daily accumulating, one might well be excused for reeling under the intolerable burden thus thrown upon him.

To convene the Legislature in extraordinary session, a measure frantically demanded by many would accomplish nothing. When organized, what could the members do? Certainly

no more to the purpose than to authorize the unlimited issue of scrip. In this the history of Montana during her last expensive effort to reduce her own turbulent tribes, would be repeated. Conceive the consternation that would prevail in our poverty-stricken money-market, when half a million dollars' worth of Territorial scrip should be suddenly thrown upon it. What would be the result? Probably ten, or at the most twenty cents on the dollar. Call the troops into service for three months, provide them with horses, and equipments for horse and rider, procure arms from the eastern arsenals, transportation and supplies through the slow process that would inevitably follow, and when all this should be done find winter covering the face of nature, the time for which the troops were mustered nearly expired, money exhausted, Indians fled, and the country saddled with a debt which ten or twenty years of unexampled prosperity could not cancel, and you have the accumulated product of a criminal and a stupid stretch of authority.

General Sherman, who is familiar with such operations writes me that the debt of Montana at this time from this cause alone is \$1,500,000, which amount Congress has not assumed and will never pay. The interest alone, when added to our already heavy burdens, would crush a population much greater than ours."

#### MILITIA CLAIMS AGAINST UNITED STATES.

Of these claims I have no official intelligence since my last report.

#### HISTORY OF FIRST, SECOND AND THIRD REGIMENTS OF COLORADO VOLUNTEER CAVALRY.\*

At the time of my appointment as Adjutant General, *nothing* had been done towards the compilation of this history.

Adjutant-General Tappan's report (unpublished) for the year 1866, states that complete muster-out rolls had been obtained of all but two (2) companies of these regiments; there were, however, as shown by my last report, muster-out rolls wanting for the whole of the First Regiment, companies "A" and "B" of the Second Regiment, and "D" of the Third Regiment. I have since received the missing roll of company "D" of the Third Regiment, and now have compiled the whole of

\*As the foot-note at page 16 of my last report might lead to error as to what had been done in the matter of this history, as also in the matter of the disbursement of the fund created for its compilation, under act of Feb. 7, '66, I have given the exact status of the work and fund when it came to my hands.

the Third Regiment, and all but companies "A" and "B" of the Second Regiment.

There now remains to be compiled the history of the Veteran Battalion, First Colorado Cavalry, the muster-out rolls of which I have; this will of course give the history of those of the First Regiment who enlisted for a second term of service, leaving wanting all those who were discharged on expiration of term of first enlistment.

*Cash Account Special Appropriation for procuring Military Record of the First, Second, and Third Regiments Colorado Volunteer Cavalry.*

1866.		DR.
March 2,	To S. T. Hawkins, for table, - - - -	\$11.00
" 2,	" Drayage, - - - -	50
" 5,	" " removing books from old office	50
" 5,	" Postage Stamps, - - - -	3.00
" 10,	" Le Cavalier, work on table and desk, -	34.00
" 11,	" Kassler & Co., stationery and books,	16.70
" 12,	" Cavanaugh, 3 chairs, - - - -	12.00
" 12,	" Drayage " " - - - -	50
" 12,	" " table and desk, - - - -	1.00
" 21,	" Robinson for sign, - - - -	6.00
" 21,	" Setting up " - - - -	2.00
" 29,	" Postage Stamps, - - - -	3.00
" 29,	" Letter Press, Table and Table Cloth,	35.00
April 30,	" Postage Stamps, - - - -	3.00
May 31,	" Woolworth & Moffat's bill, - - - -	14.50
" 31,	" Le Cavalier for Book Case, - - - -	7.00
" 31,	" Postage Stamps, - - - -	3.00
" 31,	" Clerk hire, - - - -	145.00
July 25,	" Postage, - - - -	3.20
Aug. 6,	" Drayage of Ordnance Stores, - - - -	2.00
" 9,	" Paid Clerk hire, - - - -	55.00
" 9,	" S. F. Tappan, services in Washington,	50.00
" 10,	" Paid Freight and Postage, - - - -	3.70
Sept. 15,	" " large Record Books and services of agent in Washington, - - - -	160.00
" 15,	" Rent of office to Jan. 1, 1867, - - - -	175.00
Total, - - - -		\$746.60

Thus leaving a balance when turned over to me of \$253.40.

To complete the compilation of the history from the muster rolls now in my office, and reimburse to me moneys ex-

pended in prosecuting this work there should be an appropriation of about \$200; and should the Legislature deem it advisable to *perfect* the history of these Regiments, a still further appropriation will be needed.

That this history should be perfected there can be no question, as it furnishes the evidence of meritorious service of men to many of whom or their friends bounties and pensions are due.

Many cases have come to my notice during my term of office where relatives often in needy circumstances wished to apply for pensions due them by reason of death of soldiers in our regiments; but owing to the want of the necessary evidence, could not procure them. In several cases I have succeeded in getting the required evidence from discharged soldiers and officers who served with the deceased.

In conclusion, I will direct the attention of your Excellency to that part of my last report under the head of "Militia Law," which is as applicable to the present, as to the time it was written.

Too much stress cannot be laid upon the necessity of having a force of four or five hundred well drilled and equipped men ready for service at a few hours' notice.

A bill drawn by myself and presented at the last Legislature by Mr. A. Bates, embodied the necessary provision for such a force, and would with some alterations and eliminations, I think, be as good a law as could be passed.

I am, sir, very respectfully,

HAL SAYR,  
*Adjutant-General Col. Ter.*

## LIBRARIAN'S REPORT.

OFFICE OF TERRITORIAL LIBRARIAN, }  
DENVER, Dec. 25, 1869. }

*To the Honorable Legislature of Colorado Territory:*

GENTLEMEN: In making a report of the condition of the Territorial Library, I find it almost impossible to give as full and correct a report as I would like.

The additions to the Library since my last report in December, 1867, have been of very little importance, nor can the Territorial Library be much improved until appropriations are made by the Legislature, to be used yearly for the purchase of

such books and documents as are not likely to be transmitted to it, or received from the different departments of Government or State.

The Territorial Library has not been a great credit to our Territory, nor is it likely to be, until your Honorable Body makes provision for supplying it with suitable furniture in the way of book-cases, tables, desks, chairs, &c., to render it pleasant and deserving.

I would suggest to you the propriety of making the necessary appropriations for the purchase, every year, of additional books, maps, charts, mineralogical and geological works, to the amount of \$500, and an appropriation of \$500 to purchase book-cases, desks, and chairs, also an appropriation of \$500 for renting good and convenient rooms for the Library.

If our condition as a Territory is not such as to warrant expenditures of the kind, and the payment of a competent salary to the Territorial Librarian, that you dispose of the books, &c., of the Library for the present by having them well and safely boxed and stored away in some fire-proof ware-house, until such date as our Territory is in a condition to resurrect and provide properly for the care and maintenance of a Territorial Library. In the event you should see fit to adopt the plan of storing the contents of the Library, you may make it incumbent on the Territorial Auditor or Treasurer to receive and take proper care of all books, maps, charts, &c., that may be transmitted to the Library, by keeping them in his office, carefully wrapped in paper, until a sufficient number shall have been received by him to justify his boxing and storing of them with others previously stored; by such a course the expense to the Territory would be small, and in a few years, when our population and resources shall have increased, the books, maps, &c., now on hand, with those that may have been received in the intervening time, may be opened and will be a good nucleus to form a respectable Library around.

I would regret much to see your Honorable Body adopt the suggestion of storing the books and contents of the Territorial Library, as I feel convinced every citizen of Colorado would prefer to pay a small additional yearly tax in order that our Territorial Library may be properly improved and made of interest to ourselves, as well as of visitors to the Territory.

The assortment of books is small and very imperfect, many works on law and history containing but little that is interesting, and those disconnected; as in most all works that are composed of more volumes than one, there are one or more volumes missing; such was the condition of the Territorial Library when turned over to my care, and I have not been able myself or

with the efforts of my assistants, to find or obtain all the missing volumes.

I find on examination of files in my office, there have been 148 volumes received and added to the Library since my last report, among which are Executive documents, House Journals, Adjutant-General's report, and school report of Pennsylvania, six volumes of Senate and House Journals of Illinois, five volumes of Illinois reports, two volumes of Illinois digest, two volumes of laws of Nebraska, two volumes of Nevada reports, six volumes of Iowa reports, Appendix to Journals of California Senate and Assembly, one volume of reports of North Carolina, two volumes of reports of Minnesota, two volumes of Massachusetts, one each of Missouri and Kentucky, one volume each New York Civil and Political Code, Fortieth volume Vermont State reports, Vermont Senate and House Journals, five volumes of the private laws of Illinois, seventeen volumes of Senate and House Journals of New York, together with reports from other States of similar character not here enumerated. Relying on your superior intelligence and good judgment, as well as your pride as citizens of Colorado, in providing for and adopting the best means of making our Territorial Library a credit to our Territory, I most respectfully submit to you the foregoing statements and suggestions.

Your obedient servant,

COLUMBUS NUCKOLLS,

Territorial Librarian.

## REPORT OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

OFFICE TERRITORIAL SUP'T PUBLIC INSTRUCTION, }  
 Denver, Colorado, Dec. 25th, 1869. }

*To the Honorable Legislature of Colorado Territory:*

GENTLEMEN: I have the honor to submit the following report of the condition of the Public Schools of the Territory of Colorado.

Upon examining the reports of the County Superintendents which are by law required to be made to the Superintendent of Public Instruction, I find that nearly every one complains that the Secretaries of the District Boards fail to include in their reports all the items which the law requires, and in many cases have entirely neglected to make any report, and I am therefore unable to give any reliable statistics relative to the number of schools, teachers or pupils.

I have distributed to the County Superintendents copies of

the school law, and blank reports, and have endeavored to have them become familiar with their duties, in order that our school system might be rendered uniform throughout all the counties of the Territory.

In the execution of the school laws I find several defects, to the correction of which I would respectfully call your attention.

The law requires the County Superintendent to give a certificate to teachers after examination, authorizing them to teach a public school in his county for one year. I would suggest that the law be so amended as to read "not exceeding one year," and thus leave it in the power of County Superintendents to grant certificates for a shorter period than one year.

I think it should also be made the duty of the County Superintendent to make a record of the name, age and date of examination, of all persons examined by them, distinguishing between those to whom they issue certificates and those rejected.

The county school tax is now apportioned among the different school districts, in proportion to the number of persons therein between the ages of 5 and 21 years, thus giving the same proportions of money to districts in which no schools are held, as to those which maintain schools throughout the entire year. I would suggest that the law be amended so as to make the number of pupils attending schools in the district for the previous year the basis for the apportionment.

Some steps should be taken for the formation of District Libraries, and some plan devised to compel the Secretaries of the District Boards to make their reports to the County Superintendents more promptly, and some penalty prescribed where the County Superintendents fail to report to the Territorial Superintendent within the time required by law.

The increasing population of our Territory renders it imperative that our school system should receive attention, and that the monies collected for school purposes in the different counties should be judiciously applied.

Some appropriation should be made for the purpose of printing the different blanks requisite for the use of the County Superintendents, and the officers of the District Boards.

I would recommend to your Honorable Body the propriety of making the office of School Superintendent a separate and distinct office, as our population and large increase of children in the Territory seem to demand that the office of School Superintendent be a separate office, and a competent Superintendent of Public Instruction be appointed or elected, and paid a suffi-

cient salary to give our Territorial school system his undivided attention. All of which is most respectfully submitted,

Your obedient servant,

COLUMBUS NUCKOLLS,

School Superintendent of Colorado.

Mr. Hughes offered the following motion :

That the rules of the last session of the Council be adopted until otherwise ordered. Motion carried.

Mr. Butler moved that a committee of three be appointed by the chair, on rules for the government of this body. Carried.

The President appointed as such committee Messrs. Butler, Steck and Stearns.

Mr. Loveland moved that a committee of two be appointed by the chair to act with a like committee of the House on joint rules. Carried.

The President appointed as such committee Messrs. Loveland and Webster.

Mr. Butler offered the following resolution :

*Be it resolved, By the Council and House of Representatives,* That the Secretary of the Territory be requested to procure and furnish a sufficient quantity of matting to cover the floors of the Council Chamber and House of Representatives, and that if the Secretary has no authority to furnish the same at the expense of the United States, the same be paid for out of the Territorial Treasury.

Adopted.

Mr. Nesmith moved that the proper officers of the Council be directed before its next meeting to move the furniture to the other end of the room. Carried.

On motion of Mr. Butler, the Council adjourned until ten o'clock, a. m., to-morrow.

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WEDNESDAY, JANUARY 5TH, 1870.

President in the chair. Roll called. Absent—Messrs. Butler and Webster. Quorum present. Prayer by the Chaplain. Journal read and approved.

President announced the following standing committees :

*Judiciary*—Messrs. Butler, Steck and Sherwood.

*Finance*—Messrs. Loveland, Sanchez and Nesmith.

*Expenditures*—Messrs. Hahn, Stearns and Cook.

*Highways and Bridges*—Messrs. Cook, Velasquez and Hughes.

*Corporations*—Messrs. Stearns, Butler and Loveland.

*Territorial Library*—Messrs. Hughes, Nesmith and Velasquez.

*Elections*—Messrs. Loveland, Butler and Steck.

*Counties*—Messrs. Stearns, Loveland and Sanchez.

*Federal Relations*—Messrs. Webster, Hughes and Velasquez.

*Agriculture*—Messrs. Hughes, Velasquez and Steck.

*Mining Interests*—Messrs. Nesmith, Stearns and Loveland.

*Indian Affairs*—Messrs. Sherwood, Velasquez and Cook.

*Printing*—Messrs. Loveland, Butler and Nesmith.

*Enrolling and Engrossing*—Messrs. Webster and Stearns.

Mr. Sherwood offered the following:

*Resolved*, That the office of Assistant Secretary of the Council be and the same is hereby declared vacant, and that Geo. T. Clark be and is hereby declared elected to fill said vacancy.

Resolution adopted.

Geo. T. Clark then appeared and was duly qualified by the President.

Mr. Steck gave notice that on to-morrow or some subsequent day, he would introduce a bill for an act to amend chapter seventy-one (71) of the Revised Statutes of Colorado.

Messrs. Butler and Webster appeared and took their seats.

Mr. Hahn offered the following:

*Resolved*, That a committee of three be appointed by the Council, to act with a like committee on the part of the House, in reference to printing the Message of Gov. McCook, the Auditor and Treasurer's Report, and all incidental printing connected with both Houses.

Resolution adopted.

Messrs. Loveland, Steck and Hughes were appointed.

Mr. Hahn offered the following:

*Resolved*, That the several subjects contained in the message of His Excellency, Gov. McCook, be referred to the respective appropriate committees of the Council.

Resolution adopted.

The President directed that the part of the Governor's

message relating to Indian affairs be referred to committee on Indian Affairs.

That part relating to agriculture to the committee on Agriculture.

The part relating to public instruction to committee on Education.

The part relating to compensation of Territorial officers to the committee on Finance.

That part referring to elections of Federal officers and registry laws to committee on Elections.

That part referring to railroads to the committee on Corporations, and the balance of said message to the appropriate committees.

Mr. Sherwood offered the following:

*Resolved*, That the portion of the Governor's message referring to female suffrage be referred to a special committee, consisting of Messrs. Steck, Cook and Nesmith.

Mr. Steck moved to amend by substituting the names of Messrs. Butler and Hughes, in place of Messrs. Steck and Nesmith.

Mr. Butler moved to lay the amendment on the table.

Motion carried.

The original resolution was then called for.

Mr. Steck called for the ayes and nays.

Ayes—Messrs. Butler, Hahn, Loveland, Sherwood and Velasquez,—5 votes.

Nays—Messrs. Cook, Hughes, Nesmith, Stearns, Sanchez, Steck, Webster and Mr. President,—8 votes.

So the resolution was lost.

President announced a communication from the Secretary of the Territory.

Mr. Sherwood moved that the same be read. Carried.

The following communication from the Secretary of the Territory was then read:

TERRITORY OF COLORADO, SECRETARY'S OFFICE, }  
 Denver, Jan'y 4th, 1870. }

HON. GEO. A. HINSDALE, President of the Council:

*Sir*: I have the honor to inform you that I have appointed Messrs. Woodbury & Walker of the Colorado *Tribune*, printers to the Legislative Council during its present session. As the United States claim the right to regulate the price and quantity of Territorial printing, I am instructed that memorials,

petitions and documents having no necessary connection with the duties of Legislation will be excluded, and not printed at their expense.

The postage of members will be paid by me as heretofore. Letters and papers should be franked and placed in charge of the Sergeant-at-Arms, who will see them properly stamped and mailed.

The department likewise authorizes me to furnish each member with one newspaper during the Session. The members will please hand their names to the Secretary, together with the name of the journal for which they desire to subscribe, and on receipt of the lists at this office, their orders will be promptly filled.

Very respectfully,

Your obedient servant,

FRANK HALL,

*Secretary of Colorado Territory.*

Mr. Butler moved that the communication just read be referred to the special joint committee on printing. Carried.

Mr. Stearns offered the following:

*Resolved*, That the time for the meeting of the Council daily shall be at ten o'clock, a. m., and two o'clock, p. m., unless otherwise ordered.

Resolution adopted.

Mr. Hughes moved that the portion of the Governor's message relating to female suffrage be referred to the Committee on Elections.

Mr. Loveland moved to amend the same, that it be referred to a special committee of five, to be appointed by the President.

Amendment carried with the original motion.

President appointed Messrs. Steck, Hahn, Butler, Sherwood and Nesmith such committee.

Remainder of the Governor's message was by order of the President referred to the appropriate committees.

On motion of Mr. Butler the Council adjourned.

#### AFTERNOON SESSION.

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

Roll called.

Absent—Messrs. Steck and Hahn.

President appointed Messrs. Stearns, Velasquez, and Webster committee on Military Affairs.

Mr. Hahn appeared and took his seat.

Mr. Steck appeared and took his seat.

Mr. Loveland from the special joint committee on "joint rules" reported that the special committee had conferred with a like committee of the House, and recommended the adoption of the joint rules of last session until otherwise ordered.

The report of the committee was received, and on motion of Mr. Butler it was adopted and the committee discharged.

Mr. Butler from the committee on permanent rules for the Council made the following report :

The committee appointed to prepare and present permanent rules for the Council, would respectfully recommend the adoption of the rules of the last session, after amending section thirty-nine [39], by striking out the word "Jefferson's Manual" on the second line, and inserting in its stead "Cushing's Parliamentary Law and Practice of Legislative Assemblies."

Respectfully submitted,

HUGH BUTLER, *Chairman.*

AMOS STECK,

E. N. STEARNS.

Report of the committee was received, adopted, and the committee discharged.

Mr. Stearns offered the following :

*Resolved*, That one hundred copies of the permanent rules of the Council and joint rules of the House be printed in the English language, and fifty copies of the same in the Spanish language, for the use of the members of the Council.

Resolution adopted.

Mr. Hahn offered the following :

*Resolved*, That the Secretary furnish a copy of all resolutions offered in the Council to the Interpreter.

Resolution adopted.

Mr. Cook gave notice that on to-morrow or some subsequent day, he would introduce a bill to amend chapter LXXX. [80] of the Revised Statutes, and to repeal portions of said act.

On motion of Mr. Butler, the Council adjourned.

THURSDAY, JANUARY 6TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Cook and Nesmith.

Quorum present.

Messrs. Cook and Webster appeared and took their seats.

Journal read and approved.

Mr. Sanchez gave notice that on to-morrow or some subsequent day, he would introduce a bill for an act to provide for printing the laws in the Spanish language.

Mr. Hahn gave notice that he would on to-morrow or some subsequent day, introduce a bill to amend chapter fifty [50] of the Revised Statutes of Colorado.

Mr. Hahn gave notice that he would on to-morrow or some subsequent day, introduce a bill to amend chapter fourteen [14] of the Revised Statutes of Colorado relating to chattel mortgages.

Mr. Butler gave notice that he would on to-morrow or some subsequent day, introduce a bill for an act to amend chapter six [6] of the Revised Statutes of Colorado concerning attachments.

Mr. Butler 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 providing for change of venue in civil cases.

Mr. Hughes moved that there be added to the standing committees a "committee on the Penitentiary."

President decided that it took a two-third vote to change the rules.

Mr. Steck moved to suspend the rules in order to consider Mr. Hughes's resolution.

Carried.

The ayes and nays were then called on the adoption of Mr. Hughes's resolution.

Ayes—Messrs. Butler, Cook, Hahn, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President,—13 votes.

Nays—none.

So the resolution was adopted.

Communication received from Secretary Hall, with the report of the Agricultural Society.

Report was referred to the committee on Agriculture.

Message from the House:

HOUSE OF REPRESENTATIVES, January 5th, 1870.

*To the Honorable, the President of the Council :*

Sir: I am instructed to inform the Council that the House has concurred with the Council in the adoption of C. J. Resolution No. 2, and have appointed a committee to act in concert with the committee appointed by the Council.

Very respectfully,

WM. M. SLAUGHTER,

*Clerk of the House.*

Mr. Butler moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Stearns, Steck, Sherwood, Sanchez, Velasquez and Mr. President,—9 votes.

Nays—Messrs. Cook, Hahn, Nesmith and Webster,—4 votes.

Motion carried.

So the Council adjourned.

AFTERNOON SESSION.

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

President in the chair.

Roll called.

Absent—Messrs. Webster, Nesmith and Sherwood.

Quorum present.

Messrs. Nesmith, Sherwood and Webster appeared and took their seats.

Mr. Steck offered the following petition, which was by the President referred to the committee on Elections.

*To the Hon. the President and Council of the Legislative Assembly of Colorado Territory :*

The petition of the undersigned, Wm. M. Roworth, respectfully sets forth, That your petitioner is a native born citizen of the United States, above the age of twenty-one years, that he has resided in the Territory of Colorado since the year 1860, and within the county of Gilpin since that time, and has never resided any where else since his coming into said Territory; That he was a candidate for election to your Council from the third Council District, to wit: Gilpin county in said Territory, at the general election held on the second Tuesday of September, A. D. 1869, under the proclamation of the Secretary of the Territory, to supply the vacancy in the office of Councilman from said third District, occasioned by the resignation of

Hon. D. D. Belden ; That at the election aforesaid your petitioner received for said office of Councilman one thousand and sixty-four of the legal votes cast at the several election precincts in said District, which votes constituted a majority of all the legal votes polled at said election for the said office of Councilman ; and that the Hon. Silas B. Hahn, now sitting member in the Council representing said District received at said election for the office of Councilman one thousand votes, being a minority of the votes cast at said election for Councilman from said District. Your petitioner further sets forth that the Territorial Board of Canvassers did not canvass the votes returned to the Secretary of the Territory for the office of Councilman from the third District, but made a special report of the return of the election held for that office to the Governor of the Territory, from which it appeared that the full returns of votes cast for that office were not made to the Secretary as was required by law ; but that two of the most populous precincts in the said Districts were suppressed upon some pretext of the Board of Canvassers of said county of Gilpin. Your petitioner further shows, that by the suppressed precincts it will fully appear that your petitioner was duly elected Councilman from said District. Your petitioner therefore prays that a committee of investigation may inquire into all the facts relating to the said election, and your petitioner admitted to his seat as a member of your Council from said third District, in the place of the Hon. S. B. Hahn, the now sitting member. All which your petitioner respectfully prays.

January 6th, 1870.

WILLIAM M. ROWORTH.

Mr. Steck asked leave to introduce a bill for an act entitled An act to amend chapter seventy-one [71] of the Revised Statutes of Colorado.

Mr. Nesmith offered the following :

*Resolved*, That rule forty [40] be so amended as to include a committee on Immigration.

Ayes and nays were called.

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez, and Mr. President,—13 votes.

Nays—none.

So the resolution was adopted.

President appointed as such committee, Messrs. Nesmith, Sherwood and Hughes.

Mr. Nesmith gave notice that he would on to-morrow or some subsequent day, introduce a bill to amend that part of chapter sixty-three [63] Revised Statutes, entitled An act to establish a Territorial Assay Office in the Territory of Colorado.

Mr. Webster gave notice that he would on to-morrow or some subsequent day, introduce a bill to amend chapter sixty-two [62] of the Revised Statutes of Colorado, concerning mining claims.

Mr. Butler gave notice that he would on to-morrow or some subsequent day, introduce a bill for an act to abolish capital punishment.

On motion of Mr. Loveland, the Council took a recess of a half hour.

Mr. Hahn gave notice that he would on to-morrow or some subsequent day, introduce a bill for the amendment of chapter eighty-one [81] of the Revised Statutes of Colorado, relating to fees and salaries.

On motion of Mr. Loveland, the Council adjourned.

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FRIDAY, JANUARY 7TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs Cook, Nesmith, Steck and Webster.

Prayer by the Chaplain.

Quorum present.

Journal read and approved.

The President referred the report of the Librarian and School Superintendent to the committee on Education.

Mr. Loveland gave notice that he would, on to-morrow or some subsequent day, introduce a bill to move the seat of government of Colorado Territory to Georgetown, Clear Creek county.

Mr. Hahn gave notice that he would, on to-morrow or some subsequent day, introduce a bill to amend chapter ten of the Revised Statutes of Colorado, relating to bills of exchange and promissory notes.

Messrs. Webster, Nesmith and Steck appeared and took their seats.

C. B. No. 1, a bill for an act to amend chapter seventy-one of Revised Statutes was read by the title the first time.

Previous notice having been given, Mr. Butler introduced

C. B. No 2, an act to amend an act providing for change of venue in civil cases.

Message from the House:

HOUSE OF REPRESENTATIVES, January 7th, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed to inform your Honorable Body that the House has passed joint resolution No. 2, in which the concurrence of the Council is respectfully requested. The same is herewith transmitted.

Respectfully,

W. M. M. SLAUGHTER,  
*Chief Clerk.*

Mr. Loveland moved that the rules be suspended and House Joint Resolution No. 2 be put upon its final passage.

Motion carried.

H. J. R. No. 2, was read first, second and third times and put upon its final passage.

Yeas—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President,—total yeas, 12.

Nays—none.

So H. J. R. No. 2, relative to printing Governor's message &c., was passed and title agreed to.

Mr. Stearns, chairman of the committee on Military Affairs made a report which was on motion of Mr. Nesmith referred back to the committee, with instruction to report a bill embracing the suggestions of said report.

Leave being granted, Mr. Loveland introduced C. B. No. 3, An act for the relief of Arapahoe, Jefferson and Fremont counties.

Mr. Sherwood offered the following:

*Resolved*, That a committee of three be appointed by the President to confer with the Honorable Secretary of the Territory, for the purpose of procuring additional furniture for the use of the Council Chambers.

Resolution adopted.

The President appointed Messrs. Webster, Nesmith and Butler said committee.

On motion of Mr. Hughes, the Council adjourned to ten o'clock a. m., Monday, January 10th, 1870.

MONDAY, JANUARY 10TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Loveland and Steck.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Mr. Steck appeared and took his seat.

Mr. Hinsdale presented a petition of the citizens of Pueblo county, praying for a repeal of sections 10, 11 and 12, of chapter 80, concerning "stock."

The petition was referred to the committee on Agriculture.

Mr. Stearns gave notice of the introduction of a bill for An act to authorize the employment of volunteer troops to aid in enforcing the laws to repel the incursions of hostile Indians, and to protect public and private property; also without previous notice, C. B. No. 4, An act to repeal an act entitled An act to encourage the destruction of wolves; also notice of a bill for An act to establish a new county and define the lines of certain other counties.

Mr. Webster gave notice that he would, on to-morrow or some subsequent day, introduce a bill for An act to amend chapter 77 of the Revised Statutes, concerning school tax.

Mr. Hahn introduced Council bill No. 7, An act to repeal section 221 of chapter 22 of the Revised Statutes of Colorado Territory.

Mr. Hahn also introduced Council bill No. 8, An act to amend an act entitled bills of exchange and promissory notes.

Mr. Hahn also introduced Council bill No. 9, An act to amend an act entitled chattel mortgages.

Council bill No. 1 was read the second time in full, and on motion of Mr. Steck was referred to the committee on Judiciary.

Council bill No. 2 was read the first time in full.

Mr. Hahn introduced Council bill No. 5, notice having been given, An act concerning witnesses.

Mr. Cook introduced Council bill No. 6, An act to repeal sections 10, 11 and 12 of chapter 80 of Revised Statutes.

Council bill No. 3 was read the first time in full.

Message from the House:

HOUSE OF REPRESENTATIVES, January 7th, 1870.

*To the Honorable, the President of the Council :*

I am instructed by the House to inform the Council that the House has passed H. J. R. No. 3, and respectfully request the concurrence of the Council.

Respectfully,

WM. M. SLAUGHTER,  
*Chief Clerk.*

Mr. Steck moved that the rules be suspended, and that H. J. R. No. 3, be read the first, second and third times and put upon its passage.

Then H. J. R. No. 3, to wit :

*Be it resolved, By the House of Representatives, the Council concurring, That the Clerk of the House and Secretary of the Council be instructed to procure for each member of the respective Houses one daily and two weekly papers besides the one now furnished by the U. S.,*

Was then read first, second and third times and the resolution put upon its final passage.

Ayes—Messrs. Cook, Hahn, Hughes, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President,—10 votes.

Nays—Mr. Nesmith,—1 vote.

So H. J. R. No. 3 was passed.

On motion of Mr. Hughes, the Council adjourned.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called. Absent—Messrs. Butler and Sherwood.

Mr. Sanchez introduced Council bill No. 10, relating to the translation of certain laws into the Spanish language and asking an appropriation therefor.

Mr. Sherwood appeared and took his seat.

Council took a recess of twenty minutes.

Council resumed its sitting.

Mr. Hahn gave notice that he would, on to-morrow or some subsequent day, introduce a bill providing for foreclosure of mortgages on real estate.

On motion of Mr. Stearns, the council adjourned.

TUESDAY, JANUARY 11TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Steck, Nesmith, Loveland, Butler and Cook.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Messrs. Steck, Loveland and Nesmith appeared and took their seats.

Mr. Hughes gave notice that he would, on to-morrow or some subsequent day, introduce a bill to amend chapter 48, of the Revised Statutes of Colorado, relating to judgements and executions.

Mr. Loveland gave notice that he would, on to-morrow or some subsequent day, introduce a bill to legalize a certain action of the County Commissioners of Clear Creek county.

Council bill No. 4, was read the first time in full.

Council bill No. 5, was read the first time in full.

Council bill No. 6, was read the first time in full.

Council bill No. 7, was read the first time in full.

Council bill No. 8, was read the first time in full.

Council bill No. 9, was read the first time in full.

Council bill No. 10, was read the first time in full.

Council bill No. 2, was read the second time in full, and was, by the President, under the rules, referred to the committee of the Whole.

Council bill No. 3, was read the second time in full, and was, by the President, under the rules, referred to the committee of the Whole.

On motion of Mr. Stearns, the Council resolved itself into committee of the Whole, to consider C. B's Nos. 2 and 3.

Mr. Stearns in the chair.

The President resumed the chair for the purpose of receiving the following message from the house:

HOUSE OF REPRESENTATIVES, January 10th, 1870.

*To the Honorable President of the Council:*

SIR: I am instructed by the House to inform your Honorable Body that the House has passed H. J. R. No. 4. The concurrence of the Council is respectfully requested. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,

*Chief Clerk.*

The message having been received the committee of the Whole resumed its sitting.

The President resumed the chair for the purpose of receiving the following message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }  
Denver, January 6th, 1870. }

*To the Honorable, the President of the Council of Colorado Territory:*

SIR: I have the honor to transmit to your Honorable Body all the papers in my possession relating to the election of a Councilman in the Third Council District, viz.:

The report of the Board of Territorial Canvassers.

Affidavit of J. H. Messinger.

Affidavit of Lewis C. Rockwell.

Affidavit of James D. Wood.

Certificate of Messrs. Lyon, Freeman and Shepherd, Judges of Election.

Certificate of Messrs. Wood, Schellinger and Young, Judges of Election.

I also transmit herewith a communication from the Chief Justice of the Supreme Court of the Territory, made in conformity with section 186 of the Criminal Code, submitting certain suggestions respecting the amendment of that Code.

I have the honor to be, your very obedient servant,

EDWARD M. McCOOK.

The message having been received the committee of the Whole resumed its sitting.

The committee rose and reported as follows:

*Mr. President:* Your committee of the Whole have considered C. B. No. 2, and report the same back, with the recommendation that it be referred to the committee on Judiciary; also, that C. B. No. 3, be referred to the committee on Finance.

Mr. Loveland moved that the report of the committee of the Whole be received and adopted. Carried.

On motion of Mr. Stearns, that part of the Governor's message, with the documents, was referred to the committee on Elections.

On motion of Mr. Hahn, the report of the Chief Justice, submitted by the Governor's communication, was read in full and referred to the committee on Judiciary.

Mr. Stearns offered the following :

*Resolved*, That the committee on Printing be instructed to have all bills printed for the use of the Council before they are submitted to the committee of the Whole House, unless otherwise ordered.

Resolution was adopted.

House Joint Resolution No. 4, relating to a vote of thanks to General Carr and his command, was on motion of Mr. Stearns, under a suspension of the rules, put upon its final passage.

H. J. R. No. 4, was then read 1st, 2d and 3d times, and the question being upon its final passage the ayes and nays were called.

Ayes—Messrs. Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Webster, Velasquez and Mr. President,—10.

Nays—none.

So the resolution passed and title agreed to.

The President appointed Messrs. Hahn and Hughes a joint committee on Enrolled Bills.

Mr. Nesmith moved that it be the sense of this House that the committee mentioned in rule five—Joint Rules—is the standing committee on Enrolled and Engrossed bills required by rule 40 of Council rules.

Motion was lost.

On motion of Mr. Hughes, the Council adjourned until tomorrow morning at ten o'clock.

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WEDNESDAY, JANUARY 12TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Cook, Loveland, Sherwood and Velasquez.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Mr. Stearns introduced Council bill No. 11, a bill for An act to employ volunteers, &c.

C. B. No. 4, was read the second time, and was, by the President, referred to the committee of the Whole.

C. B. No. 5, was read the second time, and on motion of Mr. Steck, was referred to the Judiciary committee.

C. B. No. 6, was read the second time, and was referred to the committee of the Whole.

C. B. No. 7, was read the second time, and on motion of Mr. Stearns, was referred to the Judiciary committee.

C. B. No. 8, was read the second time, and on motion of Mr. Steck, was referred to the Judiciary committee.

Messrs. Sherwood and Velasquez appeared and took their seats.

C. B. No. 9, was read second time, and on motion of Mr. Nesmith, was referred to the Judiciary committee.

C. B. No. 10, was read the second time, and on motion of Mr. Steck, was referred to the committee on Printing.

On motion of Mr. Stearns, the Council resolved itself into the committee of the Whole, Mr. Nesmith in the chair, to consider C. B's Nos. 4 and 6.

The committee rose and reported as follows:

*Mr. President:* Your committee of the Whole have had under consideration C. B. No. 4, and report progress; also, C. B. No. 6, and report the same back, with the recommendation that it do pass.

Mr. Webster moved that the Council bill No. 6, be engrossed and read the third time.

Ayes—Messrs. Hahn, Hughes, Nesmith, Sanchez, Sherwood, Webster, Velasquez and Mr. President,—8 votes.

Nays—none.

So C. B. No. 6, was ordered to be engrossed and read the third time.

On motion of Mr. Velasquez, the Council adjourned.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Cook, Butler and Loveland.

Quorum present.

Leave being granted, Mr. Hughes introduced C. B. No. 12, An act to amend chapter 17 of the Revised Statutes of Colorado, entitled Practice.

On motion of Mr. Nesmith, the printing of C. B's Nos. 1 and 4 was dispensed with.

Mr. Hahn gave notice that he would, on to-morrow or some subsequent day, introduce a bill to amend chapter 48 of the Revised Statutes of Colorado, entitled Judgements and Executions.

On motion of Mr. Nesmith, the printing of C. B. No 6, was dispensed with.

Message from the House:

HOUSE OF REPRESENTATIVES, January 12th, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform your Honorable Body that the House has passed H. J. R. No. 5. The concurrence of the Council is respectfully requested. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
*Chief Clerk.*

Mr. Steck gave notice that he would, on to-morrow or some subsequent day, introduce a bill respecting the fees and salaries of officers.

Mr. Hahn introduced C. B. No. 13, An act to amend chapter 48 of the Revised Statutes of Colorado.

Mr. Stearns gave notice that he would, on to-morrow or some subsequent day, introduce a bill to dissolve the bonds of matrimony between John Ritchie and Margaret Ritchie.

On motion of Mr. Nesmith, the Council adjourned till to-morrow morning at ten o'clock.

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THURSDAY, JANUARY 13TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Loveland and Steck.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Mr. Steck appeared and took his seat.

Mr. Velasquez gave notice that he would, on to-morrow or some subsequent day, introduce a bill for An act to change the boundaries of the counties of Costilla, Conejos and Saguache.

Mr. Stearns introduced C. B. No. 14, An act to dissolve the bonds of matrimony of John Ritchie and Margaret Ritchie.

Mr. Webster introduced C. B. No. 15, An act to amend chapter 77 of the Revised Statutes.

C. B. No. 11, was read the first time.

C. B. No. 12, was read the first time.

C. B. No. 13, was read the first time.

H. J. R. No. 5, was read the first time.

Mr. Webster, from the committee on Engrossed Bills, reported C. B. No. 6, correctly Engrossed.

C. B. No. 6, was read the third time and put upon its final passage.

Ayes—Messrs. Cook, Hahn, Hughes, Nesmith, Stearns, Sanchez, Steck, Velasquez and Mr. President,—9.

Nays—none.

So the bill passed and title was agreed to.

A communication from the Secretary of Colorado was read as follows:

TERRITORY OF COLORADO, SECRETARY'S OFFICE, }  
Denver, Jan. 13th, 1870. }

HON. GEO. A. HINSDALE, President of the Council:

*Sir*: I have the honor to transmit herewith the advance copies of the Governor's message in pamphlet form for the use of the Council. A full supply covering the order of your committee on Printing will be ready for distribution to-morrow. I am requested by His Excellency, the Governor, to ask that two copies of each printed bill introduced by the members of the Council, be sent to this office on the day of such introduction.

Very respectfully,

Your obedient servant,

FRANK HALL,  
*Secretary of Colorado.*

On motion of Mr. Cook, the Council adjourned.

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Cook and Hughes.

Quorum present.

Mr. Steck introduced C. B. No. 16, as a substitute for C. B. No. 1, and moved that the same be ordered printed.

Carried.

Mr. Hughes appeared and took his seat.

Mr. Loveland introduced C. B. No. 17, relative to legalizing

certain acts of the County Commissioners of Clear Creek county.

Mr. Webster gave notice that he would, on to-morrow or some subsequent day, introduce a bill for An act to amend chapter 76 of the Revised Statutes of Colorado, concerning Roads and Highways.

Mr. Sherwood introduced C. B. No. 18, relating to District and Supreme Court.

Mr. Steck moved that C. B. No. 18, be read the first and second times and referred to the committee on Judiciary.

Carried.

On motion of Mr. Stearns, the Council adjourned till to-morrow at ten o'clock a. m.

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FRIDAY, JANUARY 14TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Nesmith and Steck.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Messrs. Nesmith and Steck appeared and took their seats.

The President referred the petition of citizens of Carson to the committee on Counties.

Mr. Loveland from the committee on Printing reported that they have had C. B. No. 10, under consideration and recommend that it do pass.

Mr. Velasquez introduced C. B. No. 19, a bill for An act to change the boundaries of the counties of Costilla, Conejos and Saguache.

Mr. Hughes introduced C. B. No. 20, a bill for An act to amend chapter 44 and section three (3) of the Revised Statutes of Colorado Territory.

Mr. Stearns, leave being granted, introduced C. B. No. 21, a bill for An act to amend chapter 55 of the Revised Statutes of Colorado.

C. B. No. 14, was read the first time.

C. B. No. 15, was read the first time.

C. B. No. 16, was read the first time.

C. B. No. 17, was read the first time.

H. J. R. No. 5, was read the second time and referred to the committee of the Whole.

C. B. No. 11, was read the second time and referred to the committee of the Whole.

C. B. No. 12, was read the second time and referred to the committee of the Whole.

C. B. No. 13, was read the second time and referred to the committee of the Whole.

C. B. No. 10, was on motion of Mr. Webster, referred to the committee of the Whole.

Message from the House :

HOUSE OF REPRESENTATIVES, January 13th, 1870.

*To the Honorable, the President of the Council :*

SIR: I am instructed by the House to inform your Honorable Body that they have passed H. J. R. No. 3, to which the concurrence of the Council is respectfully requested. The same is herewith transmitted.

Very respectfully,  
W. M. M. SLAUGHTER,  
*Chief Clerk.*

The joint committee on Enrollment beg leave to report that they have examined the enrollment of House Resolution No. 2, a resolution relative to the printing of the Governor's message and find the same correctly enrolled; also, House Joint Resolution No. 3, relating to the furnishing of newspapers by the Clerks to the members of the respective Houses, and find the same correctly enrolled, and that they presented the said resolutions to the Governor, on the 13th day of January, A. D. 1870, at eleven o'clock a. m., for his signature and approval. All of which is respectfully submitted.

S. B. HAHN, *Chairman.*

Mr. Nesmith moved that C. B. No. 14, be not printed.  
Carried.

On motion of Mr. Stearns, the Council resolved itself into committee of the Whole on the general file.

Mr. Stearns in the chair.

Committee rose and reported as follows :

*Mr. President:* Your committee of the Whole House beg leave to report that they have had under consideration H. J. R. No. 5, and report the same back to the Council with the recommendation that it be referred to the committee on Finance; also that they have made some progress on other bills, and ask leave to sit again.

E. N. STEARNS, *Chairman.*

On motion of Mr. Hughes, the report of the committee was adopted.

The President referred H. J. R. No. 5, to the committee on Finance.

Leave being granted, Mr. Hughes introduced C. J. R. No. 3, for relief of Territorial Treasurer.

On motion of Mr. Hahn, the Council adjourned.

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Cook and Sherwood.

Quorum present.

Mr. Sherwood appeared and took his seat.

Message from the House:

HOUSE OF REPRESENTATIVES, January 14th, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform your Honorable Body that the House has passed H. B. No. 1, An act to amend the 88th chapter of an act entitled An act for revising and consolidating the several Statutes of the Territory of Colorado; also, H. B. No. 6, An act for the repeal of an act concerning County Commissioners of the counties of Costilla and Conejos; also, H. B. No. 7, a bill for An act to change the name of Thomas Cox; also, H. B. No. 8, An act to amend section one of chapter eighty of the Revised Statutes of Colorado; also, H. B. No. 11, An act to repeal an act concerning "Traitors," embraced within the eighty-fifth chapter of the Revised Statutes of Colorado Territory, approved Jan. 10th, 1868; also, H. B. No. 13, An act to amend the 31st chapter of the Revised Statutes of Colorado, to which the concurrence of the Council is respectfully requested. The same is herewith transmitted.

Very respectfully, your ob't servant,

WM. W. SLAUGHTER,

*Chief Clerk.*

Mr. Nesmith moved that the Council adjourn till to-morrow at ten o'clock.

Motion lost.

Mr. Sherwood moved that the Council adjourn till Monday morning at ten o'clock.

Motion lost.

Mr. Hahn moved that the Council resolve itself into the committee of the Whole on the general file, with Mr. Stearns in the chair.

Mr. Webster moved to amend by the Council resolving itself into the committee of the Whole on C. B. No. 11.

Amendment adopted, and the motion with the amendment carried.

So the Council resolved itself into the committee of the Whole to consider C. B. No. 11, with Mr. Nesmith in the chair.

The committee rose and reported as follows :

*Mr. President:* Your committee of the Whole have had under consideration C. B. No. 11, and refer it back to the Council, with the recommendation that it be referred to a special committee of five, to be appointed by the President.

J. W. NESMITH, *Chairman.*

Mr. President appointed as such committee Messrs. Stearns, Hughes, Sherwood, Webster and Sanchez.

Mr. Hahn moved that the Council resolve itself into committee of the Whole on the general file.

Motion lost.

Mr. Loveland moved to adjourn.

Carried.

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SATURDAY, JANUARY 15TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Stearns and Steck.

Quorum present.

Journal read and approved.

Messrs. Stearns and Steck appeared and took their seats.

Mr. Webster introduced C. B. No. 22, a bill for An act to amend chapter 76 of the Revised Statutes of Colorado Territory.

H. B. No. 1, was read the first time.

H. B. No. 3, was read the first time.

H. B. No. 6, was read the first time.

H. B. No. 8, was read the first time.

H. B. No. 11, was read the first time.

H. B. No. 13, was read the first time.

H. B. No. 7, was read the first time.

C. J. R. No. 3, was read the first time.

C. B. No. 21, was read the first time.

C. B. No. 20, was read the first time.

C. B. No. 19, was read the first time.

C. B. No. 17, was read the second time and referred to the committee of the Whole.

C. B. No. 14, was read the second time and referred to the committee of the Whole.

C. B. No. 16, was read the second time and referred to the Judiciary committee.

C. B. No. 15, was read the second time and referred to the committee of the Whole.

On motion of Mr. Loveland, the Council adjourned until Monday morning at ten o'clock.

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MONDAY, JANUARY 17TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Loveland and Steck.

Quorum present.

Journal read and approved.

Mr. Hughes offered the following:

*Resolved*, That a committee of two be appointed to confer with the Governor, and learn what disposition the Government of the United States will pursue as to the Penitentiary now located in this Territory.

Resolution adopted.

The President appointed as such committee Messrs. Hughes and Sherwood.

Leave being granted, Mr. Hinsdale introduced C. B. No. 23, An act in relation to practice at law.

Mr. Steck appeared and took his seat.

C. B. No. 22, was read the first time.

H. B. No. 1, was read the second time.

Mr. Cook moved to refer H. B. No. 1, to the Judiciary committee.

Motion lost.

H. B. No. 1, was then referred by the President to the committee of the Whole.

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

H. B. No. 6, was read the second time and referred to the committee of the Whole.

H. B. No. 7, was read the second time and referred to the committee of the Whole.

H. B. No. 8, was read the second time and referred to the committee of the Whole.

H. B. No. 11, was read the second time and referred to the committee of the Whole.

H. B. No. 13, was read the second time and referred to the committee of the Whole.

Mr. Loveland appeared and took his seat.

C. J. R. No. 3, was read the second time.

Mr. Hughes moved that it be referred to the committee on Finance.

Ayes and nays demanded.

Ayes—Messrs. Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President,—12.

Nays—none.

So the resolution was referred to the committee on Finance.

C. B. No. 19, was read the second time, and on motion of Mr. Hughes, was referred to the committee on Counties.

C. B. No. 20, was read the second time and referred to the committee of the Whole.

C. B. No. 21, was read the second time, and on motion of Mr. Cook, was referred to the Judiciary committee.

On motion of Mr. Sherwood, the Council adjourned.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler and Webster.

Quorum present.

On motion of Mr. Stearns, the Council resolved itself into the committee of the Whole on the general file.

Mr. Stearns in the chair.

Mr. Webster appeared and took his seat.

The President resumed the chair for the purpose of receiving the following message from the House:

HOUSE OF REPRESENTATIVES, January 17th, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed to inform your Honorable Body that the House has passed H. J. R. No. 6. The concurrence of the Council is respectfully requested therein. The same is herewith transmitted.

Very respectfully,  
WM. M. SLAUGHTER,  
*Chief Clerk.*

After some time spent in the committee of the Whole, the committee rose and reported as follows:

*Mr. President:* Your committee of the Whole House have had under consideration H. B. No. 1, and report the same back to the Council with the recommendation that it be referred to the Judiciary committee; also, H. B. No. 3, with the recommendation that it be referred to the committee on Corporations; also, H. B. No. 7, with the recommendation that it pass; also H. B. No. 8, with the recommendation that it be referred to the committee on Finance; also, H. B. No. 11, with the recommendation that it pass; also, H. B. No. 13, with the recommendation that it pass; also, C. B. No. 10, with the recommendation that it be referred to a special committee of three; also, H. B. No. 6, with the recommendation that it pass.

E. N. STEARNS, *Chairman.*

Mr. Loveland moved that the report of the committee of the Whole be adopted.

Carried.

The President appointed as the special committee on C. B. No. 10, Messrs. Sherwood, Loveland and Nesmith.

On motion of Mr. Cook, the Council adjourned.

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TUESDAY, JANUARY 18TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Stearns and Steck.

Quorum present.

Journal read and approved.

Leave being granted, Mr. Hinsdale withdrew from the Council a petition relative to Texas cattle.

Mr. Loveland gave notice that he would, on to-morrow or some subsequent day, introduce a bill for An act to provide for the assessment and collection of Revenue.

C. B. No. 23, was read the first time.

H. J. R. No. 6, was read the first time.

C. B. No. 22, was read the second time and referred to the committee of the Whole.

Messrs. Stearns and Steck appeared and took their seats.

H. B. No. 6, was read the third time and passed by the following vote:

Ayes—Messrs. Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President,—12.

Nays—none.

Title agreed to.

Mr. Sherwood moved to lay H. B. No. 7, on the table.

The President decided the motion out of order.

Mr. Steck appealed from the decision of the chair.

The question was then put, "Shall the decision of the chair be sustained?"

Ayes—Messrs. Hahn, Loveland, Stearns and Velasquez,—4.

Nays—Messrs. Cook, Hughes, Nesmith, Steck, Sanchez, Sherwood and Webster,—7.

So the chair was not sustained.

The motion of Mr. Sherwood to lay H. B. No. 7, on the table was then put.

Decision was called for.

Ayes—4. Nays—6.

So the motion was lost.

Mr. Cook moved to adjourn.

Lost.

Mr. Hahn moved to refer H. B. No. 7, to the committee on Education.

Ayes and nays demanded.

Ayes—Messrs. Hahn, Loveland, Stearns, Sanchez, Steck and Velasquez,—6.

Nays—Messrs. Cook, Hughes, Nesmith, Sherwood, Webster and Mr. President,—7.

Motion lost.

Mr. Cook moved to postpone the consideration of H. B. No. 7, until next Saturday, the 22d.

Carried.

Mr. Loveland moved that H. B. No. 11, be read a third time and put upon its passage.

Carried.

H. B. No. 11, was then read a third time and passed by the following vote:

Ayes—Messrs. Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President,—12. votes.

Nays—none.

Title agreed to.

Mr Loveland moved that H. B. No. 13, be read a third time and put upon its passage.

Carried.

H. B. No. 13, was then read a third time and passed by the following vote:

Ayes—Messrs. Cook, Hughes, Loveland, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President,—10.

Nays—Messrs. Hahn and Nesmith,—2.

Title agreed to.

The Judiciary committee made the following report:

*Mr. President:* Your committee on Judiciary respectfully report C. B. No. 2. with the recommendation that it do pass.

AMOS STECK,  
J. M. SHERWOOD.

On motion of Mr. Cook, the Council adjourned.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler and Steck.

Quorum present.

Mr. Stearns moved that the Council resolve itself into committee of the Whole, with Mr. Nesmith in the chair.

Carried.

Mr. Nesmith in the chair.

Mr. Steck appeared and took his seat.

After some time spent in committee of the Whole, the committee rose and reported as follows:

*Mr. President:* Your committee of the Whole House have had under consideration C. B's Nos. 4 and 12, which by general consent remain in committee.

Also, C. B's Nos. 14 and 15, which are reported back with the recommendation that they do pass.

Also, C. B's Nos. 13 and 20, which are reported back with with the recommendation that they be referred to the Judiciary committee.

Also, C. B. No. 22, which is reported back with the recommendation that it be referred to the committee on Highways and Bridges.

Respectfully,  
J. W. NESMITH, *Chairman.*

On motion of Mr. Stearns, the report of the committee was adopted.

On motion of Mr. Stearns, C. B. No. 2 was ordered engrossed and read a third time.

On motion of Mr. Stearns, C. B. No. 15 was ordered engrossed and read a third time.

On motion of Mr. Hughes, C. B. No. 14 was ordered engrossed and read a third time.

On motion of Mr. Cook, the Council adjourned.

WEDNESDAY, JANUARY 19TH, 1870.

Council met pursuant to adjournment.

Roll called.

Absent—Messrs. Butler, Cook, Hahn, Loveland, Sherwood, and Steck.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

The committee on Judiciary made the following report :

*Mr. President:* The Judiciary committee respectfully report H. B. No. 1 and C. B. No. 16, with the recommendation that they be committed to the committee of the Whole.

AMOS STECK,  
J. M. SHERWOOD.

H. B. No. 1 and C. B. No. 16 were referred by the President to the committee of the Whole.

The special committee to confer with the Governor, made the following report :

*Mr. President:* We the undersigned, a committee to confer with His Excellency, the Governor, as to what legislation should be had as to the Penitentiary, would state that such information as is possessed by the Governor, they herewith place before the Council for their consideration.

All of which is respectfully submitted.

J. C. HUGHES, *Chairman.*

The following was then read :

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }  
 Denver, Jan. 18, 1870. }

*Hon. Messrs. Hughes and Sherwood, Committee of the Council :*

GENTLEMEN: I have the honor to furnish, at your request, the only official information in my possession, relative to the Territorial Penitentiary.

I have the honor to be

Your very obedient servant,

EDWARD M. McCOOK.

(COPY.)

DEPARTMENT OF THE INTERIOR, }  
 Washington, D. C., December 29, 1869. }

SIR: I have the honor to acknowledge the receipt of your letter of the 17th inst., asking for information in regard to the regulations adopted, or to be adopted, for the government of the prison now being erected under the supervision of this department in your Territory.

In reply, I have to inform you that the building not being completed and turned over to the custody of this department, no regulations in relation thereto have as yet been prescribed.

When the building shall have been completed, and accepted by this department, such regulations as may be necessary for the proper government of the same will be adopted, and a copy thereof furnished you.

I am, very respectfully,

Your obedient servant,

J. D. COX, *Secretary.*

His Excellency Frank Hall, *Sec. and Acting-Gov.*

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

Carried.

Leave being granted, Mr. Hughes introduced C. B. No. 24, a bill for An act to amend chapter 77 of the Revised Statutes of Colorado, entitled schools.

Leave being granted, Mr. Nesmith introduced C. B. No. 25, a bill for An act relating to deeds of trust.

Leave being granted, Mr. Hughes introduced C. B. No. 26, a bill for An act to dissolve the bonds of matrimony between Joseph McKendree Gilliland and Lucinda Gilliland.

H. J. R. No. 6 was read the second time, and referred to the committee of the Whole.

Message from the House:

HOUSE OF REPRESENTATIVES, January 18th, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform your Honorable Body that the House has passed H. J. M. No. 1, addressed to the President of the United States, asking the establishment of a military post at or near the confluence of the Blue and Grand rivers; also, H. B. No. 2, An act to amend An act entitled An act to establish the University of Colorado; and further, to amend chapter 87 of the Revised Statutes of Colorado Territory. The concurrence of the Council is respectfully requested. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,

*Chief Clerk.*

C. B. No. 23 was read the second time, and on the motion of Mr. Stearns, it was referred to the Judiciary committee.

Leave being granted, Mr. Hahn introduced C. B. No. 27, a bill for An act in amendment of chapter 50 of the Revised Statutes of Colorado.

Mr. Steck offered the following:

*Resolved*, That the Secretary of the Territory be requested to print a sufficient number of copies of all bills introduced into either House, for the use of the members of both Houses, and cause the same to be laid upon the desks of members.

Adopted.

Mr. Webster moved that Mr. Steck, chairman of the special committee on that part of the Governor's message relating to female suffrage, be allowed to report.

Mr. Hahn moved to amend by adding, after the word report, "On Saturday morning next, at ten o'clock, and that the ladies of Colorado be invited, through the press generally, to be present.

Amendment lost.

The original motion was then put by the President, and carried.

Mr. Steck, chairman of the special committee, then made the following report:

*To the Honorable, the President and Council :*

The minority of your special committee, to whom so much of the Governor's Message as relates to the subject of the extension of the elective franchise to the females of the Territory was committed, respectfully report :

That they regret that other important legislative duties, requiring much consideration and time, have precluded that full examination of the question which the importance of the subject would seem to require.

It is not known to your committee that under any form of government, however liberal—even in a pure democracy—were the women of the country ever permitted directly to have a voice in the enactment of the laws. The proposition, if made not many years ago, would have been received by the gravest of people with ridicule and derision. But in this age of progress in the science of government, the proposal to invest women with the right to vote is now generally treated with as much serious respect and consideration as any of the other disabilities under which they still unfortunately are found. We propose, therefore, to consider the subject seriously, and to review some of the reasons which present themselves to us on behalf of the proposition.

In the earlier history of our nation, the free colored male population of nearly all the thirteen original States (except the State of South Carolina) were permitted to vote under the same conditions and qualifications as white persons. We are not aware that their influence as voters ever brought upon the States any serious evils, or contributed in any degree to unwise or unwholesome legislation. Nor are we aware that after the right to vote had been taken away (for whatsoever reasons it is not necessary to state) any serious damage accrued to the country, except to the unfortunate class thus deprived of the privilege of voters. Since the close of the late civil war, by the action of the Congress of the United States, the male colored people of the several States lately in insurrection to the national authority were, and are now, clothed with the privilege of elective franchise.

Whatever of opposition this new policy encountered, and yet meets with amongst a people whose policy it seems ever was to degrade them, it is believed that familiarity with the new order of things, and the interests of communities themselves, will speedily disarm the last vestiges of prejudice against them as voters, and we shall know of their disfranchisement only as matter of history.

We are not aware that the State of Massachusetts, in which

that class of our population have always exercised the same right to vote that was accorded to other citizens of the State, that any unwise legislation or injurious results have been had by reason of clothing her colored male population with the right to vote at all elections; but, on the contrary, it may be safely affirmed that, notwithstanding the rigor of her climate, and the inhospitality of her soil, her national interests, prosperity, and credit are fully equal to the proudest of the States, and far surpasses the most of them.

It is proposed by the movers of the present project to introduce into the political system a class of our population hitherto denied every political privilege, but whom, it has always been confessed, exercised indirectly a moral power in the government of the country which woman everywhere has, and ever will, exercise as the companion and consort of man. What, therefore, will be likely to be her influence in the new relation of elector? appears to be the question which it has been made our duty to discuss.

It is objected that the women of the Territory, in no considerable numbers, have as yet demanded this privilege; but the desire to clothe themselves with the rights of electors has been limited almost exclusively to a very small class of women, known derisively as "*strong-minded women, spiritualists, and agitators.*"

It must, however, be recollected that by the conventionalities of society, the proper sphere of woman has been heretofore assumed to be limited to attentions to domestic affairs of home and the fireside, whilst the more rugged and sterner sex went forth into the world to battle amongst their fellows for fortune and fame. Few women properly constituted, therefore, care to challenge upon themselves that notoriety by publicly demanding what, if demanded, cannot, without much apparent injustice, be reasonably denied. Most of them, it is assumed, would much prefer to suffer under the disabilities consecrated by usage and time than openly to clamor for concessions from the lords of creation, who hitherto have managed the political affairs of the country.

We, therefore, assume that the modesty of woman, which shrinks from the gaze of the public, and which is claimed as a comely virtue by the sterner sex, satisfactorily accounts for the want of that public demand for the removal of her legal disabilities, which she might reasonably long since have hoped her father, husband, brothers and sons would have blotted from the Statute Book.

It has not been denied that under every form of government the influence of woman has been sensibly, and oftentimes

powerfully exercised, when directed to political questions and purposes. This influence has been, however, confined to a few women of position and character, whilst the great mass of the sex, however strong their interest in political affairs, have contented themselves with the exercise of their moral influence within the narrow limits of their social sphere. Why, therefore, is it that, long since, the right to a voice equally with man has not been accorded to woman in the exercise of political power? The answer is, that it has never yet been done except in our sister territory of Wyoming, and then so recently that the precedent affords us no ground for example; and, also, because it is assumed that the proper sphere of woman is in the social circle exclusively and in the sacred precincts of home.

That the right to vote equally with man has never been conceded to woman, and, therefore, ought not to be accorded them, appears to us to rest the question wholly on the venerable sanction of time. That because they have ever been denied the right of electors, and therefore ought always to be denied them, it is submitted is not a sequence. It is simply a begging of the question at best; it is an assumption that whatever has been, ought always to be. This doctrine is not consistent with the progressive spirit of the times, and therefore cannot stand, unless supported by other considerations which moved our sex, primarily, to exclude them from a voice in the affairs of government. It is doubtless true that good, conscientious men, when exercising the right of electors—in some sense, in representing their own interests—so far intend to represent the interests of their mothers, sisters, wives, and daughters; but unfortunately the amount of good and conscience in the exercise of the privilege of electors amongst the great mass of men, is much less than we believe is to be found among an equal number of the softer sex. Who is there that believes that the lovely wife of a habitually intemperate husband would vote with him upon the question of extirpating the temptation set before her husband, which is gradually, but surely, dragging him and her down to degradation and want? Who is there that can believe that a good, pious mother, whose wayward son is plunging into paths of vice and profligacy, would vote otherwise than to suppress and drive away from our midst the haunts of vice in which he is being led rapidly to disgrace and shame?

Yet we see husbands, fathers, brothers, and sons stand idly by, and look upon the throng that crowds the roads of vice, without taking any steps to check the wayward multitude. Put into the hands of woman the almighty power of the bal-

lot and every public den of iniquity, where temptations beset the weak, and the young are corrupted and fall, will vanish like mist before the blaze of a summer sun.

Notwithstanding the boasted chivalry of our ancestry in the protection of woman, the law of the descent and the distribution of property limited the wife to an inconsiderable share of the husband's estate, acquired, though it might have been, by a life time of industry and self-denial of the wife. In modern times we have not improved the law of descent of property. In this Territory, however, we have made ample provision for the widow out of the estate of the husband. We have reason to congratulate ourselves upon the liberality in this direction, to be found in our statutes. It is not denied that a great fundamental change in any department of our government should not be made lightly, or without the fullest deliberation and discussion. Why, in our form of government, women have been denied the right to vote, is not to us, very clear. That they have equally with men the capacity to comprehend all questions usually submitted for decision to the people, and that their purpose to vote correctly, especially upon all questions involving any moral phases, cannot be gainsaid. But it may be assumed that wives will vote with their husbands, mothers with their sons, and sisters with their brothers. Whilst, as a rule, this may be the case upon some questions of political economy, which but few of the intelligent and educated male electors fully understand, yet it is not, or will not, be found to be true on all questions of morals. Why, therefore, it has been everywhere so persistently denied them, must be upon the principle that the proper sphere of woman is in the social circle exclusively. To that doctrine we cannot fully subscribe. If we could be made to believe that conferring upon woman the right to vote, would in any way or degree compromise her in the social circle, or detract from the charm with which we behold her in that relation, we would hesitate long to extend the privilege to her, although demanded by other considerations which would make it almost imperative upon us. It is claimed that politics is a dirty pool, and that whoever dabbles in it must necessarily be fouled. To this we have to answer, that whilst we do not believe it to be wholly true, yet even were it the fact, there is the more reason that the purer, higher, and ennobling influence of woman should be invoked to purify the waters which men have so long defiled. It will not, of course, be expected that in the turmoil of political agitation, woman will always actively engage. Nor is it believed that in the squabble for place, sometimes so indecently made by seekers of office, with means often questionable,

and sometimes highly disreputable, woman will ever desire actively to participate, but on the days of elections those who appear to have thus acquired positions as candidates, must pass the ordeal of excellence which women, we think, will set up for representatives to rule over us. Attached to one or the other of the great political parties, as they probably will be, which now divides the country, and possibly ever will divide it, it is not too much to expect that, through the influence of women directly acting at elections as voters, each of the great parties will doubtless require of its representatives a higher and purer standard of morality than has, unfortunately, oftentimes been required in candidates for office by party managers. That this result will be attained we confidently believe, and that it may be, by the influence of women, at all times required, is a "consummation devoutly to be wished."

We do not see how it can be made to appear that the proper sphere of woman is exclusively the social circle and the precincts of the fireside. We think it matter of much regret that the women of our country have been heretofore so little educated in the business concerns of life. Scarcely any of them have made themselves at all familiar with the laws which govern the transfer of property, or regulate its distribution to themselves or their children, in case of the demise of fathers and husbands. Women left without the superintending care of fathers or husbands necessarily, as a rule, from want of acquaintance with the business affairs of life, are compelled to trust the management of their business to those whose habits of thought, inquiry, and familiarity with such things fit them to take care of their interests. Oftentimes they fall into the hands of sharpers through this neglect in their education.

If, therefore, the discussion of political affairs and the condition of the laws shall direct the female mind of the country to their material interests, and in some degree, it is to be hoped, divert their minds from the study of everchanging and expensive fashion (as we ardently trust it may) by giving them a new field of inquiry, the sooner they shall be invited into this new field, the better will it be for all of us.

We do not expect that woman will cease to adorn the social circle, where she has ever, and will ever pre-eminently shine, nor fail to sanctify by her gracious presence the holy shrine of the fireside home, merely because she shall emerge from the disability of the governed to the higher condition of the governing.

Nor indeed can we anticipate that, by reason of being made an elector, she will in any degree whatever lose any of those charms of manner, or special qualities of grace, which have been and will ever continue to be the admiration of the sterner and stronger sex.

We are not insensible that the shafts of ridicule, and the coarser jests of the vulgar, will for a time assail the advocates of her enfranchisement, but clothed with that power, when the novelty of the innovation shall have passed away, the corrupt and vulgar, who have thought woman only a toy, will find her fully equal and even superior in what has been hitherto considered the manly qualities of character.

That enfranchisement will degrade woman to the lower moral level of the mass of men, we see no reason whatever to believe.

But upon the contrary we are assured that the political atmosphere will be speedily purified and stay purified, by the familiar presence and the lofty moral christian influence and excellence of woman, uniting with men in discussing questions heretofore specially claimed as the sole property of man.

Your committee, in the examination of this question, are not without hope that in the adoption of this new policy, the avenues of profitable employment to females will be widely extended in those lines of industry which are suitable to her sex, and which are now almost exclusively filled by males. It is true that there is no law which interdicts the employment of females in any lawful industrious pursuits.

The want of their employment most probably rests upon prejudice amongst women as well as men. It appears to be fashionable amongst women to be thought to live idly, fashionable amongst men to live by their wits, as far as possible, and failing in that, to live by such light, industrious labor as may be as well done by females. We have great hope that, by making women electors, causing them to be more familiar with the laws, the manner of transacting business, putting them fully on an equality with men before the law, stimulating them to inquiring into the every day affairs of life, they will gradually but surely remove the prejudice now existing against their employment as clerks, bookkeepers, saleswomen, and in all the lighter but necessary labor now exclusively performed by males.

Its effect will be, if such results shall be attained, largely to contribute to remove from communities that class of unfortunates who live their brief existence upon the wages of sin. For it is undeniable that the want of proper employment, by means of which they may be enabled to live respectably, aided somewhat by a desire to imitate the more fortunate in the tawdry changes of fashion, is the real cause of filling the haunts of infamy everywhere, and soon, happily perhaps for them, early, though disreputable graves.

Give to woman employment, put into her hand the ballot as a means by and through which she may demand and enforce her claims to such employment, for which she is as well fitted

as her brother, and you remove the incentive which causes the fall.

But it is claimed that enfranchising woman will disorganize families, breed discord, and disrupt the happy relations that now subsist between man and wife. If such consequences should unfortunately follow the introduction of this reform into our political system, it would be the subject of the gravest mistake in our legislation. We are not at all satisfied that such results would ensue.

Husbands and wives now differ in political questions, as widely as they could differ if they were both voters.

We are not informed of any cases where this difference of opinion has bred discord in families, and we believe that in cases where both husbands and wives would vote, and vote on opposite sides, there would be no more grave difficulties than now exist, or would exist in any case where they unfortunately fail to agree.

It is not at all improbable that the husband, brother and son would be moved to scrutinize more closely the moral qualifications of men who would be presented for public places, through the agency of the mother, wife and sister, than is now done by male electors.

The attachment to party candidates for office, under any and all circumstances and surroundings, of which we see a great deal too much, would gradually relax its grasp upon the party man under the free and friendly discussion of the household.

The integrity of the opinion of women, the desire to be right and to do justice, whatever the results, we believe, as a rule, to be stronger in women than in men. Familiarize her with political questions, with all the details which men habitually examine as politician partisans, and woman in that respect becomes fully equal to the man. Why should man and wife quarrel any more when both vote, than when the husband votes alone? What is there in the relation of mother, sister, or daughter, that is incompatible with the relation of elector? Is there anything of the lovely and beautiful in woman in her social sphere, that would be destroyed by the right to vote? What man has ever made the political views of a sweetheart the cause for declining a conjugal alliance, when beauty, grace, and loveliness had wooed her to his heart? And what is there after the consummation of their union, in an honest difference of views on political measures or men, that *could* excite discord between "two hearts that beat as one?" We repudiate the imputation as grossly unjust.

It is further objected that the duties of maternity, and care of children, unfit women for the active labor of life. If this be

true it proves too much. If women are excluded from voting because they are mothers, they certainly cannot be excluded before they become mothers; and after that time, when their children shall have passed beyond the necessity of maternal care.

The proposition also fails to exclude those who never become mothers at all. Besides, we fail to see in this statement any reason why mothers should be excluded from voting, to remove every disability under which they suffer, or be excluded from a voice in the enactment of such laws as shall present any legislation against or respecting them, which they may deem to be unjust.

Some women are so situated as not to have the care either of children or the household. They of course do not come within the reason of the rule of exclusion from the active labors of life, nor from the privilege of the ballot.

That there is any peculiarity in the female mind or heart so different from that of the other sex, as to unfit them for such active duties of life as they may choose to pursue, we cannot for the life of us see.

Instances are not wanting of great superiority in women, in almost every department of active industrial pursuits; and like instances of great intellectual superiority in women are found along the line of history, from the earliest times to the present period.

In monarchical governments, even the highest regal authority is conferred by the law of descent upon women; and instances have been found amongst them of the highest type of rulers.

It is believed that all that is wanting to produce amongst women the number of distinguished characters equal with men, is opportunity. We cannot and do not anticipate that women will distinguish themselves in the barbarous art of war, which has made so many names immortal, nor in the rougher or coarser labors of life, where the brawny, muscular strength of man is only equal to their accomplishment.

What we insist upon is *opportunity* for women to choose for themselves what they are best fitted to perform. And to that end we insist that women shall be clothed with the ballot, to enforce their claims to enter upon any of the labors of life for which they may deem themselves qualified equally well with men.

When the incompatibility of any labor or pursuit is a real and not an imaginary incompatibility, it may safely be left wholly to the care of itself. We see no cause to shut out women from any of the civil offices necessary to be filled, however high and important they may be.

We think that in places where integrity and high moral purpose is requisite, we may with great safety commit such trusts to women. The object in view in the creation of offices is the good of the state, not that of the incumbents. Although compensation is allowed for official services, it is not given as an avenue to money making, but as a means to enable the public service to be properly executed. We reiterate that women can execute the duties of all official positions, when properly educated, as well as men.

We are aware that the ignorant and vicious, the idle and vile, those whose lives have been devoted to the degradation of women, and their own degradation also, with the conservative, some of the intelligent but unfortunately fossilized gentlemen of our time will be found in solid, compact array in opposition to woman's enfranchisement. With respectful deference to the opinions of that respectable class, who may differ with us, we may be permitted to say that the moral, intelligent, progressive, just, and conscientious portion of the community, who see in woman more than a subordinate, who see in her their equal, nay, their superior in many things, are hopefully anxious for her redemption from the thralldom into which ages of uniform legislation have unjustly condemned her.

The opponents of her enfranchisement would have us believe that this concession of justice to our wives and daughters will be the apple of discord, cast amongst our household gods to distract and disrupt our happy homes. We cannot believe it. We concede that the proposition involves an experiment. It can never be other than an experiment until it shall be fairly tried. If it fail, as fail we confidently believe it will not, we have abundant confidence in the intelligence and good sense of women to yield up the privilege of electors, as cheerfully and gracefully as we hope this Legislative Assembly will confer it upon them.

Your committee therefore recommend the repeal of so much of section one of chapter twenty-eight of the Revised Statutes as inhibits females from voting, and the enactment of such laws as will permit them to stand equal in all respects with men before the law.

AMOS STECK, *Chairman*.  
J. W. NESMITH.

On motion of Mr. Stearns, the report was received and ordered printed.

Mr. Sherwood moved that the rules be suspended, and H. B. No. 2 be read the first, second and third times, and put upon its passage.

Carried by a unanimous vote.

H. B. No. 2 was then read the first, second and third times, and passed by the following vote:

Ayes—Messrs. Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—12.

Nays—none.

Title agreed to.

Mr. Hughes moved that smoking be excluded from the Council Chamber during sessions of the Council.

Carried.

On motion of Mr. Sherwood, the Enrolling Clerk was instructed to make a copy of Mr. Steck's report from the special committee on Female Suffrage, for the use of the Secretary.

On motion of Mr. Loveland, the Council adjourned.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—none.

Quorum present.

The committee on Corporations made the following report:

*Mr. President:* Your committee on Corporations beg leave to report that they have had under consideration H. B. No. 3, and recommend the following substitute for section one of said bill: That section twelve of the act to which this act is amendatory be amended by striking out all of said section after "paid in" on the ninth line, and inserting the following, viz.: "Ten per cent. thereof annually for the first three years, fifteen per cent. annually thereof for the next two years, and twenty per cent. annually thereof the following two years." All of which is respectfully submitted.

E. N. STEARNS, *Chairman.*

Mr. Butler gave notice that he would, on to-morrow or some subsequent day, introduce a bill for an act to amend certain portions of chapter 54 of the Revised Statutes, concerning miners' liens.

Mr. Butler offered the following:

*Resolved,* That the Secretary of the Territory be requested to furnish to the Council a copy of all the election returns received by him from Gilpin county, of the last election in said county for Representatives and Councilman.

Adopted.

Mr. Stearns moved that the Council resolve itself into the committee of the Whole House on the general file.

Carried.

Mr. Webster in the chair.

The President resumed the chair for the purpose of receiving the following message from the House.

HOUSE OF REPRESENTATIVES, January 19th, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed to inform the Council that the House has passed H. B. No. 22, An act authorizing Justices of the Peace of Costilla, Huerfano, Las Animas, and Conejos to have animals kept under control at certain seasons, and to protect the branch of agriculture from being injured. The concurrence of the Council is respectfully requested. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER.

*Chief Clerk.*

The message having been received, the committee of the Whole resumed its sitting.

The committee rose and reported as follows:

*Mr. President:* Your committee of the Whole beg leave to report that they have considered H. B. No. 1, and report it back to the Council with the recommendation that it do pass with the following amendment, to wit:

Insert section three (3) as follows: This act shall apply with full force to all cases now pending in any of said district or probate courts. Also change the number of section three (3) to number four (4).

Also H. J. R. No. 6, and report it back with the recommendation that it be referred to the Judiciary committee.— Also C. B. No. 12, and report it back with the recommendation that it be referred to the Judiciary committee. Also postponed the consideration of C. B. No. 16.

W. W. WEBSTER,

*Chairman.*

On motion of Mr. Loveland, the report of the committee of the Whole was adopted.

On motion of Mr. Steck the Council adjourned.

THURSDAY, JANUARY 20TH, 1870.

Council met pursuant to adjournment.

Roll called.

Absent—Messrs. Hahn, Nesmith and Webster.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Messrs. Hahn, Webster and Nesmith appeared and took their seats.

The committee on Engrossed and Enrolled Bills made the following report :

*Mr. President:* Your committee upon Engrossed and Enrolled Bills, to whom was referred C. B. Nos. 2, 14 and 15, would respectfully report that they have had the same under consideration and find them correctly engrossed.

W. W. WEBSTER,  
*Chairman.*

Mr. Nesmith introduced C. B. No. 28, An act amendatory of an act entitled an act to establish a Territorial Assay Office in the Territory of Colorado.

Mr. Cook gave notice that he would on tomorrow, or some subsequent day, introduce a bill to improve the Territorial Capitol Grounds.

Mr. Butler gave notice that he would to-morrow, or some subsequent day, introduce a bill for an act to change the name of Allyn Johnson Goodrich to Allyn Johnson Collier.

H. J. M. No. 1. was read the first time.

C. B. No. 24 was read the first time.

H. B. No. 22 was read the first time.

C. B. No. 25 was read the first time.

C. B. No. 26 was read the first time.

C. B. No. 27 was read the first time.

On motion of Mr. Steck, H. J. M. No. 1 was returned to the House with the request that it be properly engrossed.

On motion of Mr. Cook, H. B. No. 3, with the amendments reported from the committee on Corporations, was referred to the Judiciary Committee.

H. B. No. 1 was read a third time, with the amendment reported from the Committee of the Whole.

On motion of Mr. Loveland, the amendment to H. B. No. 1 was adopted.

Mr. Loveland moved that the amendment to H. B. No. 1 be considered engrossed and the bill put upon its passage.

Carried.

H. B. No. 1 was then read a third time as amended and passed by the following vote:

Ayes—Messrs. Butler, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—10.

Nays—Messrs. Cook, Steck and Mr. Webster—3.

On motion of Mr. Butler, the title of H. B. No. 1 was made to read as follows:

A bill for an act to amend chapter eighty-eight of the Revised Statutes of Colorado, concerning Venue.

C. B. No. 2 was read a third time, and on motion of Mr. Butler it was laid on the table.

C. B. No. 15 was read a third time, and on motion of Mr. Hughes it was referred to the committee on Education.

C. B. No. 14 was read a third time.

Mr. Butler moved that C. B. No. 14 be indefinitely postponed. Motion lost.

Mr. Stearns moved that C. B. No. 14 be put upon its final passage.

Carried.

C. B. No. 14 was then passed by the following vote:

Ayes—Messrs. Cook, Hughes, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—7.

Nays—Messrs. Butler, Hahn, Nesmith, Steck and Mr. Webster—5.

Title agreed to.

On motion of Mr. Stearns, the Council adjourned.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Cook, Hahn and Nesmith.

Quorum present.

Mr. Steck moved that Mr. Nesmith have leave of absence from this body until Tuesday next.

Carried.

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

FRIDAY, JANUARY 21ST, 1870.

Council met pursuant to adjournment.

Roll called.

Absent—Messrs. Hahn and Nesmith.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Mr. Hahn appeared and took his seat.

The Judiciary Committee made the following report :

*Mr. President:* The Judiciary Committee respectfully report H. B. No. 3 with an additional section, and recommend its consideration in Committee of the Whole.

AMOS STECK.

J. M. SHERWOOD.

H. B. No. 3. was by the President referred, with the amendment, to the Committee of the Whole.

The Finance Committee made the following report :

*Mr. President:* Your committee, to whom was referred H. B. No. 8, An act to amend section 1 of chapter eighty of the Revised Statutes of Colorado, have had the same under consideration, and refer the same back to the Council, with the recommendation that it do pass without amendment.

W. A. H. LOVELAND.

W. W. WEBSTER.

S. B. HAIN.

Mr. Butler introduced C. B. No. 29, A bill for an act to change the name of Allyn J. Goodrich to Allyn J. Collier.

C. B. No. 28 was read the first time.

H. B. No 22 was read the second time, and referred to the Committee of the Whole.

C. B. No. 24 was read the second time, and referred to the committee on Education.

C. B. No. 25 was read the second time, and referred to the Committee of the Whole.

C. B. No. 26 was read the second time, and referred to the Committee of the Whole.

C. B. No. 27 was read the second time, and referred to the Committee of the Whole.

Mr. Loveland moved that H. B. No. 8 be read a third time and put upon its passage.

Motion withdrawn.

On motion of Mr. Butler, H. B. No. 8, with the amendment offered by Mr. Hughes, be recommitted to the Committee of the Whole.

The Council resolved itself into Committee of the Whole on "special order," to consider C. B. No. 17.

Mr. Webster in the chair.

After some time spent in Committee of the Whole, the committee rose and reported as follows:

*Mr. President:* Your committee of the Whole House have had under consideration C. B. No. 17, and report it back to the Council with the recommendation that it be made the special order for 3 o'clock this afternoon.

W. W. WEBSTER, *Chairman.*

On motion of Mr. Webster, the Council resolved itself into the committee of the Whole on the general file.

Mr. Webster in the chair.

The Council resumed its sitting to receive the following:

Message from the House.

HOUSE OF REPRESENTATIVES, January 21st, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform the Council that they have ordered the engrossment of H. J. M. No. 1, which was returned to the House for that purpose. The same is herewith transmitted.

Very respectfully,

Your obedient servant,

WM. M. SLAUGHTER,

*Chief Clerk.*

The message from the House having been received, the Committee of the Whole resumed its sitting.

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

*Mr. President:* Your committee of the Whole House beg leave to report that they have had under consideration H. B. No. 8, and amend the same by adding after the word Territory, in the last line of the first section, the words, "for the purpose of grazing in said county of Conejos," and refer it back to the Council with the recommendation that it do pass as amended. Also, H. B. No. 3, and report the same back to the Council with the recommendation that it be referred to Mr. Steck as a

special committee of one. Also, H. B. No. 22, was postponed in committee for further consideration. Also, C. B. No. 25, which was postponed for further consideration in committee. Also, C. B. No. 26, and report the same back with the recommendation that it be referred to the committee on Expenditures. Also C. B. No. 27, and report the same back with the recommendation that it be referred to the Judiciary Committee. Also C. B. No. 4, with the recommendation that the bill do pass. Also C. B. No. 16, and the same was postponed in Committee of the Whole, and recommend that it be made the special order for Tuesday next, the 25th, at 3 o'clock.

W. W. WEBSTER, *Chairman*.

The joint committee on Enrollment made the following report:

*Mr. President:* Your joint committee on Enrollment hereby report that H. J. R. Nos. 2 and 3 were approved by his excellency Gov. McCook, on the 17th inst., all of which is respectfully submitted.

S. B. HAIN, *Chairman*.

On motion of Mr. Webster, the Council adjourned.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

Roll called.

Absent—Messrs. Cook and Nesmith.

Quorum present.

On motion of Mr. Butler, the report of the committee of the Whole, was adopted.

The President referred C. B. No. 27 to the Judiciary Committee. Also H. B. No. 3 to the Special Committee of one—Mr. Steck.

On motion of Mr. Steck, the amendment to H. B. No. 3 was ordered engrossed, and the bill read a third time.

On motion of Mr. Stearns, C. B. No. 4 was ordered engrossed and read a third time.

On motion of Mr. Webster, the committee on Printing was instructed to have 300 additional copies of the report on Female Suffrage printed for the use of the members of the Council.

Mr. Loveland, from the committee on Finance, reported C. B. No. 3, with the recommendation that it be engrossed and read a third time.

Mr. Steck moved that section two (2) of C. B. No. 3, be

stricken out, and in lieu thereof the following be inserted, to-wit:

“SECTION 2. That the Auditor of the Territory is hereby authorized and required to draw his warrants on the General Contingent Fund of the Territorial Treasury, to the order of the several counties above named, for the respective sums mentioned in the above section of this act.”

Amendment adopted.

On motion of Mr. Steck H. B. No. 3 was laid on the table.

Message from the House.

HOUSE OF REPRESENTATIVES, January 21st, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform your honorable body that they have passed H. B. No. 17. An act to amend an act entitled an act to incorporate the Colorado Seminary. The concurrence of the Council is respectfully requested. The same is herewith transmitted. Also, that the House has concurred in the amendments proposed by the Council to H. B. No. 1, all of which is respectfully submitted.

Very Respectfully,

WM. M. SLAUGHTER.

*Chief Clerk.*

On motion of Mr. Butler, C. B. No. 2 was taken from the table.

Mr. Butler offered the following amendment to C. B. No. 2, to-wit:

“SECTION 2. This act to apply to all cases pending at the time of its passage.

Adopted.

On motion of Mr. Butler, C. B. No. 2 was ordered engrossed, and read the third time.

On motion of Mr. Loveland, C. B. No. 17, the special order for 3 o'clock this afternoon, was laid over till 3 o'clock Thursday, the 27th of January.

On motion of Mr. Hughes, the Council adjourned.

SATURDAY, JANUARY 22ND, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Cook, Nesmith, Steck and Mr. Sherwood

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Messrs. Cook, Butler and Sherwood appeared and took their seats.

Mr. Sherwood gave notice that he would on to-morrow, or some subsequent day, introduce a bill for An act to amend section (1) one, of article (4) four, of chapter (21) twenty-one of the Revised Statutes of Colorado, concerning counties and county officers.

Mr. Loveland introduced C. B. No. 30, a bill for an Act to change the name of John H. Smith to John H. McCune.

Mr. Cook introduced C. B. No. 31, a bill for an Act to improve the Capitol Grounds.

Leave being granted, Mr. Hughes introduced C. B. No. 32, a bill for An act to repeal a part of the twenty-sixth section of the twenty-eighth chapter of the Revised Statutes of Colorado Territory.

H. J. M. No. 1 was read the first time.

H. B. No. 17 was read the first time.

C. B. No. 29 was read the first time.

C. B. No. 28 was read the second time, and referred to the Committee of the Whole.

Mr. Steck appeared and took his seat.

The committee on Counties made the following report:

*Mr. President:* Your committee on Counties beg leave to report that they have had under consideration C. B. No. 19, and report the same back with the recommendation that it pass.

E. N. STEARNS, Chairman.

W. A. H. LOVELAND.

FRANCISCO SANCHEZ.

Mr. Hughes moved to suspend the rules and that C. B. No. 32 be read the first and second time.

Carried.

C. B. No. 32 was then read the first and second times.

Mr. Loveland moved that the rules be suspended, and C. B. No. 32 be taken up for consideration.

Carried.

Mr. Butler moved that C. B. No. 32 be read a third time, considered engrossed, and put upon its passage.

C. B. No. 32 was then read a third time, and passed by the following vote.

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr President—12.

Nays—None.

Mr. Steck moved that the title to C. B. No. 32 be as follows:

A bill for an act to increase and encourage the Democratic party of Colorado.

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

Ayes and Nocs demanded.

Ayes—Messrs. Butler, Hahn, Hughes, Loveland, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—9.

Nays—Messrs. Cook, Steck and Webster—3.

So the motion was laid on the table.

The question was then put by the President: Shall the title of the bill be agreed to.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hahn, Hughes, Loveland, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—9.

Nays—Messrs. Cook, Steck and Webster—3.

So the title of the bill was agreed to.

The committee on Engrossed and Enrolled Bills, made the following report:

*Mr. President:* Your committee on Engrossed Bills, to whom was referred C. B. Nos. 2 and 4, would respectfully report the same as correctly engrossed.

W. W. WEBSTER,  
Chairman.

Mr. Butler moved that C. B. No. 2 be read a third time, and put upon its passage.

Carried.

C. B. No. 2 was then read a third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—12.

Nays—None.

Title agreed to.

Mr. Stearns moved that C. B. No. 4 be read a third time, and put upon its passage.

Carried.

C. B. No. 4 was then read a third time and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—12.

Nays—None.

Titled agreed to.

Mr. Butler moved that the rules be suspended and C. B. No. 29 be read a second time, and that C. B. No. 30 be read a first and second time and the bills be considered engrossed, read a third time and put upon their passage.

Carried.

C. B. No. 29 was then read the second and third times, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—12.

Nays—None.

Title agreed to.

C. B. No. 30 was read the first, second and third times, and passed by the following vote:

Ayes—Messrs. Cook, Butler, Hahn, Hughes, Loveland, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez, and Mr. President—12.

Nays—None.

Title agreed to.

Mr. Stearns moved that the Council adjourn till Monday morning at ten o'clock a. m.

Carried.

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MONDAY, JANUARY 24TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Cook, Loveland, Nesmith and Webster.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Messrs. Cook, Nesmith and Webster appeared and took their seats.

Mr. Hinsdale presented a petition from citizens of Pueblo relating to streets.

Mr. Butler presented a petition from the city Council of the City of Central, relating to taxes.

Petitions referred to the committee on Corporations,  
Committee on Engrossed Bills made the following report:

*Mr. President:* Your committee on Engrossed Bills, to whom was referred the amendment to H. B. No. 8, would respectfully report that they have examined the same and find it correctly engrossed. The same is herewith transmitted.

W. W. WEBSTER, Chairman.

The following communication from Frank Hall, Secretary of the Territory, was read:

SECRETARY'S OFFICE, }  
Denver, January 22nd, 1870. }

*Hon. Geo. A. Hinsdale, President of the Council:*

SIR: I have the honor to transmit herewith certified copies of the election returns from Gilpin county, in obedience to the request of the Council received on the 21st instant.

Very respectfully,

FRANK HALL,  
Secretary of Colorado.

The special committee of one made the following report:

*To the President of the Council:*

The committee of one, to whom House Bill No. 3 was referred, respectfully report the same to the Council with the following recommendation, to-wit: Strike out all of section one in said bill, and insert in lieu of said section one the following, viz:

SECTION 1. That section twelve of the first article of the act to which this is amendatory, shall be amended by striking out all of said section after the words "paid in," on the ninth line thereof, and insert as follows, viz: "Twenty per centum of the capital stock annually for the first two years, and thirty per centum of the capital stock annually for the next succeeding two years: *Provided*, that in all cases, when the subscriber to shares of stock in any corporation organized under this act, shall fail to make the payments as above required, the corporation shall thereupon be dissolved. And further recommend as follows:

SEC. 3. That the stockholders of every corporation representing a majority of the shares of stock therein, which has been or hereafter may be organized under the provisions of any act of this Territory, may change the name of the Corporation so or-

ganized by making publication of the new name which said company shall assume, in some newspaper published within the county where said corporation may be located, or have its principal place of business, or if no newspaper shall be published within the county, then in some newspaper published within the nearest county thereto, for the period of four successive weeks, stating the new name by which said company shall thereafter be called and known: *Provided, however,* that every corporation whose name shall be changed shall be liable by and under the new name, at law and in equity, for all debts, demands, claims, obligations and damages of every kind and character, and shall have all the franchises, immunities, rights and privileges by and under said new name, as fully and completely as if the name of said corporation had not been changed. Your committee further recommend that section three of the bill be stricken out as unnecessary, all of which is respectfully submitted.

AMOS STECK, Committee.

Leave being granted, Mr. Sanchez introduced C. B. No. 33, A bill for an act for the relief of Diego Gallejos, late Treasurer of Costilla county.

Mr. Hahn introduced C. B. No. 34, A bill for an act to amend chapter 48 of the Revised Statutes of Colorado.

Leave being granted, Mr. Stearns introduced C. B. No. 35, A bill for an act to change certain streets and alleys in the town of Pueblo.

Leave being granted, Mr. Steck introduced C. B. No. 36, A bill for an act to amend an act to create and establish a Board of Registry of Electors.

C. B. No. 31 was read the first time.

H. J. M. No. 1 was read the second time and referred to the Committee of the Whole.

H. B. No. 17 was read the second time and referred to the Committee of the Whole.

Mr. Hinsdale moved that the Council proceed to the consideration of C. B. No. 19.

Carried.

Mr. Hinsdale offered the following amendment to C. B. No. 19, which was adopted, to-wit: I move to amend by striking out from the second section the words, "along the western boundary of Saguache county," and inserting in lieu thereof the words, "to the source of said creek, thence northerly along the summit of the mountain to the Cochetope pass." Also to amend section fourth by inserting the word statutes after the word revised in said section.

Mr. Loveland appeared and took his seat.

Mr. Hinsdale moved that C. B. No. 19, as amended, be engrossed and read a third time.

Carried.

Mr. Butler moved that H. B. No. 8 be put upon its passage.

Carried.

H. B. No. 8 was then read a third time and passed by the following vote:

Ayes—Messrs. Butler, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood and Mr. President—12.

Nays—Mr. Cook—1.

Title agreed to.

Mr. Butler moved to consider H. B. No. 7.

Carried.

Mr. Butler moved that H. B. No. 7 be read a third time and put upon its passage.

Carried.

H. B. No. 7 was then read a third time and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood and Mr. President—13.

Nays—None.

Title agreed to.

Mr. Hahn moved that the Council resolve itself into Committee of the Whole on the general file.

Carried.

Mr. Hahn in the chair.

The committee rose and reported as follows:

*Mr. President:* Your Committee of the Whole House have had under consideration H. J. M. No. 1, and report it back to the Council with the recommendation that it do pass. Also H. B. No. 17, and report it back with the recommendation that it do pass. Also H. B. No. 22, and report it back to the Council with the recommendation that the Council adopt the substitute offered by Mr Hinsdale. Also C. B. No. 25, and report it back with the recommendation that it be indefinitely postponed. Also C. B. No. 28, and ask further time for its consideration.

S. B. HAHN, Chairman.

On motion of Mr. Butler, the report of the Committee of the Whole was adopted.

On motion of Mr. Loveland, the Council adjourned.

## AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Cook, Steck and Webster.

Quorum present.

Messrs. Webster and Steck appeared and took their seats.

Mr. Loveland moved to take up for consideration H. B. No. 3.

Carried.

Message from the House.

HOUSE OF REPRESENTATIVES, January 24, 1870.

*To the Honorable the President of the Council :*

SIR: I am instructed by the House to inform your honorable body that they have passed H. B. No. 42, a bill for an act to authorize the Board of County Commissioners of the counties of Gilpin and Clear Creek, to levy a special tax. The concurrence of the Council is respectfully requested. The same is herewith transmitted.

Very respectfully

Your obedient servant,

WM. M. SLAUGHTER,  
Chief Clerk.

Message from the House.

HOUSE OF REPRESENTATIVES, Jan. 24th, 1870.

*To the Honorable the President of the Council :*

SIR: I am instructed by the House to tender, on behalf of the House, an invitation to the Council to meet in the Hall of Representatives, on the evening of to-day, at 7½ o'clock p. m., to hear an address to be delivered by Hon. Wm. Gilpin on the subject of the removal of the national capital.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

Mr. Butler offered the following amendment to H. B. No. 3: Insert after the word required, "or within ninety days after the same become due and payable."

Amendment was adopted.

Mr. Loveland moved that the amendments to H. B. No. 3, offered by the Special Committee of one, and Mr. Butler, be adopted.

Carried.

Mr. Stearns moved that the amendments to H. B. No. 3, be engrossed and the bill read a third time.

Carried.

Mr. Stearns moved that the Council resolve itself in the Committee of the Whole to consider C. B. No. 28.

Mr. Loveland in the chair.

The committee of the Whole rose and reported as follows :

*Mr. President:* Your Committee of the Whole have had under consideration C. B. No. 28, and have adopted sections one and two and have amended section three by striking out all after word "years," on second line, and between word "and" on fourth line, and all after word "duties" on fourth line. All of which is respectfully submitted.

W. A. H. LOVELAND, Chairman.

On motion of Mr. Steck the Council adjourned.

## TUESDAY, JANUARY 25TH. 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—None.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Special Committee on C. B. No. 10 made the following report :

*Mr. President.* Your Special Committee, to whom was referred C. B. No. 10, An act to provide for the translating and printing the laws in the Spanish language, have had the same under consideration, and report a substitute for said bill, which is herewith submitted.

J. M. SHERWOOD.

W. A. H. LOVELAND.

J. W. NESMITH.

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

*Mr. President:* Your committee on Highways and Bridges beg leave to report the following amendment to C. B. No. 22,

viz: Amend by striking out all after the enacting clause and substitute the following:

SECTION 1. That section 15 of chapter 76, of the Revised Statutes be and the same is hereby repealed.

SEC. 2. That chapter 76 be further amended by striking out the word "five," in the ninth line of section 30, and inserting the word "three" in lieu thereof. Also by striking out the words "five dollars," wherever they occur in sections 37 and 39 of said chapter, and inserting the words "three dollars" in lieu thereof.

C. A. COOK, Chairman.

Mr. Butler gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to remove the Territorial Library to the Miners' and Mechanics' Institute, at Central City.

Mr. Nesmith gave notice that on to-morrow, or some subsequent day, he would introduce a bill to amend the city charter of Black Hawk.

H. B. No. 42 was read the first time.

C. B. No. 33 was read the first time.

C. B. No. 34 was read the first time.

C. B. No. 35 was read the first time.

C. B. No. 36 was read the first time.

C. B. No. 31 was read the second time, and was referred to the Committee of the Whole.

Mr. Loveland moved that H. J. M. No. 1 be read a third time and put upon its passage.

Carried.

H. J. M. No. 1 was then read a third time and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—12.

Nays—None.

Title agreed to.

Mr. Loveland moved that the substitute for H. B. No. 22 be considered engrossed, read a third time and put upon its passage.

Carried.

Substitute to H. B. No. 22 was then read a third time and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—12.

Nays—None.

Title agreed to.

Mr. Cook moved that H. B. No. 17 be read a third time and put upon its passage.

Carried.

H. B. No. 17 was then read a third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—12.

Nays—None.

Title agreed to.

On motion of Mr. Steck, C. B. No. 31 was withdrawn from the committee of the Whole, and referred to a Special committee of three.

The President appointed as such committee, Messrs. Hughes, Sherwood and Cook.

The committee on Engrossed Bills made the following report:

*Mr. President:* Your committee upon Engrossed Bills, to whom was referred the amendments to H. B. No. 3, would respectfully report the same as correctly engrossed. The same is herewith transmitted.

W. W. WEBSTER, Chairman.

Leave being granted, Mr. Hahn introduced C. B. No. 37, A bill for an act for the education of Cornelia H. Young.

Mr. Webster moved that the Council resolve itself into the committee of the Whole, on general file.

Carried.

Mr. Webster in the chair.

The Council resumed its sitting to receive a communication from the Governor.

The communication having been received, the committee resumed its sitting.

The committee of the Whole rose and reported as follows:

*Mr. President:* Your committee of the Whole House would respectfully report that they have resumed the consideration of C. B. No. 28, and adopted section four and amend section five as follows: Strike out in the second and third lines these words: "under oath or affirmation administered by the assayer." Also strike out the words "it came," in the third and fourth lines, and insert the words "respectively were taken," and was adopted as amended.

Also amended the bill by striking out the words "and chemist," wherever they occur together in the bill.

Also have amended section 6 by striking out the word "use," in the second line, and inserting the word "purpose" in lieu therefor, and upon motion arose and asked leave to sit again.

W. W. WEBSTER, Chairman.

Mr. Butler moved that the Council resolve itself into Executive session.

Carried.

After some time spent therein, the Executive session was dissolved.

On motion of Mr. Hahn, the Council adjourned.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Cook, Stearns and Webster.

Quorum present.

On motion of Mr. Nesmith, the Council resolved itself into the committee of the Whole to continue the consideration of C. B. No. 28.

Mr. Butler in the chair.

Messrs. Webster and Cook appeared and took their seats.

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

*Mr. President:* Your committee of the Whole have had under consideration C. B. No. 28, and report the same back to the Council with the recommendation that section 6 be amended by striking out on the fifth line of the printed bill the words "in analyses," and insert in lieu thereof the words, "when analysis is required," and that the same be adopted as amended, that section seven be adopted without amendment, that section eight be adopted, that section nine be adopted without amendment, that section ten be adopted without amendment, that section eleven be adopted, that the words "under oath or affirmation," in section twelve be stricken out, and that the section as amended, be adopted, that section thirteen be stricken out, that section fourteen be amended by striking out the words "five hundred dollars," and inserting in lieu thereof the words "seven hundred and fifty dollars," and that the section be numbered thirteen, and that the same be adopted as amended, and that the following section be adopted and numbered fourteen, to-wit: The act entitled an act to establish a Territorial Assay Office in the Territory of Colorado, approved January 10th, 1868, is hereby repealed.

And that section fifteen be stricken out, and that the bill as amended be reported back to the Council with the recommendation that it do pass.

Respectfully submitted,

HUGH BUTLER,  
Chairman.

Mr. Nesmith moved to adopt all of the several reports of the committee of the Whole on C. B. No. 28.

Carried.

Mr. Loveland moved that C. B. No. 28 be ordered engrossed.

Carried.

The Council resolved itself into the committee of the Whole on special order, to consider C. B. No. 16.

Mr. Sherwood in the chair.

The committee rose.

Mr. Butler moved that the Council take a recess of ten minutes.

Carried.

The Council resumed its sitting.

Message from the House.

HOUSE OF REPRESENTATIVES, DENVER, Jan. 25th, 1870.

*To the Honorable the President of the Council:*

SIR: I am instructed by the House to inform your Honorable body that they have passed substitute for H. B. No. 53, An act for appropriations for the expenses of the Legislative Assembly of Colorado Territory, at the eighth session.

Very respectfully,

W. M. M. SLAUGHTER,  
Chief Clerk.

Mr. Sherwood moved that the rules be suspended and House Substitute to H. B. No. 53, be read a first, second and third times.

Carried.

Substitute to H. B. No. 53 was read the first and second times.

The following amendment offered by Mr. Butler was adopted: Amend by giving Assistant Secretary of the Council and Assistant Clerk of the House each eight dollars per day, instead of six dollars.

The following amendment, offered by Mr. Nesmith was adopted: That where the words "Chairman of the Council" occur, the word chairman be stricken out and the word President substituted therefor.

Mr. Butler moved that the amendments to the bill be considered engrossed, and the bill read a third time.

Carried.

The substitute to H. B. No. 53 was then read a third time, and passed by the following vote:

Ayes—Messrs. Butler, Hahn, Hughes, Loveland, Sanchez, Sherwood, Velasquez and Mr. President—8.

Nays—Messrs. Cook, Nesmith, Steck and Webster—4.

Mr. Butler moved to reconsider the vote whereby the Substitute to H. B. No. 53 was passed.

Carried.

Mr. Butler moved that the Substitute to H. B. No. 53, be remitted back to its first reading.

Carried.

Mr. Cook moved to adjourn.

Motion lost.

The committee of the Whole made the following report:

*Mr. President:* Your committee of the Whole House respectfully report that they have had under consideration, as special order, C. B. No. 16, and have amended the same by striking out all of section one of said bill, and amended section two by changing it to section one, and report the same back without recommendation.

J. M. SHERWOOD,  
Chairman.

The Joint Committee on Enrolled Bills, made the following report:

*Mr. President:* Your committee on Enrolled Bills, report that they examined the enrollment of H. B. Nos. 1, 2, 6, 11 and 13, also H. J. R. No. 4, and placed the same in the hands of Governor McCook, at 12 o'clock m., January 25th, 1870, for his approval.

Respectfully submitted,

S. B. HAHN,  
Chairman Committee.

Mr. Cook moved to adjourn.

Motion lost.

On motion of Mr. Butler, the Council adjourned.

WEDNESDAY, JANUARY 26TH, 1870. x

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler and Loveland.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Messrs. Butler and Loveland appeared and took their seats.

Committee on Engrossed Bills made the following report:

*Mr. President:* Your committee upon Engrossed Bills, to whom was referred C. B. No. 19, would respectfully report that they have had the same under consideration, and find it correctly engrossed. The same is herewith transmitted.

W. W. WEBSTER, Chairman.

Mr. Steck gave notice that on to-morrow, or some subsequent day, he would introduce a bill on the subject of chattel mortgages.

Substitute for H. B. No. 53 was read the first time.

C. B. No. 37 was read the first time.

H. B. No. 42 was read the second time, and referred to the committee of the Whole.

C. B. No. 33 was read the second time, and referred to the committee of the Whole.

C. B. No. 34 was read the second time, and on motion of Mr. Stearns, was referred to the Judiciary committee.

C. B. No. 35 was read the second time, and referred to the committee of the Whole.

C. B. No. 36 was read the second time, and referred to the committee of the Whole.

Mr. Stearns gave notice that he would on to-morrow, or some subsequent day, introduce a bill for the establishment of a Branch Assay Office at Fairplay, Colorado.

H. B. No. 3 was read a third time. On motion of Mr. Stearns, H. B. No. 3 was put upon its passage, and passed by the following vote:

Ayes—Messrs. Butler, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—12.

Nays—None.

Title agreed to.

Mr. Webster moved that the amendments to C. B. No 22,

reported by the committee on Highways and Bridges, be adopted.

Mr. Hughes moved to amend the amendments reported by committee on Highways and Bridges, by inserting the words four instead of three dollars, wherever the words three dollars occur.

Amendment adopted.

Mr. Loveland offered the following amendment to C. B. No. 22, to-wit:

SECTION 3. If any road overseer shall fail or neglect to report to the Board of County Commissioners on the first Monday of October of each year, as required by section 28 of the act to which this is amendatory, he shall be subject to a penalty of one hundred dollars, and it shall be the duty of said Board of County Commissioners to cause suit to be brought against said road overseer, before any Justice of the Peace of such county, and suit to be in the name of the Board of County Commissioners of the County of (inserting the name of the county in such blank), and the said Board of County Commissioners shall have the power, and it is hereby made their duty in such cases, to remove said overseer from said office, and to appoint one in his place, and the person so appointed shall hold said office, and exercise the duties thereof, until the next regular election for said office, and until his successor is duly elected and qualified, unless sooner removed by said Board of County Commistioners for the cause above specified.

Amendment adopted.

Mr. Loveland moved that C. B. No. 22, with the amendments, be ordered engrossed, and the bill read a third time.

Carried,

Mr. Loveland moved that C. B. No. 19 be read a third time, and put upon its passage.

Carried.

C. B. No. 19 was then read a third time, and passed by the following vote:

Ayes—Messrs. Butler, Hahn, Loveland, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—8.

Nays—Messrs. Hughes, Nesmith, Steck and Mr. Webster—4.

Title agreed to.

Mr. Loveland moved that the Substitute to C. B. No. 10 be taken up for consideration.

Carried.

Mr. Loveland moved that the blank in section 2 be filled up with the words twenty-five hundred.

Ayes and nays demanded.

Ayes—Messrs. Butler Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—10.

Nays—Messrs. Cook, Steck and Webster—3.

On motion of Mr. Hahn, the Council adjourned.

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Mr. Sherwood.

Quorum present.

Mr. Butler gave notice that he would on to-morrow, or some subsequent day, introduce A bill for an act providing for removing by certiorari from Justices of the Peace to the District Courts.

Mr. Nesmith offered the following resolution :

*Resolved*, That Wm. M. Roworth, contesting for a seat in this Council from the Third District, be invited to a seat on the floor, and that the Sergeant-at-arms be required to furnish him a desk.

Adopted.

Mr. Steck, with leave, introduced C. B. No. 38, A bill for an act to amend chapter 28 of the Revised Statutes, respecting elections.

The Council took up for consideration C. B. No. 10.

Mr. Loveland moved that the two succeeding blanks in section 2, be filled with five hundred.

Carried.

Mr. Loveland moved that the fourth blank in section two, be filled with twenty-five hundred.

Carried.

Mr. Butler moved the following amendment :

*Provided*, That the number of copies printed shall not exceed four hundred. Strike out all after the word covers, on the twelfth line of section one, and before the word which, on the fifteenth line of said section.

Amendment adopted.

Mr. Loveland moved that Substitute to C. B. No. 10, be ordered engrossed, and read a third time.

Carried.

Mr. Butler moved that it shall hereafter be taken as the

sense of the Council, that where bills or resolutions have been read the second time and ordered engrossed, and that when the same have been duly engrossed, such bills or resolutions shall be read a third time and put on their passage when that order has been reached, unless the Council shall otherwise determine.

Mr. Stearns moved that the Council resolve itself into the committee of the Whole, on general file.

Carried.

Mr. Stearns in the chair.

Mr. Sherwood appeared and took his seat.

The committee of the Whole rose and reported as follows:

*Mr. President:* Your committee of the Whole House beg leave to report that they have had under consideration H. B. No. 42, and report it back to the Council with the recommendation that it do pass. Also C. B. No. 36, and report it back with the recommendation that it do pass. Also C. B. No. 35, and report it back with the recommendation that it do pass. Also C. B. No. 33, and ask further time for consideration. Also C. B. No. 16, and report back to the Council a substitute for said bill. All of which is respectfully submitted.

E. N. STEARNS, Chairman.

Leave being granted, Mr. Steck introduced C. B. No. 39, A bill for an act to establish a school of mines.

On motion of Mr. Stearns, C. B. No. 35 was ordered engrossed and read a third time.

On motion of Mr. Steck, C. B. No. 36 was ordered engrossed, and read a third time.

The committee on Engrossed Bills made the following report:

*Mr. President:* Your committee on Engrossed Bills, to whom was referred C. B. No. 28, would respectfully report the same as correctly engrossed. W. W. WEBSTER, Chairman.

On motion of Mr. Butler, the Council adjourned until tomorrow at 2 p. m.

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THURSDAY, JANUARY 27TH, 1870.

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

President in the chair.

Roll called.

Absent—Messrs. Sherwood, Nesmith and Butler.

Quorum present.

Prayer by the chaplain.

Journal read and approved.

Messrs. Sherwood, Nesmith and Butler appeared and took their seats.

Mr. Stearns introduced C. B. No. 40, a bill for an act to establish a branch Assay Office in the Territory of Colorado.

Mr. Loveland introduced C. B. No. 41, an act to provide for the assessment and collection of revenue.

Mr. Cook gave notice that he would, on to-morrow or some subsequent day, introduce a bill for the forfeit of the compensation from the Territory of the District and Supreme Judges of this Territory, in all cases where they shall neglect to give their decision within sixty days after the case has been submitted to them for decision.

C. B. No. 38 was read the first time.

C. B. No. 39 was read the first time.

Committee on Engrossed Bills made the following report :

*Mr. President:* Your committee upon Engrossed Bills, to whom was referred C. B. No. 22, would respectfully report the same as correctly engrossed. The same is herewith transmitted.

W. W. WEBSTER,  
*Chairman.*

Mr. Cook from committee to examine the Auditor's and Treasurer's accounts, submitted a report which was received.

Mr. Stearns from Special committee, made the following report :

*Mr. President:* Your Special committee, to whom was referred C. B. No. 11, a bill for an act to authorize the employment of volunteers, beg leave to report that they have had the same under consideration, and return the same to the Council with the recommendation that it pass.

E. N. STEARNS,  
*Chairman.*

Substitute to H. B. No. 53 was read the second time and referred to the committee of the Whole.

C. B. No. 37 was read the second time and referred to the committee of the Whole.

H. B. No. 42 was read the third time, and the bill passed by the following vote :

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—13.

Nays—none.

Title agreed to.

C. B. No. 22 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Steck, Sanchez, Sherwood, Webster, Velasquez and Mr. President—13.

Nays—none.

Title agreed to.

C. B. No. 23 was read the third time, and on motion of Mr. Hahn, it was recommitted to the committee of the Whole.

Message from the House:

HOUSE OF REPRESENTATIVES, Denver, Jan. 27, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform your Honorable Body that they have passed H. B. No. 34, a bill for an act to amend chapter 84 of the Revised Statutes; also, H. B. No. 30, a bill for an act entitled An Act to compensate Mark A. Shaffenburg, U. S. Marshal of Colorado Territory, for the capture and detention of Giles Lydle, Marshall Williams, and John Murray.

Also, H. B. No. 21, a bill for an act to preserve game in Colorado Territory

Also, H. J. R. No. 10, to the President of the United States, asking the nomination of John W. McIntyre, of Arapahoe county, Colorado, as Cadet at large. The concurrence of your Honorable Body is respectfully requested. The same are herewith transmitted; also, that the House has passed Council substitute to H. B. No. 22.

Very respectfully,

WM. M. SLAUGHTER

*Chief Clerk.*

Leave being granted, Mr. Butler introduced C. B. No. 42, a bill for an act to repeal section 1, of article 2, chapter 54 of the Revised Statutes of Colorado Territory.

Leave being granted, Mr. Butler introduced C. B. No 43, a bill for an act to amend chapter 31 of the Revised Statutes, entitled Fees and Salaries.

Council resolved itself into the committee of the Whole, on special order of C. B. No. 17.

Mr. Webster in the chair.

The committee of the Whole rose and reported as follows:

*Mr. President:* Your committee of the Whole House upon a special order, would respectfully report that they have had C. B. No. 17 under consideration, and report the same back to the Council, with the recommendation that it be made the "special order" of next Monday the 31st, at 3 o'clock in the committee of the Whole.

W. W. WEBSTER,  
*Chairman.*

Mr. Stearns moved that the report of the committee of the Whole be adopted.

Carried.

Mr Stearns moved that the council resolve itself into the committee of the Whole on general file.

Carried.

Mr. Butler in the chair.

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

*Mr. President:* The committee of the Whole House have had under consideration C. B. No. 28, and report the same back to the Council, with the recommendation that it be made the special order for to-morrow afternoon at three o'clock, in committee of the Whole; also substitute for H. B. No. 53, and report the same back to the Council, with the recommendation that section 2 be amended by giving to the Assistant Secretary of the Council, and the Assistant Clerk of the House, each eight dollars per day, instead of six dollars per day; that that part of the bill allowing the pages two dollars per day be stricken out; that the words "Chairman of the Council," in section four be stricken out, and the words "President of the Council" inserted in lieu thereof, and that the bill as amended do pass.

Respectfully submitted,  
HUGH BUTLER,  
*Chairman.*

On motion of Mr. Hughes, the report of the committee of the Whole was adopted.

The committee on Finance made the following report:

*Mr. President:* Your committee on Finance, to whom was referred C. J. R. No. 3, have had the same under consideration, and report the same back to the Council for their consideration.

Respectfully,

W. A. H. LOVELAND,

On motion of Mr. Hughes, the Council adjourned.

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FRIDAY, JANUARY 28TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler and Nesmith.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Mr. Butler appeared and took his seat.

Mr. Loveland moved that the report of the committee to examine the accounts of the Auditor and Treasurer, be referred to the committee of the Whole.

Carried.

Mr. Butler presented a petition from the Miners' and Mechanics' Institute, and citizens in Gilpin county, in relation to the Territorial Library, which was read and referred to the committee on Territorial Library.

Mr. Nesmith appeared and took his seat.

Mr. Butler introduced C. B. No. 44, A bill for writ of certiorari to Justices of the Peace.

Mr. Nesmith introduced a bill for an act to amend an act entitled an act to incorporate the city of Black Hawk, approved March 11, 1864.

Mr. Nesmith presented a petition of the city Council of the city of Black Hawk, which was referred to the committee on Corporations.

H. J. R. No. 10 was read the first time.

H. B. No. 21 was read the first time.

H. B. No. 30 was read the first time.

H. B. No. 34 was read the first time.

C. B. No. 40 was read the first time.

C. B. No. 41 was read the first time.

C. B. No. 42 was read the first time.

C. B. No. 43 was read the first time.

C. B. No. 38 was read the second time, and referred to the Committee of the Whole.

C. B. No. 39 was read the second time and referred to the committee of the Whole.

The committee on Engrossed Bills made the following report:

*Mr. President:* Your committee upon Engrossed Bills, to whom was referred C. B. Nos. 35 and 36, would respectfully report the same as correctly engrossed. The same are herewith transmitted.

W. W. WEBSTER, Chairman.

C. B. No. 35 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Steck, Sherwood, Webster, Velasquez and Mr. President—13.

Nays—None.

Title agreed to.

C. B. No. 36 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez, Mr. President—13.

Nays—None.

Title agreed to.

Message from the House.

HOUSE OF REPRESENTATIVES, DENVER, Jan. 27th, 1870.

*To the Honorable the President of the Council:*

SIR: I am instructed by the House to inform your Honorable body that the House has passed C. B. No. 32, A bill for an act to repeal a part of the 26th section of the 28th chapter of the Revised Statutes of Colorado, without amendment. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

Mr. Stearns offered the following amendment to C. B. No. 11, which was adopted: On first line section 8 strike out "1,000," and insert "500," except in case of actual military duty, in which case he shall receive one hundred and fifty dollars per month additional pay.

Mr. Stearns moved that C. B. No. 11, with amendment, be ordered engrossed and read a third time.

Carried.

Mr. Sherwood moved that the Council take up for consideration Substitute to H. B. No. 53.

Carried.

Mr. Butler moved to adopt the first section.

Ayes and nays demanded.

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—11.

Nays—Messrs. Steck and Webster—2.

So section one was adopted.

Mr. Hahn moved to reconsider the vote by which the Council adopted the amendment, to give Assistant Secretary of the Council and Assistant Clerk of the House eight dollars per day.

Mr. Sherwood moved to lay the motion of Mr. Hahn on the table.

Ayes and nays demanded.

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Steck, Sherwood, Velasquez and Mr. President—12.

Nays—Mr. Webster—1.

So the motion of Mr. Hahn was laid on the table.

Mr. Butler moved that the Council consider section 2 of Substitute to H. B. No. 53, by sentences

Carried.

Ayes and nays being demanded, Sentence one of section two was read and adopted by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns Sanchez, Sherwood, Velasquez and Mr. President—11.

Nays—Messrs. Steck and Webster—2.

Ayes and Nays being demanded, Sentence two of section two, was read and adopted by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Nesmith, Stearns, Loveland, Sanchez, Steck, Sherwood, Velasquez and Mr. President—12.

Nays—Mr. Webster—1.

Ayes and nays being demanded, Sentence three of section two, was read and adopted by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Velasquez and Mr. President—12.

Nays—Mr. Webster—1.

Ayes and nays being demanded, Sentence four of section two was read, and adopted by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland Nesmith, Stearns, Sanchez, Steck, Sherwood, Velasquez and Mr. President—12.

Nays—Mr. Webster—1.

Ayes and nays being demanded, Sentence five of section two was read, and adopted by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Velasquez and Mr. President—12.

Nays—Mr. Webster—1.

Ayes and nays being demanded, Sentence six of section two was read and adopted by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Velasquez and Mr. President—12.

Nays—Mr. Webster—1.

Ayes and Nays being demanded, Sentence seven of section two was read and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—13.

Nays—None.

Ayes and nays being demanded, Sentence eight of section two was read and adopted by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—13.

Nays—None.

Ayes and nays being demanded, Sentence nine of section two was read and adopted by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Sherwood, Webster, Velasquez and Mr. President—12.

Nays—Mr. Steck—1.

Ayes and nays being demanded, Sentence ten of section two was read and adopted by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—13.

Nays—None.

Ayes and nays being demanded, Sentence eleven of section two was read and adopted by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—11.

Nays—Messrs. Steck and Webster—2.

Ayes and nays being demanded, Sentence twelve of section two was read and adopted by the following vote:

Ayes—Messrs. Butler, Hahn, Hughes, Loveland, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—9.

Nays—Messrs. Cook, Nesmith, Steck and Webster—4.

Ayes and nays being demanded, Section three was read and adopted by the following vote:

Ayes—Messrs. Butler, Hahn, Hughes, Loveland, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—9.

Nays—Messrs. Cook, Nesmith, Steck and Webster—4.

Ayes and nays being demanded, Section four was read and adopted by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—10.

Nays—Messrs. Nesmith, Steck and Webster—3.

Mr. Butler moved that the amendments to Substitute to H. B. No. 53 be considered engrossed, the bill read a third time, and put upon its passage.

Carried.

Substitute to H. B. No. 53 was read a third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—10.

Nays—Messrs. Nesmith, Steck and Webster—3.

Title agreed to.

On motion of Mr. Nesmith, C. J. R. No. 3 was referred to the committee of the Whole.

On motion of Mr. Hahn, the Council adjourned.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Steck and Sherwood.

Quorum present.

Mr. Stearns moved that the rules be suspended and C. B. No. 40 be read a second time and referred to the committee of the Whole, and made a part of the special order of C. B. No. 28.

Mr. Steck appeared and took his seat.

The motion of Mr. Stearns was divided, so that C. B. No. 40 be read a second time.

Motion carried.

C. B. No. 40 was then read a second time.

Mr. Stearns moved that C. B. No. 40 be referred to the committee of the Whole, and made a part of special order on C. B. No. 28.

Motion was lost.

C. B. No. 40 was referred by the President of the committee of the Whole.

The committee on Engrossed Bills, made the following report:

*Mr. President:* Your committee upon Engrossed Bills, to whom was referred C. B. No. 10, would respectfully report the same as correctly engrossed. The same is herewith transmitted.  
W. W. WEBSTER, Chairman.

Mr. Sherwood appeared and took his seat.

Mr. Stearns moved that the Council resolve itself into the committee of the Whole, on general file.

Carried.

Mr. Webster in the chair.

The Council resumed its sitting in order to receive the following message from the House:

HOUSE OF REPRESENTATIVES, Denver, Jan. 28th, 1870.

*To the Honorable the President of the Council:*

SIR: I am instructed by the House to inform your Honorable body, that the House has passed H. B. No. 44, A bill for an act to amend section 18 in chapter 20, of an act to define county boundaries and locate county seats in Colorado Territory. The concurrence of the Council is respectfully requested.

Also that the House has passed C. B. No. 29 and C. B. No. 30, without amendment. I am instructed also, to inform your Honorable body that the House has appointed a committee of conference, consisting of Messrs. DeFrance, Wells and Lea, to act in concert with a like committee on the part of the Council, for the consideration of Substitute for H. B. No. 53.

Very respectfully,

W. M. M. SLAUGHTER,  
Chief Clerk.

The message having been received, the committee of the Whole resumed its sitting.

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

*Mr. President:* Your committee of the Whole House would respectfully report that they have had under consideration the report of the committee appointed to examine the accounts of the Auditor and Treasurer, and upon motion was reported back

to the Council with the recommendation that it be spread upon the Journal. Also C. B. No. 33, and upon motion was postponed in committee of the Whole. Also C. B. No. 37, and upon motion report the same back with the recommendation that it be referred to the committee on Finance.

W. W. WEBSTER, Chairman.

Mr. Sherwood moved that special order on C. B. No. 28, be postponed until 11 o'clock to-morrow.

Carried.

Mr. Cook moved that the Council resolve itself into Executive session.

Carried.

After some time spent therein, the Executive session was dissolved.

Mr. Stearns moved to adjourn.

Motion lost.

Mr. Nesmith offered the following resolution:

*Resolved*, That the Library committee be authorized to employ a clerk to assist in comparing the Territorial Library with the published catalogues, and for all other matters pertaining to the Library, when such assistance is deemed necessary by the committee.

Adopted.

Leave being granted, Mr. Steck introduced C. B. No. 46, A bill for an act to amend chapter 28 of the Revised Statutes of Colorado.

Mr. Stearns moved that the Council take a recess of fifteen minutes.

Carried.

Council resumed its sitting.

Mr. Butler appeared and took his seat.

On motion of Mr. Sherwood, the Council adjourned.

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SATURDAY JANUARY 29TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Loveland, Steck, Sherwood and Webster.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Mr. Webster appeared and took his seat.

Messrs. Steck and Sherwood appeared and took their seats.

Mr. Stearns moved that the report of the committee of the Whole be adopted.

Carried.

The President ordered the report of the committee to examine the accounts of the Auditor and Treasurer be spread upon the journal.

Report of the committee appointed by the Secretary to examine the accounts of the Auditor and Treasurer of Colorado Territory:

*To the Honorable Legislative Assembly of Colorado Territory:*

The undersigned would respectfully report that they were duly appointed a committee to investigate the accounts of the Auditor and Treasurer of the Territory, in pursuance of the provisions of chapter (IX) nine of the Revised Statutes.

That your committee assembled at the office of the Auditor in Denver, on the 28th day of December, 1869, and after being duly sworn according to law, entered upon their duties.

Your committee do not deem it necessary to report the separate receipts and expenditures in detail, as that duty devolves upon the Auditor and Treasurer respectively, and our figures could be but a repetition of the figures of those officers: but your committee are particularly desirous of calling the attention of your Honorable Body to the following points, to-wit:

The Auditor's books (see his report page 1) show the balance in the Treasury to be \$27,962.47, while the books of the Treasurer show a balance of only \$24,381.73, (see report page 51). The question naturally arises to your minds, What causes the discrepancy? The reply is, In the first instance defective legislation. By reference to the Revised Statutes (pages 463 and 470), it will be seen that not only the Auditor, but the Treasurer, Assayer, the Brigadier General of militia, and in some instances the county Treasurers of the various counties, may draw directly on the Territorial Treasurer, without having their claims pass through the hands of the Auditor. This will account for the manner in which discrepancies between the books of the Auditor and Treasurer might occur. The Auditor in his report (page 30), has called your attention to the fact that at one time there were two persons exercising the functions of Auditor. It is needless to say that there can be but one Auditor at a time; but it may be a very new question to decide as to which one of the two at that time was really

Auditor. With this question your committee have had nothing to do, as it happened some years since, and your committee do not understand that they have power to go back of the last settlement made with the commissioners, whose report is embodied in the report of the Auditor this year. Your committee also conceive that they have no power to count the money in the Treasury; but have power only to examine and compare the books of the Auditor and Treasurer and report; 1st as to whether the books of these officers are properly kept; 2nd as to whether the claims allowed by the Auditor during the past year have been properly allowed; and 3d as to whether the amounts paid out by the Treasurer have been lawfully paid upon warrants lawfully drawn. Upon these points your committee can report with some degree of clearness and certainty, as the books and vouchers in the hands of those officers are sufficient data upon which to base a report.

The system of book keeping in vogue in the Auditor's office is complicated and difficult of comprehension; but when once understood seems to be sufficiently complete. Your committee would recommend that it be simplified if possible. The commission which made a settlement with the Auditor and Treasurer last year, assumed the right to *audit* and allow certain claims which arose out of the Indian difficulties of 1868. Your committee are of opinion that that commission had greater powers in the premises than your committee; and are of the further opinion that the claims presented and allowed were just and in equity, and in good conscience should be paid by the Territory; but whether they were lawfully paid or not, is left for your Honorable Body to determine. If the above mentioned claims were lawfully allowed, then the books of the Auditor are correct, and no improper or illegal claims have been allowed during the past year.

The Treasurer's books we also find correct for the past year, and that no unlawful warrants have been paid, so far as your committee can determine. It must be borne in mind that your committee have had no authority to examine the accounts of the Territorial Assayer, nor of the Military Board, or various county Treasurers, who may have drawn on the Treasury during that time. For this reason it is impossible for your committee to determine what causes the discrepancy between the books of the Auditor and Treasurer, except as it is explained orally by those officers. Your committee therefore recommend that such steps be taken as will in future preclude any and all officers from drawing money from the Treasury, except through the Auditor; and also that a commission be appointed with full power to make a thorough examination of

the books and papers of the Auditor, Treasurer, Assayer, and all other officers who have heretofore drawn on the Treasury; to examine into the matter of the so-called "Graham Warrants;" to send, if necessary, for persons and papers; to count the money in the Treasury; and finally to cancel vouchers and authorize such entries to be made in the books of the Auditor, Treasurer, and other officers if necessary, as will exhibit a full, fair and complete statement of the exact financial condition of the Territory upon the books of the Auditor and Treasurer.

Your committee in justice to the Auditor and Treasurer, must say that they have no reason to suspect any irregularities on the part of those officers, or either of them, but simply desire to call the attention of your Honorable Body to the fact that dishonest officers by collusion, might for years carry on a system of frauds, which under existing laws could not be detected. All of which is respectfully submitted.

CHARLES A. COOK, }  
GEO. W. MILLER, } *Committee.*  
JOHN H. WELLS. }

The committee upon Engrossed Bills made the following report:

*Mr. President:* Your committee upon Engrossed Bills, to whom was referred C. B. No. 16, would respectfully report the same as correctly engrossed. The same is herewith transmitted.

W. W. WEBSTER,  
*Chairman.*

The joint committee upon Enrolled Bills made the following report:

*Mr. President:* Your joint committee on Enrolled Bills report that they have examined the enrollment of House Bill No. 7, for An Act to change the name of Thomas Cox.

Also, H. B. No. 8 and 17, H. M. No. 1, and find the said bills and memorials correctly enrolled, and placed the same in the hands of His Excellency, the Governor of Colorado Territory, at ten o'clock p. m. January 28th, 1870, and that the same now awaits his approval.

Respectfully submitted,

S. B. HAHN.  
*Chairman.*

H. B. No. 44 was read the first time.

H. B. No. 44 was read the first time.

C. B. No. 44 was read the first time.

C. B. No. 45 was read the first time.

C. B. No. 46 was read the first time.

H. J. R. No. 10 was read the second time, and referred to the committee of the Whole.

H. B. No. 21 was read the second time, and referred to the committee of the Whole.

H. B. No. 30 was read the second time, and referred to the committee of the Whole.

H. B. No. 34 was read the second time, and referred to the committee of the Whole,

C. B. No. 41 was read the second time, and referred to the committee of the Whole.

C. B. No. 42 was read the second time, and referred to the committee of the Whole.

C. B. No. 43 was read the second time, and referred to the committee of the Whole.

Mr. Steck moved that C. B. No. 16 be considered engrossed, read a third time, and put upon its passage.

Carried.

C. B. No. 16 was then read a third time, and passed by the following vote:

Ayes—Messrs. Cook, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Webster, Velasquez and Mr. President—10.

Nays—Mr. Sherwood—1.

Excused from voting—Messrs. Butler and Hahn.

Title agreed to.

Leave being granted, Mr. Butler presented the following report of the majority of the committee on Elections:

The undersigned, a majority of the committee on Elections, to which was referred the memorial of William M. Roworth, would respectfully report that they have carefully examined the same.

The first question which presents itself to the majority of the committee, is whether your committee or the Council can take notice of said memorial, and make it the basis of an investigation. If the facts recited in it were admitted by Mr. Hahn, the sitting member, and notice waived, the Council could then determine their sufficiency and award the seat to the party entitled to it; but in the opinion of a majority of your committee, there is no law or precedent which would permit or justify the Council in taking cognizance of such a method of contest, without the consent of the sitting member.

A contest concerning the right of a person to hold a seat in a legislative body partakes of the character of a judicial inves-

tigation, and must be governed by statute and such principles of a parliamentary practice as have been established by repeated decisions of legislative bodies in like cases.

The statutes of this Territory have provided for this class of cases, and have pointed out the manner in which contest shall be commenced and carried on.

Section one of "An act to provide for contested elections," page 294 of the Revised Statutes of Colorado, provides that if any candidate or elector of the proper county desires to contest the validity of any election, or the right of any person to a seat in the Council, he shall give notice in writing to the person whose election he intends to contest, within twenty days after the vote of said election has been canvassed by the Territorial Board of Canvassers, specifying the point on which the same will be contested, and the names of two Justices of the Peace before whom depositions will be taken, such notice to be at least ten days before the time so appointed. Such notice has not been given in this case, and indeed no notice of any kind.

The minority of the committee undertakes to excuse the want of notice because the Territorial board of canvassers neglected and refused to declare the result of the canvass, and the Governor was accordingly unable to issue a certificate of election; but this in the opinion of a majority of your committee is hardly a sufficient excuse.

There is nothing in the statute which requires the contestant to wait until the result of the canvass has been declared, and for that matter the statute nowhere requires either the Territorial Board of Canvassers or the Governor to issue a written *public declaration* or *proclamation* of the result of the canvass or the election.

In many of the states there is such a statute, and in such states it is customary and necessary for the Governor, or other officer authorized by law, to issue a proclamation certifying the names of the persons declared to be elected, but such has never been the law or custom of this Territory. The statute simply provides that within twenty days after the vote of the election shall have been canvassed by the Territorial Board of Canvassers, notice shall be served.

If the statute had said that the notice should be served within a certain number of days after the vote had been canvassed, "and the result thereof declared," there would be much force in the reasoning of the minority of the committee.

But as the law now stands, it makes no difference when the result is declared, because the statute clearly provides that the notice shall be given within twenty days after the vote has been

canvassed. The Governor, by reason of the urgency and multiplicity of public business, might defer making a declaration or proclamation of the persons elected for a week or ten days after the canvass, yet would it be contended in such a case that the notice might be given within twenty days after the declaration of the Governor, when the statute expressly declares that the notice shall be given within twenty days after the vote has been canvassed. It seems to the majority of your committee, that this illustration is conclusive of the question.

The majority of your committee are also of the opinion that Mr. Roworth could easily have given the notice required by the statute. The proceedings of the Board of Canvassers are public, and the time and place of its meeting and the result of its deliberations are usually quite public and notorious, and it is fair to presume that Mr. Roworth was not long ignorant of the action of the Board of Canvassers.

He must have known within a few days after the canvass, that he was not declared elected, and if Mr. Hahn was the only opposing candidate (and it is not claimed that there was any other), he must also have known that Mr. Hahn would be the proper person on whom to serve notice.

It is certainly evident from the statute, that the sitting member shall have notice and opportunity of defense, before his right to a seat can be questioned, but if the theory of the minority be accepted, the sitting member might be ousted without notice and defense.

It is only necessary to state the consequence of the theory, to show how unsound it is, and repugnant to every principle of law and justice.

Your committee before leaving this branch of the question, cannot avoid commenting on the action of the Territorial Board of Canvassers. It is unnecessary to go into any argument to show that it is simply their duty to canvass the returns sent them by the clerk of the county composing the Council district, and declare the result according to such returns. Of course, in cases of apparent mistake or informality, they have the right, and it is their duty, to send the returns back for amendment or correction; but they have no right to assume the functions of this body or a court of justice, and to receive evidence impeaching such returns.

Their duty is simply of a mechanical or clerical character, and such heretofore has been the practice of said board.

It is not necessary to refer to examples or precedent, but we can refer as evidence of the correctness of this statement, to the decision of the board in the contest between Belden and Bradford. In that case they refused to hear evidence, or go behind

the returns, and made the returns the basis of their decision. Had the board recognized the same principle and practice in the present instance. Mr. Hahn would have been declared elected, and Mr. Roworth could then have served notice upon him according to the theory of the minority report.

The copy of the returns which they canvassed has been furnished the Council by the Secretary of the Territory in response to a resolution, and it appears from said returns that Mr. Hahn received 571 votes, and Mr. Roworth 547. In the opinion of your committee, in view of what has been stated, no reason can be given, or good reason imagined, why the Board of Canvassers were unable to determine the result. This opinion is also confirmed by the fact that upon returns of a like character, having the same alleged defect, omissions, mistakes and falsehoods, they declared the result of the election for Representatives from Gilpin county, and certificates of election were accordingly issued. The same reasons existed in each case, and how the Board of Canvassers managed to make a distinction, or discover a reason for arriving at a different conclusion in one case from the other, passes the comprehension of your committee.

It is but proper to state that if the rights of Mr. Roworth in this matter have been frittered away, or if he has been placed in an unfortunate position, it is the fault of the Board of Canvassers, and with them the responsibility should rest.

Mr. Roworth has produced some evidence before the committee designed to show that the returns of the election in Central City and Russell Gulch precincts, were improperly rejected by the Board of Canvassers of Gilpin County, and that if such returns were received and counted, he would have a majority of sixty-four votes.

Your committee regret that they cannot consider this evidence, for the obvious reason that Mr. Hahn was not legally notified concerning it, was not present, and did not consent to its taking. He objects on the ground that it is *exparte*, and that of course is an insuperable objection. Hence your committee, for the reasons stated, do not think it necessary to discuss the legal questions presented by the evidence.

Therefore, if the opinions of your committee as above set forth are correct, the memorial of Mr. Roworth cannot be regarded as the basis of a contest, and the application in its present form must be denied.

Your committee desire to state that it is to them a matter of profound regret that an inquiry into the merits of the alleged right of Mr. Roworth to the seat, must be excluded because of what may seem a harsh and technical reason, and it is with extreme reluctance they confess their inability to make the in-

vestigation desired by Mr. Roworth, and to make out that measure of justice which the facts and merits of the case may require.

And the only question which your committee can now submit is, whether the Council possess the inherent right or power of prescribing terms and conditions under which Mr. Roworth may be allowed to give notice and take evidence.

It is a question which they have not had time to examine fully, and they must submit it without recommendation or suggestion. If such a contest be allowed, it will be more a matter of grace than of right. But your committee is clearly of opinion that as the matter now stands, the prayer of the memorial must be denied.

Respectfully submitted,

HUGH BUTLER.

W. A. H. LOVELAND.

Committee.

Leave being granted, Mr. Steck presented the following minority report of the committee on Elections:

The minority committee on elections, to whom was referred the petition of Wm. M. Roworth, claiming a seat in the Council, by virtue of an election held in September last, to supply the vacancy occasioned by the resignation of D. D. Belden, Councilman of the Third District, respectfully reports,

That the unusual manner of the application of Wm. M. Roworth to contest the seat now occupied by Hon. Silas B. Hahn, as Councilman from the Third Council District, is accounted for by Wm. M. Roworth as follows:

By the fiftieth section of chapter 28 of the Revised Statutes, page 294, it is enacted that, if any candidate chooses to contest the validity of any election, or the right of any person *proclaimed* duly elected, such person shall give notice thereof in writing to the person whose election he intends to contest, or leave a written notice thereof at the house where such person last resided, within twenty days after the votes of the election shall have been canvassed by the Territorial Board of Canvassers, expressing such points &c., as is required by such statute.

It will be seen by reference to the above section of the statute, that there must be, as an essential requisite, a *proclamation* made of the election of somebody, based upon the reports of the Territorial Board of Canvassers, certifying that that person whose seat or election is contested, had received the highest number of votes, for the office for which he was proclaimed to be elected.

The Organic Act, section 13, provides that the person having the greatest number of votes shall be *declared* by the Governor to be duly elected, and a certificate thereof given accordingly. Section 36 Revised Statutes, page 291, enacts substantially that the Governor shall give a certificate of election to the person having the highest number of votes for each office. This certificate is based upon the report of the Board of Canvassers certifying what persons received the highest number of votes.

Examining with care the several sections of the statute and act, the reader will see that it was manifestly the duty of the Governor, immediately upon the completion of the canvass, to make public proclamation of the names of the persons reported by the Board of Canvassers as having received the highest number of votes for each office.

This very plain duty, by some oversight, has never been performed by the Executive, if we recollect rightly, since the enactment of the law in 1861. However that may be, it is certain that following the report of the canvassers of the election of officers, at the last general election, the duty of proclaiming the names of the persons elected was omitted to be made.

The obvious purpose of making proclamations *by the Governor* of the persons elected is to give official notice to the persons elected, as well as notice to contestants to take such steps within the twenty days after the canvass, as the act requires to be taken. In the absence of this proclamation, the contestant can have no knowledge of the canvass, nor whether his opponent at the election was certified to have received the highest number of votes or not. It cannot be expected, because it would be an unreasonable construction of the statute, that the contestant shall come to the capital of the Territory and remain there until the expiration of the fifty days, during which the canvassers are authorized to delay the canvass of the votes, and there ascertain as well as he may, which of the candidates for office was certified to have received the highest number of votes, and, therefore, it is claimed that the duty of Mr. Roworth was to await the notice of the Governor's proclamation of the election of Mr. Hahn.

But in this case no proclamation was made, nor has the Governor given any certificate to Mr. Hahn or Mr. Roworth, but in a special communication to the Council, reports that he was unable to decide from the report of the canvassers, which of the candidates was duly elected.

It will be observed that the organic act declares that the Governor shall *declare* the person receiving the highest number of votes duly elected, and give a certificate accordingly. In construing this section, it will scarcely be affirmed that a mere

verbal declaration by the Governor is all that is required to be made. Official declarations are not usually made in that way, but are committed to paper, and officially certified in some form. Such was the plain construction of the Legislative Assembly when they enacted pursuance of that section of the Organic Act, that proclamation should be made.

The statute does not, it is true, say *when* the proclamation shall be made, and it is therefore competent for the Executive, within the letter of the law, to delay it until the lapse of twenty days after the date of the canvass, and therefore no notice could be given by the contestant as required by the law. But it is respectfully submitted that such construction of the statute would be an abuse of the law, and wide of the plain purpose of the Legislative Assembly in its enactment. It might also be said that the Governor need not make proclamation until the day of the meeting of the Legislative Assembly, because no time is fixed within which it shall be made. In this case it does not appear to have been done at all. The statute it is confessed is imperfect in this, that the notice of the contestant ought to be required by the terms of the law to be given twenty days after the date of the proclamation, and not twenty days after the canvass is completed.

Inasmuch, therefore, as the contestant complains that he had no notice of the canvass by the Territorial Board, of any report of Mr. Hahn's having had the highest number of votes, he has been guilty of no laches in not giving him the twenty days notice, as required by the statute in contested cases; in which opinion your committee, for the reason set forth, concurs.

The evidence upon which the sitting member, Mr. Hahn, was admitted to his seat, is not claimed to be the usual evidence upon which members obtain their seats in the Council, but only secondary evidence. Your committee had before them the certificate of Mr. Philip Martin, clerk of Gilpin County, certifying Mr. Hahn as having received the highest number of votes for Councilman. It is the unauthorized certificate of Mr. Philip M. Martin, clerk of Gilpin county, by his deputy, Henry Granis. It recites that "Silas B. Hahn received the highest number of votes for the office of Councilman for the Third District, and was declared duly elected to that office." Without questioning its truth or falsity, at this place in our report, which will hereafter fully appear, it is matter of regret that an unauthorized statement, although made by an official, should be made the basis and only foundation for the admission of the sitting member; for we respectfully submit that the certificate of Mr. Philip Martin is evidence of nothing except his willingness to give it.

Your committee had before them for examination, Mr. Henry

Grannis, the deputy Clerk of Gilpin county, and all the Registrars of the nine election precincts of the Third Council District, as well as the poll books of these precincts. Mr. Grannis testified that the Registrar's poll books, and election returns from the several precincts of the general election, held on the 14th day of September, 1869, were the originals and not copies. There appears to be two poll books returned from the Russell precinct, on account of some supposed informalities. They appear to be exact copies of each other, except in some minor but unimportant particulars. The handwriting of the judges and clerks at that precinct was not known to the witness, but the poll books and signatures returned, were the same books made out by Mr. Grannis as deputy clerk, and sent to that precinct. There does not appear to be any question of their genuineness in any particular.

The signatures of the judges and clerks of the Central City election precinct, are all well known to the witness and pronounced to be genuine.

Upon the day of the canvass of the votes of the last general election, in the Third Council District, Mr. Philip Martin called to his assistance, as required by law, two officials, Mr. John W. Ratliff and Mr. Samuel H. Bradley, and proceeded to canvass the votes. Mr. Ratliff moved to exclude from the count the precincts of Central City and Russell, and they were unanimously excluded. The ground of their exclusion was said by the witness, who was present, to be for informality.

The remaining precincts were Black Hawk, Nevada, Mountain House, Lake Gulch, South Boulder, Quartz Valley and Missouri. The aggregate votes for Messrs. Roworth and Hahn in the above precincts for Councilman were 1118 votes, of which Mr. Hahn received 571 votes, and Mr. Roworth 547 votes. The votes in all the precincts are set out below in detail. The Clerk of the county, Mr. Philip Martin, returned the votes cast at the several precincts above mentioned, to the Secretary of the Territory, and made no mention of the two Districts of Russell and Central City, or any excuse for omitting to return the votes cast at those places.

On examination of the returned poll-books from the Central City precinct, it appears that the only irregularity was the neglect of Messrs. J. D. Wood and Jeremiah Young, two of the judges of election that day, to be sworn as is directed by the Statute. In all other particulars, every requirement of the law appears to have been fully complied with. None of the judges at the Russell precinct appear by the returns to have been sworn before opening the polls, according to the first poll-books returned. In other respects I fail to find any irregularity in them.

The returns from Mountain House precinct, at which was polled 77 votes, 57 of which were for Mr. Hahn, and 19 for Mr. Roworth, were counted by the canvassers, although there does not appear on the face of the return of the officers a compliance with the law, which required the officers to certify in the form and manner set out in the Statute, the number of votes polled for Mr. Hahn and the contestant.

But as it was evidently the intent of the officers to do their duty, this irregularity is not considered fatal to the returns, and I think was properly counted. It may, however, be remarked that the inconsistency in this respect of Mr. Philip Martin and his associates, in admitting this return and excluding the two other returns, cannot be accounted for by your committee on the score of conscientious duty quite as satisfactorily as we could wish.

The votes cast for Messrs. Roworth and Hahn for Councilman at the Central city precinct was 828 votes, of which 453 were cast for Mr. Roworth, and 375 for Mr. Hahn. At the Russell precinct the votes cast for the office of Councilman were 118, of which Mr. Roworth received 64 and Mr. Hahn 54.

Below will be found a tabular statement of the full returns from the 3d Council District, as appears from the returns before your committee, to which I respectfully refer.

The question which arises upon the exclusion of the two precincts of Russell and Central City is, whether or not they were properly excluded from the count. If they were properly excluded, there is the end of this controversy. If not, the majority for Mr. Roworth it will be seen is 64 votes.

The witness, Mr. Grannis, testifies that the canvassers of Gilpin county excluded the returns from Russell and Central precincts on the ground of informalities, or irregularities in the returns.

On the face of the returns I observe nothing irregular or informal, except a failure in all the judges of Russell, and two of the judges in the Central precincts to be sworn.

It is claimed by the contestant that the judges not sworn conceived that there was no necessity to be sworn, inasmuch as they had been registrars of the votes, and as the law made them judges, also their oaths as registrars covered their duties as judges. This excuse, however, wanting in legal force, certainly is plausible, and appears to have been the fact.

Mr. Schellenger, one of the judges at the Central City precinct, who had not been a registrar as had the others, appears on the returns to have been sworn. But whether these judges were sworn or not is a matter for which they must answer to the law in their own persons, and this is the only effect or result from a neglect of the judges to be sworn.

It must be a monstrous doctrine that these precincts should be thrown out from the count because two men whose plain duty it was to have been sworn, failed to comply with the law. The doctrine established by the courts, when this question of informality has been examined and passed upon, has uniformly been that the neglect of the judges to take the oath required by law, unaccompanied by other irregularities showing fraud, is not sufficient to exclude the vote of a precinct from the count. In a case submitted to this Council at its first session, between Messrs. Field and Hinsdale, the reports of both the majority and minority committees contain this doctrine. The majority committee consisting of Messrs. Butler and Belden, say respecting irregularities at elections, that in cases where the law is directory and not imperative, and when no injury or injustice is occasioned by them, the rule is that the election is not thereby necessarily vitiated.

In the case referred to, it was held by this Council that the election held at the house of Appadacca, at which the contestant received 40 votes, and the sitting member 3 votes, was properly counted, and then it appeared that the officers of the election were not sworn, and other irregularities were shown, which the sitting member claimed ought to have excluded it entirely. But it was then distinctly stated that the precinct was not assailed on account of the failure of the officers who held it, to be sworn as was required by the law, but upon other irregularities which stamped it as fraudulent. This principle has been so often decided by the courts, that it is a waste of time and labor to set them forth.

It rests upon the ground that electors shall not be disfranchised by reason of the officials who conducted the election, having failed to do their duty in taking the oath required by law.

The duty of Mr. Philip Martin and his associates plainly was a ministerial duty. It was clerical, almost wholly; and their assumption to pass judicially upon the returns from the two excluded Districts, and what is worse yet, to be grossly wrong in the decision at that, and in the face of a multitude of judicial authorities all establishing the doctrine.

That the neglect of the judges to be sworn, is not ground for rejecting them, appears to us to require that some punishment should be provided for similar cases of assumption of like authority in the future. The cases which establish the duties of canvassers as ministerial only, will be found in 25 Ill. 325—8. 17 Ill. R. p. 167. 15 Ill. R. 492. 4 Cowan's R. 297. 3 Hill p. 42 and others.

The cases which clearly lay down the rule, that the neglect

of the judges to be sworn is not a fatal objection to the returns of an election, are so numerous that we do not set them forth in this report, but they will be found cited in 8th New York Reports, and also 14th Barbour's Reports, heretofore noticed, and to which the Council is respectfully referred. The total vote for councilman to fill the vacancy occasioned by the resignation of D. D. Belden, held at the last general election in the 3d Council District, appears from the returns in the hands of your committee to be as follows, to-wit.:

	Central.	Black Hawk.	Nevada.	Russell Gulch.	Mountain House.	Lake Gulch.	South Boulder.	Quartz Valley.	Missouri.	Total.
Silas B. Hahn, .....	375	199	200	54	57	38	10	30	37	1000
Wm. M. Roworth .....	453	242	172	64	19	47	6	24	37	1064
Roworth's majority,...										64

Your committee therefore recommend the following resolutions:

*Resolved*, That Silas B. Hahn is not entitled to the seat as a member of this Council from the 3d Council District.

*Resolved*, That Wm. M. Roworth is entitled to the seat as a member of this Council from the 3d Council District, and that he be sworn as such. All which is respectfully submitted.

AMOS STECK,  
*Minority Committee.*

Council resolved itself into the committee of the Whole, on special order of C. B. No. 28.

Mr. Webster in the chair.

The Council resumed its sitting in order to receive the following

Message from the House:

HOUSE OF REPRESENTATIVES, DENVER, Jan. 29th, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform your Honorable Body that the House has passed H. J. M. No. 2, for the establishment of a Land District. The concurrence of your Honorable Body is respectfully requested. The same is herewith transmitted.

Very respectfully,  
WM. M. SLAUGHTER,  
Chief Clerk.

The message having been received, the committee of the Whole resumed its sitting.

The committee of the Whole rose and reported as follows:

*Mr. President:* Your committee of the Whole House upon "special order," would respectfully report that they have had under consideration C. B. No. 28, amended the same, and upon motion report it back to the Council, with the recommendation that it be referred to a special committee of one, consisting of Mr. Nesmith.

W. W. WEBSTER,  
Chairman.

On motion of Mr. Loveland, the report of the committee of the Whole was adopted.

Mr. Steck moved that the consideration of the majority and minority reports from the committee on Elections, be made the special order for two o'clock this afternoon.

Leave being granted, Mr. Stearns introduced C. B. No. 47, a bill for An act to amend an act, entitled An act to reduce the law incorporating the City of Denver, and the several acts amendatory thereof, into one act, and to amend the same.

On motion of Mr. Stearns, the Council adjourned.

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Steck and Sherwood.

Quorum present.

Leave being granted, Mr. Stearns introduced C. B. No. 48, a bill for An act to change the name of John Francis Porter.

Mr. Nesmith moved that the Council take a recess of fifteen minutes.

Carried.

Council resumed its sitting.

Messrs. Butler, Steck and Sherwood appeared and took their seats.

Mr. Sherwood moved that the Majority report of the committee on Elections be adopted.

On motion of Mr. Sherwood, Council adjourned until Monday morning at 10 o'clock, January 31st, 1870.

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MONDAY JANUARY 31ST, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Cook, Hahn, Loveland and Webster.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Messrs. Hahn and Nesmith appeared and took their seats.

Mr. Nesmith moved that the reading of the majority and minority reports, from the committee on Elections, in the Journal be dispensed with.

Carried.

The committee on Engrossed Bills, made the following report:

*Mr. President:* Your committee upon Engrossed Bills, to whom was referred C. B. No. 11, would respectfully report the same as correctly engrossed. The same is herewith transmitted.

W. W. WEBSTER, Chairman.

Mr. Butler moved to suspend the order of business, and proceed to the consideration of the contested election case, between Messrs. Hahn and Roworth.

Carried.

Mr. Loveland appeared and took his seat.

On motion of Mr. Loveland, the Council adjourned.

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Nesmith and Sherwood.

Quorum present.

Mr. Nesmith appeared and took his seat.

Mr. Stearns moved a call of the House.

Carried.

Absent—Messrs. Butler and Sherwood.

Messrs. Butler and Sherwood appeared and took their seats.

On motion of Mr. Sherwood, further proceedings under the call of the House were dispensed with.

Leave being granted, Mr. Hahn retired.

Ayes and nays being demanded, on the motion of Mr. Sherwood to adopt the majority report of the committee on Elections, the following was the vote:

Ayes—Messrs. Butler, Hughes, Loveland, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—8.

Nays—Messrs. Cook, Nesmith, Steck and Mr. Webster—4.  
Mr. Nesmith offered the following resolution:

*Resolved*, That Wm. M. Roworth be allowed to contest the right of Silas B. Hahn to a seat in this body, as a member from the Third Council District, and that on a notice of six days to the said Hahn, the said Roworth may take testimony to be produced to this Council, which testimony may be taken before any two Justices of the Peace of Arapahoe county, or before the committee of Elections.

Mr. Sherwood moved to amend by striking out “six” and inserting “three.”

Ayes and nays demanded.

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—12.

Nays—None.

So the amendment was adopted.

The resolution as amended was then adopted.

H. J. M. No. 2 was read the first time.

C. B. No. 47 was read the first time.

C. B. No. 48 was read the first time.

H. B. No. 44 was read the second time, and referred to the committee of the Whole.

C. B. No. 44 was read the second time, and referred to the committee of the Whole.

C. B. No. 45 was read the second time, and referred to the committee of the Whole.

C. B. No. 46 was read the second time, and referred to the committee of the Whole.

C. B. No. 11 was read the third time.

Mr. Stearns moved to fill up the blank in section six with three mills.

Carried.

C. B. No. 11 then passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Loveland, Nesmith, Stearns, Sanchez, Sherwood, Webster and Mr. Velasquez—10.

Nays—Messrs. Hughes, Steck and Mr. President—3.

Title agreed to.

Mr. Butler moved that C. B. No. 17 be postponed and made a "special order" for Wednesday, February 2, at 4 o'clock p. m.

Carried.

Mr. Hahn offered the following resolution:

*Resolved*, That a committee of three be appointed by the Council to confer with the committee of three appointed by the House, for the consideration of Substitute for H. B. No. 53.

Adopted.

The President appointed as such committee, Messrs. Hahn, Loveland and Nesmith.

Leave being granted, Mr. Hahn introduced C. B. No. 49, A bill to amend chapter 63 of the Revised Statutes of Colorado, entitled an act to establish a Territorial Assay Office in the Territory of Colorado.

On motion of Mr. Butler, the Council resolved itself into the committee of the Whole, on general file.

Mr. Butler in the chair.

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

*Mr. President:* Your committee of the Whole House have had under consideration H. B. No. 21, and have amended section one by adding thereto the following: *Provided*, that the section shall not prevent any person from importing or dealing in dead quails, imported into the Territory from any other State or Territory. And amended section three by striking out "January," and inserting "December" instead, and report the same back to the Council with the recommendation that it be printed.

Also H. B. No. 30, and report the same back to the Council with the recommendation that it pass. Also H. B. No. 34, and report the same back to the Council with the recommendation that it pass. Also H. B. No. 44, and report the same back to the Council with the recommendation that it pass. Also C. J. R. No 3, and postponed the consideration until Thursday

next. Also C. B. No. 33, and report the same back with the recommendation that it be referred to the committee on Judiciary. Also C. B. No. 38, and report the same back to the Council, with the recommendation that it pass. Also C. B. No. 42, and report the same back to the Council with the recommendation that it pass. Also C. B. No. 44, and report the same back to the Council with the recommendation that it be referred to the Judiciary committee. Also C. B. No. 45, and report the same back to the Council with the recommendation that it pass. Also C. B. No. 46, and report the same back to the Council with the recommendation that it be made the special order for next Wednesday afternoon, at 2 o'clock p. m.

Respectfully submitted,

HUGH BUTLER,  
Chairman.

On motion of Mr. Hughes, the report of the committee of the Whole was adopted.

Leave being granted, Mr. Nesmith introduced C. B. No. 50, A bill for an act amendatory of chapter 18 of the Revised Statutes of Colorado Territory, entitled Corporations.

Mr. Nesmith offered the following resolution:

*Resolved,* That the committee on Elections be authorized to send for persons and papers in the contested election case of Wm. M. Roworth against Silas B. Hahn.

Adopted.

Mr. Webster moved that C. B. Nos. 38, 42, and 45, be ordered engrossed and read the third time.

Carried.

On motion of Mr. Loveland, the Council adjourned.

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TUESDAY, FEBRUARY 1ST, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Stearns, Webster and Nesmith.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Mr. Stearns appeared and took his seat.

Mr. Nesmith appeared and took his seat.

Mr. Steck presented a petition from the citizens of Clear Creek county, in relation to the Idaho and Fall River Road Company.

Mr. Loveland presented a petition from the citizens of Clear Creek county, in relation to the Idaho and Fall River Road Company.

The petitions were, on motion of Mr. Stearns, referred to the committee of the Whole.

Mr. Nesmith, from the Special committee of one, to whom was referred C. B. No. 28, made the following report:

*Mr. President:* Your Special committee, to whom was referred C. B. No. 28, beg leave to report the following amendments: Strike out sections one and fourteen, and insert section one as follows, viz:

SECTION 1. After the word "assay" wherever it occurs in this section, insert the words "and analytical." Strike out all the remaining sections of this act, and insert the following sections, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, as reported back from the committee of the Whole.

J. W. NESMITH, Committee.

Leave being granted, Mr. Loveland introduced C. B. No. 51, A bill for an act to dissolve the bonds of matrimony existing between John Littleton and Colista B. Littleton.

Mr. Steck offered the following concurrent resolution:

*Concurrent Resolution of the Council and House of Representatives of Colorado Territory, concerning Report of the committee to examine accounts of Auditor and Treasurer:* That the report of the committee, C. A. Cook, George W. Miller and J. H. Wells, to examine and report upon the accounts of the Auditor and Treasurer of the Territory, be and the same is hereby approved, and the said committee shall cause the proper entries to be made in the said books of the Auditor and Treasurer, and shall thereupon cause the vouchers to be cancelled in the presence of the Auditor, Treasurer and said committee, according to law, and all vouchers examined by the said committee and paid by the Treasurer, drawn by county Clerks and the Assayer, shall also be cancelled in the manner aforesaid.

C. B. No. 49 was read the first time.

C. B. No. 50 was read the first time.

H. J. M. No. 2 was read the second time, and referred to the committee of the Whole.

C. B. No. 47 was read the second time, and referred to the committee of the Whole.

C. B. No. 48 was read the second time, and referred to the committee of the Whole.

Mr. Butler moved that H. B. No. 30 be referred to the committee on Finance, with instructions to report to-morrow.

H. B. No. 34 was read the third time, and passed by the following vote :

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Sherwood, Webster, Velasquez and Mr. President—12.

Nays—Mr. Steck—1.

Title agreed to.

H. B. No. 44 was read the third time, and passed by the following vote :

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Sherwood, Webster, Velasquez and Mr. President—12.

Nays—Mr. Steck—1.

Title agreed to.

Mr. Butler moved that C. B. No. 28, be referred to the committee of the Whole.

Carried.

Mr. Nesmith offered the following resolution :

*Resolved*, That the Secretary of the Territory be requested to furnish to the Council the returns of the last three general elections.

Adopted.

Leave being granted, Mr. Hahn introduced C. B. No. 52, A bill for an act providing for offers of judgments by defendants.

Mr. Nesmith moved that the Council resolve itself into the committee of the Whole, on general file.

Carried.

Mr. Nesmith in the chair.

The committee of the Whole rose and reported as follows :

*Mr. President* : Your committee of the Whole House beg leave to report that they have had under consideration H. J. M. No. 2, and report it back to the Council with the recommendation that it do pass. Also C. B. No. 39, and report it back to the Council with the recommendation that it pass.

J. W. NESMITH, Chairman.

On motion of Mr. Loveland, the report of the committee of the Whole was adopted.

On motion of Mr. Webster, the Council adjourned.

## AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler and Sherwood.

Quorum present.

The committee on Engrossed Bills made the following report:

*Mr. President:* Your committee upon engrossed bills, to whom was referred C. B. Nos. 38, 42 and 45, would respectfully report the same as correctly engrossed. The same is herewith transmitted.

W. W. WEBSTER,  
Chairman.

Mr. Nesmith moved that C. B. No. 39 be ordered engrossed and read a third time.

Carried.

C. B. No. 38 was read a third time, and passed by the following vote:

Ayes—Messrs. Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Webster, Velasquez and Mr. President—11.

Nays—None.

Title agreed to.

C. B. No. 42 was read a third time, and passed by the following vote:

Ayes—Messrs. Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Velasquez and Mr. President—10.

Nays—Mr. Webster—1.

Title agreed to.

Mr. Nesmith moved that the Council resolve itself into the committee of the Whole, on general file.

Carried.

Mr. Nesmith in the chair.

Mr. Butler appeared and took his seat.

The committee of the Whole rose and reported as follows:

*Mr. President:* Your committee of the Whole House beg leave to report that they have had under consideration C. B. No. 40, which is reported back to the Council with the recommendation that it be referred to a Special committee of one, consisting of Mr. Stearns. Also C. B. No. 41, reported back to the Council with the recommendation that it be made the special order for Wednesday evening, at 7 p. m. Also C. B.

No. 43, postponed in committee of the Whole. Also C. B. No. 47, and report the same back to the Council with the recommendation that it be referred to a Special committee, consisting of Messrs. Cook and Steck.

J. W. NESMITH, Chairman.

On motion of Mr. Stearns, the report of the committee of the Whole was adopted.

Mr. Sherwood appeared and took his seat.

On motion of Mr. Stearns, the Council resolved itself into Executive session.

Executive session was dissolved.

On motion of Mr. Nesmith, the Council resolved itself into the committee of the Whole, on general file.

The committee of the Whole rose and reported as follows:

*Mr. President:* Your committee of the Whole House have had under consideration H. B. No. 21, which was considered by sections, and report the same back to the Council, recommending the following amendments:

Section one, line six, strike out the word "dead." Section three, strike out the words "ensnare or trap," also insert the words "Prairie Chicken" after the word "Grouse," wherever it occurs in section three. Also strike out the words "or wild Turkey," in the second line, and add after the word "year" at the close of the section, the words "nor Wild Turkey, or Mountain Grouse, between the 1st day of February and the 1st day of September of each and every year." Section four, strike out the words "crows." Strike out section five. Strike out section six. Strike out the words "or animals," wherever they occur in section 8. Sections 7, 8, 9, 10 shall be numbered 5, 6, 7, 8. Recommend that it be reported back to the Council with the recommendation that the amendments be engrossed and the bill read a third time. Also have had under consideration C. B. No. 43, and have postponed the consideration of the same. Also C. B. No. 48, and report the same back to the Council with the recommendation that it do pass.

J. W. NESMITH, Chairman.

On motion of Mr. Hughes, the report of the committee of the Whole was adopted.

Leave being granted, Mr. Butler offered the following resolution:

*Resolved,* That Hon. Moses Hallett, Chief Justice of the Supreme Court of Colorado Territory, be and is hereby requested

to furnish to the Council all the information within his knowledge concerning the arrest and imprisonment of the negroes charged with the murder of Crevier, and whether an appropriation is necessary out of the Territorial Treasury to pay the expenses of such imprisonment.

Adopted.

Leave being granted, Mr. Butler introduced C. B. No. 53, A bill for an act to provide for the distribution of special School Fund.

On motion of Mr. Nesmith, the Council adjourned.

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WEDNESDAY, FEBRUARY 2ND, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Mr. Steck.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Mr. Steck appeared and took his seat.

The communication from Hon. Moses Hallett, Chief Justice of Colorado, was read, and on motion of Mr. Sherwood was ordered spread upon the Journal.

DENVER, February 2nd, 1870.

*The President of the Legislative Council :*

SIR: In answer to the resolution of your Honorable Body, requesting information respecting the arrest and imprisonment of the parties charged with the murder of Crevier, I have the honor to state that those parties were arrested upon a warrant issued by a U. S. Commissioner, and brought before me for examination as to the charge of murder.

The prisoners waived examination as to the fact of the killing of Crevier, and Mr. Belden, their counsel, contended that the act was not punishable, because the place where the offense was alleged to have been committed was not within the jurisdiction of any Court. The report of the opinion given at the examination which was published in the *Denver Tribune*, and of which as I am informed a copy is in the possession of a committee of your Honorable Body, contains a statement of the material facts.

The prisoners were committed to await the action of the Legislative Assembly, and I know of no way which the expense of maintaining them can be provided for except that now before the Council.

I am, very respectfully,  
 MOSES HALLETT,  
 C. J. Supreme Court.

The committee on Education made the following report:

Your committee on Education, to whom was referred the reports of the Librarian and Superintendent of Public Instruction, report the same back to the Council with the recommendation that they be printed.

J. M. SHERWOOD,  
 J. W. NESMITH,  
 JESUS M. VELASQUEZ.

On motion of Mr. Nesmith, the report of the committee on Education was adopted.

Council C. C. R. No. 1 was read, and on motion of Mr. Stearns, it was adopted.

Mr. Hahn introduced C. B. No. 54, a bill for An act to amend chapter 81 of the Revised Statutes of Colorado, relating to Fees and Salaries.

C. B. No. 51 was read the first time.

C. B. No. 52 was read the first time.

C. B. No. 53 was read the first time.

C. B. No. 49 was read the second time and referred to the committee of the Whole.

C. B. No. 50 was read the second time and referred to the committee of the Whole.

H. J. M. No. 2 was read the third time and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—13.

Nays—none.

Title agreed to.

C. B. No. 45 was read a third time and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Sherwood, Webster, Velasquez and Mr. President—12.

Nays—Mr. Steck—1.

Title agreed to.

On motion of Mr. Nesmith, the Council resolved itself into the committee of the Whole on general file.

Mr. Steck in the chair.

The committee of the Whole rose and reported as follows:

*Mr. President:* Your committee of the Whole House respectfully report that they have had under consideration C. B. No. 43, and report the same back, with the following amendments: To strike out all of section one after the word "witness," at the end of the 15th line of the printed bill. Section (3) three was stricken out and the following section, No. 3 inserted: Section 3, That section 12 of said act be further amended by adding to the end of said section the following words: "because of technical defects, mistakes or omissions." Also, C. B. No. 48, to change the name of John Francis Porter, and report the same back to the Council with the recommendation that it do pass; also, C. B. No. 49, and report the same back to the Council with the recommendation that it do pass; also, C. B. No. 50, and report the same back to the Council with the recommendation that it do pass.

AMOS STECK,  
Chairman.

The committee on Finance made the following report:

*Mr. President:* Your committee on Finance, to whom was referred C. B. No. 37, have had the same under consideration, and report to the Council a Substitute for said bill.

W. A. H. LOVELAND,  
Chairman.

The committee on Engrossed Bills made the following report:

*Mr. President:* Your committee upon Engrossed Bills, to whom was referred C. B. No. 39, would respectfully report the same as correctly engrossed. The same is herewith transmitted.

W. W. WEBSTER,  
Chairman.

On motion of Mr. Stearns, C. B. No. 48 was ordered engrossed and read a third time.

On motion of Mr. Butler, C. B. No. 49 was laid on the table.

On motion of Mr. Stearns, C. B. No. 50 was ordered engrossed and the bill read a third time.

Mr. Loveland moved that Mr. Butler be excused from attendance during the day.

Ayes and nays demanded.

Ayes—Messrs. Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood and Mr. President—10.

Nays—Messrs. Webster and Velasquez—2.

So Mr. Butler was excused.

The special committee on C. B. No. 47 made the following report:

*Mr. President:* Your special committee to whom was referred C. B. No. 47, have had the same under consideration and recommend the following amendment: That section 1 of article 4 of said act be amended as follows: By striking out all the words after the word constables, in the second line from the bottom of said section, and inserting instead thereof the words in criminal cases, and your committee further recommend section 2 to be stricken out. All of which is respectfully submitted.

AMOS STECK,  
Chairman.

On motion of Mr. Stearns, the amendments to C. B. No. 47 were adopted.

On motion of Mr. Stearns, C. B. No. 47 was ordered engrossed and read a third time.

On motion of Mr. Velasquez, the Council adjourned.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Hahn, Hughes, Steck and Sherwood.

Quorum present.

Mr. Loveland moved that C. B. No. 39 be read a third time and put upon its passage.

Carried.

Mr. Steck appeared and took his seat.

C. B. No. 39 was read the third time.

Mr. Nesmith moved that C. B. No. 39 be re-committed to the committee of the Whole.

Motion lost.

C. B. No. 39 passed by the following vote:

Ayes—Messrs. Cook, Hahn, Hughes, Loveland, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—11.

Nays—Mr. Nesmith—1.

Title agreed to.

Leave being granted, Mr. Nesmith introduced C. B. No. 55, a bill for An act to provide for common schools.

The Council resolved itself into the committee of the Whole on special order of C. B. No. 46.

Mr. Stearns in the chair.

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

*Mr. President:* Your committee of the Whole House beg leave to report that they have had under consideration C. B. No. 46, and have made some progress, and ask leave to sit again.

E. N. STEARNS,  
Chairman.

Mr. Loveland moved that the address delivered by Mr. Hinsdale against Female Suffrage, be ordered printed.

Carried.

Message from the House:

HOUSE OF REPRESENTATIVES, Denver, Feb. 2nd, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform the Council that the House has concurred in Council amendments to substitute for H. B. No. 53; also, that the House has passed H. J. R. No. 12, to the Senate and House of Representatives of the United States, relative to the jurisdiction of Probate Courts in Colorado Territory. The concurrence of the Council is respectfully requested. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

Committee on Finance made the following report:

*Mr. President:* Your committee on Finance, to whom was referred H. B. No. 30, have had the same under consideration, and report the same back to the Council with the recommendation that it do pass.

W. A. H. LOVELAND,  
W. W. WEBSTER,  
S. B. HAIN.

On motion of Mr. Loveland, the report of the committee on H. B. No. 30 was adopted.

Mr. Loveland moved that H. B. No. 30 be read a third time and put upon its passage.

Carried.

H. B. No. 30 was read a third time, and passed by the following vote:

Ayes—Messrs. Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Velasquez and Mr. President—12.

Nays—none.

Title agreed to.

The committee on Finance made the following report:

*Mr. President:* Your committee on Finance, to whom was referred H. J. R. No. 5, have had the same under consideration and report back a substitute for said H. J. R. No. 5.

W. A. H. LOVELAND,  
S. B. HAHN.

On motion of Mr. Webster, the Council took up for consideration H. J. R. No. 12.

On motion of Mr. Webster, the rules were suspended and H. J. R. No. 12 was read a first and second times and referred to the committee of the Whole.

On motion of Mr. Loveland, the substitute to H. J. R. No. 5 was read a first and second times and referred to the committee of the Whole.

On motion of Mr. Webster, the Council resolved itself into the committee of the Whole on general file.

Mr. Stearns in the chair.

The Council resumed its sitting in order to receive the following message from the House:

HOUSE OF REPRESENTATIVES, Denver, Feb. 2, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform the Council that the House has passed C. B. No. 6, An act to repeal sections 10, 11 and 12, of chapter 80 of the Revised Statutes. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

The message from the House having been received, the committee of the Whole resumed its sitting.

Committee of the Whole rose and reported as follows:

*Mr. President:* Your committee of the Whole House beg leave to report that they have had under consideration H. J. R. No. 12, and report the same back to the Council, with the recommendation that it do pass; also, substitute for H. J. R. No. 5, and report the same back to the Council, with the recommendation that it do pass.

E. N. STEARNS,  
Chairman.

Mr. Loveland moved to adopt the report of the committee of the Whole.

On motion of Mr. Webster, the question was divided.

The part of the report relating to H. J. R. No. 12 was then adopted.

Ayes and Nays being demanded on the part relating to the substitute to H. J. R. No. 5, it was adopted by the following vote:

Ayes—Messrs. Hahn, Hughes, Loveland, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—8.

Nays—Messrs. Cook, Nesmith, Steck and Mr. Webster—4.

On motion of Mr. Loveland, the substitute to H. J. R. No. 5 was ordered engrossed and read a third time.

Mr. Webster moved that the rules be suspended, and that H. J. R. No 12 be read a third time and put upon its passage.

Carried.

H. J. R. was read the third time, and passed by the following vote:

Ayes—Messrs. Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Sherwood, Webster and Velasquez—10.

Nays—Mr. Steck—1.

Title agreed to.

Mr. Steck offered the following concurrent resolution:

That a committee of one from the Council, and two from the House of Representatives, be appointed to inquire into and report upon the warrants drawn upon the Treasury by H. J. Graham, when acting as Auditor of the Territory, and further to report what legislation is necessary concerning them.

Adopted.

Mr. Loveland moved that the special order for four o'clock be postponed, and be made the special order for Feb. 3d, at 3 o'clock.

Carried.

Mr. Webster moved that the special order for this evening at 7 o'clock, be postponed until to-morrow evening at 7 o'clock. On motion of Mr. Hahn, the Council adjourned.

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THURSDAY, FEBRUARY 3D, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Sherwood and Webster.

Quorum present.

Prayer by the Chaplain.

Mr. Nesmith moved that C. B. No. 41 be withdrawn from special order of this evening at 7 o'clock, and be referred to a special committee of three.

Carried.

The President appointed as such committee Messrs. Nesmith, Sherwood and Hughes.

On motion of Mr. Butler, the Council adjourned.

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Mr. Loveland.

Quorum present.

Journal read and approved.

Mr. Loveland appeared and took his seat.

Mr. Nesmith presented a petition of citizens of Gilpin county, relating to Female Suffrage.

The petition was referred to the committee on Elections.

The committee on Engrossed Bills made the following report:

*Mr. President:* Your committee upon Engrossed Bills, to whom was referred C. B. Nos. 47, 48 and 50, would respectfully report the same back to the Council as correctly engrossed. The same is herewith transmitted.

W. W. WEBSTER,  
Chairman.

C. B. No. 54 was read the first time.

C. B. No. 55 was read the first time.

C. B. No. 51 was read the second time, and referred to the committee of the Whole.

C. B. No. 52 was read the second time, and referred to the committee of the Whole.

C. B. No. 53 was read the second time, and referred to the committee of the Whole.

C. B. No. 47 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—12.

Nays—Mr. Hahn—1.

Title agreed to.

C. B. No. 48 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Sherwood, Webster, Velasquez and Mr. President—12.

Nays—Mr. Steck—1.

Title agreed to.

C. B. No. 50 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Sherwood, Webster, Velasquez and Mr. President—12.

Nays—Mr. Steck—1.

Title agreed to.

Mr. Sherwood gave notice that he would, on to-morrow or some subsequent day, introduce a bill for a Territorial Road, from Evans in Weld county, by Boulder City in Boulder county, to Golden City in Jefferson county.

The Council resolved itself into the committee of the Whole on special order of C. B. No. 17.

Mr. Stearns in the chair.

The Council resumed its sitting, in order to receive the following

Message from the House:

HOUSE OF REPRESENTATIVES, Denver, Feb. 2, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform your Honorable Body that the House has passed H. B. No. 26, An act to promote Arable Agriculture by Artesian Irrigation. The con-

currence of your Honorable Body is respectfully requested. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

The message having been received, the committee of the Whole resumed its sitting.

The Council resumed its sitting, in order to receive the following

Message from the House :

HOUSE OF REPRESENTATIVES, Denver, Feb. 3, 1870.

*To the Honorable, the President of the Council :*

SIR: I am instructed by the House to inform your Honorable Body that the House has concurred in Council amendments to section 3, of H. B. No. 3, and that the House refuses to concur in Council amendments to section 1 of H. B. No. 3. The concurrence of your Honorable Body is respectfully requested. H. B. No. 3 is herewith transmitted; also have passed C. B. No. 14. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

Also the following message from the House :

HOUSE OF REPRESENTATIVES, Denver, Feb. 3, 1870.

*To the Honorable, the President of the Council :*

SIR: I am instructed by the House to inform your Honorable Body that the House has passed H. B. No. 24; also, H. B. No. 32; also, H. B. No. 39, and that the concurrence of your Honorable Body is respectfully requested. The same are herewith transmitted; also, that they have passed C. B. No. 2 and C. B. No. 19. The same are herewith transmitted. I am further directed to say, that the bill returned to the House by the Council as H. B. No. 30, is not the bill passed by the House and sent to your Honorable Body. All of which is respectfully submitted.

WM. M. SLAUGHTER,  
Chief Clerk.

The message having been received, the committee of the Whole resumed its sitting.

The committee of the Whole rose.

Leave being granted, Mr. Butler introduced C. B. No. 56, a bill for An act to amend chapter three of the Revised Statutes of Colorado, concerning aliens.

The following communication was read:

SECRETARY'S OFFICE, }  
Denver, Feb. 3, 1870. }

HON. GEO. A. HINSDALE, President of the Council:

SIR: In obedience to a resolution of the Council received at this office on the 1st instant, I have the honor to transmit abstracts of election returns for the years 1867, 1868 and 1869.

Very respectfully,

FRANK HALL,  
Secretary of Colorado.

On motion of Mr. Butler, the abstracts of elections were ordered printed.

The committee of the Whole reported as follows:

*Mr. President:* Your committee of the Whole House on special order of C. B. No. 17, beg leave to report that they have had the same under consideration, and have made the following amendment to the bill, to-wit: This act shall not take effect unless the rates of toll on said road are reduced fifty per cent. from their present rates: and when such rates have been so reduced, they shall not be again increased: and report it back to the Council, with the recommendation that it do pass as amended.

E. N. STEARNS,  
Chairman.

On motion of Mr. Loveland, the report of the committee of the Whole was adopted.

On motion of Mr. Webster, the amendment to C. B. No. 17 was adopted.

On motion of Mr. Stearns, C. B. No. 17 was ordered engrossed and read a third time.

On motion of Mr. Nesmith, the Council resolved itself into committee of the Whole on special orders.

Mr. Nesmith in the chair.

The committee of the Whole rose and reported as follows:

*Mr. President:* Your committee of the Whole House have had under consideration H. J. R. No. 10, and report the same back to the Council, with the recommendation that it do pass. Also, C. J. R. No. 3 postponed in committee of the Whole.

J. W. NESMITH,  
Chairman.

On motion of Mr. Loveland, the report of the committee of the Whole was adopted.

On motion of Mr. Hahn, the Council adjourned.

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FRIDAY FEBRUARY 4TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs Butler, Loveland and Sherwood.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Messrs. Butler, Loveland and Sherwood appeared and took their seats.

The special committee on C. B. No. 31, made the following report:

*Mr. President:* Your Special committee, appointed to examine titles and records relating to lands and lots donated for the purpose of erecting capitol buildings in the city of Denver, have investigated so far as deemed necessary. The records showing that a part of the lands and lots are upon conditions that the capitol be permanently located in the city of Denver, and as there can be no permanent location under the present authority, the permanent location resting in the future action of the legislative assembly or the people, and not deeming it wise and expedient to bring new obligations in the expenditure of money from the sale of lands or lots, or on appropriations of territorial funds, we would respectfully recommend the indefinite postponement of C. B. No. 31, all of which is respectfully submitted.

J. C. HUGHES,  
Chairman.

On motion of Mr. Loveland, the report of the Special committee on C. B. No. 31, was adopted.

Mr. Butler gave notice that he would on to-morrow, or some

subsequent day, introduce a bill for an act to amend chapter 18 of the Revised Statutes of Colorado, concerning corporations.

H. B. No. 24 was read the first time.

H. B. No. 26 was read the first time.

H. B. No. 32 was read the first time.

H. B. No. 39 was read the first time.

C. B. No. 56 was read the first time.

Substitute for C. B. No. 37 was read the second time, and referred to the committee of the Whole.

C. B. No. 54 was read the second time, and referred to the committee of the Whole.

C. B. No. 55 was read the second time, and referred to the committee of the Whole.

H. J. R. No. 10 was read the third time, and passed by the following vote:

Ayes—Messrs. Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—9.

Nays—Messrs. Cook, Steck and Webster—3.

On motion of Mr. Loveland the title was amended so as to read "House Concurrent R. No. 10."

Mr. Butler moved to recede from the amendment to section one of H. B. No. 3.

Motion lost.

So the Council insisted upon its amendment.

Mr. Butler moved that a committee of three be appointed to confer with a like committee of the House, to consider H. B. No. 3.

Carried.

The President appointed as such committee, Messrs. Butler, Steck and Loveland.

Mr. Steck moved that C. B. No. 2 be returned to the House, with the information that no communication from the clerk of the House was sent to the Council accompanying the said bill, as to what action was taken therein by the House.

Carried.

Leave being granted, Mr Cook introduced C. B. No 57, A bill for an act relating to the Judges of the Supreme Court of Colorado Territory.

Mr. Butler offered the following resolution :

*Resolved*, That no more bills will be received or allowed to be introduced after Wednesday next, the 9th of February.

Carried.

On motion of Mr. Butler, the Council adjourned.

## AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Nesmith, Sanchez, Sherwood, Webster and Velasquez.

Quorum present.

Messrs. Webster, Velasquez and Sanchez appeared and took their seats.

Mr. Butler appeared and took his seat.

The committee on Engrossed Bills made the following report:

*Mr. President:* Your committee upon Engrossed Bills, to whom was referred Substitute for H. J. R. No. 5, report the same back as correctly engrossed.

W. W. WEBSTER.

Chairman.

On motion of Mr. Stearns, the Council resolved itself into the committee of the Whole, on the general file.

Mr. Stearns in the chair.

The Council resumed its sitting in order to receive the following message from the House:

HOUSE OF REPRESENTATIVES, DENVER, Feb. 4, 1870.

*To the Honorable the President of the Council:*

SIR: I am instructed to inform the Council that the House has appointed Messrs. Taylor, DeFrance and Elbert, as committee of Conference on H. B. No. 3. Also that the House has concurred in Council amendment to H. J. R. No. 10. Also that the House has passed C. B. No. 2 with amendment. The concurrence of your Honorable body is requested. Also have passed C. B. No. 39. The same are herewith transmitted.

Very Respectfully,

WM. M. SLAUGHTER,

Chief Clerk.

HOUSE OF REPRESENTATIVES, DENVER, Feb. 4, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed to inform the Council that the House has passed H. B. No. 109, to compensate M. A. Shaffenburg, U. S. Marshal of Colorado Territory, for the capture and detention of

Giles Lydel, Marshall Williams and John Murray. The concurrence of your Honorable body is respectfully requested. The same is herewith transmitted.

Very Respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

HOUSE OF REPRESENTATIVES, DENVER, Feb. 4, 1870.

*To the Honorable, the President of the Council :*

SIR: I am instructed to inform your Honorable body, that the House has passed H. B. No. 15, A bill for an act to dissolve the bonds of matrimony heretofore existing between Lewis Bierce and Hossie E. Bierce. Also H. B. No. 74, A bill for an act to dissolve the bonds of matrimony heretofore existing between Darius Jordan and Corrilla F Jordan. The concurrence of the Council is respectfully requested. The same is herewith transmitted.

Very Respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

HOUSE OF REPRESENTATIVES, DENVER, Feb. 3, 1870.

*To the Honorable the President of the Council :*

SIR: I am instructed to inform the Council that the House has passed H. B. No. 75, A bill for an act additional to chapter 18 of the Revised Statutes, respecting corporations. The concurrence of the Council is respectfully requested. The same is herewith transmitted.

Very Respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

The joint committee on Enrolled Bills made the following report:

*Mr. President :* Your joint committee on Enrolled Bills, report that they have examined C. B. Nos. 6, 19, 29, 30 and 32, also substitute for H. B. No. 53; and find the same as correctly enrolled, and that the same were presented by them to the Governor, at 2½ o'clock p. m., on this 4th day of February, 1870, for his approval. All of which is respectfully submitted.

S. B. HAIN,  
Chairman.

The messages and report having been received, the committee of the Whole resumed its sitting.

The Council resumed its sitting in order to receive the following message from the House:

HOUSE OF REPRESENTATIVES, DENVER, Feb. 4, 1870.

*To the Honorable the President of the Council:*

SIR: I am instructed by the House to inform your Honorable body that the House has passed C. B. No. 35. The same is herewith transmitted. Also that they have passed Substitute for H. B. No. 43, A bill for an act for the relief of the counties of Clear Creek, Summit, Park, Lake and El Paso. The concurrence of your Honorable body is respectfully requested.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

The message having been received, the committee of the Whole resumed its sitting.

The Council resumed its sitting in order to receive the following:

Message from the House.

HOUSE OF REPRESENTATIVES, DENVER, Feb. 4, 1870.

*To the Honorable the President of the Council:*

SIR: I am instructed by the House to inform your Honorable body, that the House has passed H. B. No. 80, A bill for an act to establish and locate an Agricultural College. Also H. B. No. 62, An act concerning the Revenue account of Fremont county. Also Substitute for H. B. No. 31, A bill for an act to establish the counties of Greenwood and Bent, and to define the boundaries of certain other counties. Also H. B. No. 35, A bill for an act defining the rights and liabilities of miners and millmen in certain cases. Also H. B. No. 29, A bill for an act to repeal section 265 of chapter 22 of the Revised Statutes. Also H. B. No. 4, A bill for an act to amend School law. The concurrence of your Honorable body is respectfully requested. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

The message having been received, the committee of the Whole resumed its sitting.

The committee of the Whole rose and reported as follows :

*Mr. President:* Your committee of the whole House beg leave to report that they have had under consideration C. B. No. 5. A bill for an act to dissolve the bonds of matrimony existing between John Littleton and Colista B. Littleton, and report the same back to the Council with the recommendation that it do pass. Also C. B. No. 37, and report the same back to the Council with the recommendation that it be referred to the Judiciary committee. Also C. B. No. 52, and report the same back to the Council with the recommendation that it be amended as follows: Strike out the word "and," immediately after the word court in the second line of the printed bill, and insert in lieu thereof the words "or file with the clerk of the court, in term time or vacation," and also by striking out the letter "s" at the end of the word consents in the said line. Also C. B. No. 53 continued in committee of the Whole. Also C. B. No. 54, and report it back to the Council with the recommendation that it be referred to a Special committee of one, consisting of Mr. Hahn. Also C. B. No. 55, and ask further time for its consideration, all of which is respectfully submitted.

E. N. STEARNS,  
Chairman.

On motion of Mr. Cook, the report of the committee of the Whole was adopted.

The committee on Engrossed Bills made the following report:

*Mr. President:* Your committee upon Engrossed Bills, to whom was referred C. B. No. 17, would respectfully report, the same as correctly engrossed. The same is herewith transmitted.

W. W. WEBSTER,  
Chairman.

Mr. Cook moved that the Council concur in House amendment to C. B. No. 2.

Carried.

On motion of Mr. Steck, C. B. No. 3 was taken from the table for consideration.

Mr. Steck moved to amend section 2 of C. B. No. 3, and also to strike out section 3 of said bill.

Carried.

Mr. Steck moved that C. B. No. 3 be ordered engrossed and read a third time.

Ayes and nays demanded.

Ayes—Messrs. Cook, Loveland, Sanchez, Steek, Webster, and Mr. President—6.

Nays—Messrs. Butler, Hahn, Hughes, Stearns and Velasquez—5.

The following communication was read:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }  
DENVER, February 4th, 1870. }

*Hon. Geo. A. Hinsdale, President of the Council of Colorado Territory:*

SIR: I have the honor to inform you that I have this day approved and signed the following bills certified to have originated in the Council of Colorado Territory, viz: An act entitled an act to repeal parts of chapter 80 of the Revised Statutes, relating to the importation of Texas cattle, A bill for an act to change the name of Allyn Johnson Goodrich to Allyn Johnson Collier, A bill for an act to change the name of John H. Smith to John H. McCune, A bill for an act to repeal a part of the 26th section of the twenty-eighth chapter of the Revised Statutes of Colorado Territory.

I have the honor to be

Very respectfully,

Your obed't serv't,

EDWARD M. McCOOK,

Governor.

The Special committee of one made the following report:

*Mr. President:* Your committee of one, to whom was referred C. B. No. 54, report the following amendments, to-wit: That section one of said bill be amended as follows: By striking out all of section 1, in the printed bill, after the word "over" in the fourth line thereof, and substituting therefor the following words, to-wit: To the Treasurer of Colorado Territory, any and all moneys received by him, the said clerk, over and above said three thousand dollars, and the amounts so paid over shall become and be a part of the funds of Colorado Territory. Also by inserting next after the word "Territory," in the second line of said section 1, these words, to-wit: "collected in any one court of said district." All of which is respectfully submitted.

S. B. HAHN,  
Committee.

Mr. Stearns moved that the rules be suspended, and House bills be read the first time for information.

Motion lost.

Mr. Steck moved to suspend the rules and read House bills by their titles.

Carried.

H. B. No. 4 was read the first time.

H. B. No. 15 was read the first time.

H. B. No. 29 was read the first time.

Substitute for H. B. No. 31 was read the first time.

H. B. No. 35 was read the first time.

Substitute for H. B. No. 43 was read the first time.

H. B. No. 62 was read the first time.

H. B. No. 74 was read the first time.

H. B. No. 75 was read the first time.

H. B. No. 80 was read the first time.

H. B. No. 109 was read the first time.

Mr. Steck moved that the rules be suspended and House bills be read a second time.

Motion lost.

On motion of Mr. Butler, the Council adjourned.

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SATURDAY, FEBRUARY 5TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Stearns and Steck.

Quorum present.

Prayer by the chaplain.

Journal read and approved.

Messrs. Butler, Stearns and Steck appeared and took their seats.

The committee on Engrossed bills made the following report:

*Mr. President:* Your committee upon Engrossed bills, to whom was referred Council amendments to H. B. No. 21, would respectfully report the same as correctly engrossed. The same are herewith transmitted.

W. W. WEBSTER,  
Chairman.

Leave being granted, Mr. Steck introduced C. B. No. 58, A bill for an act making appropriations for the current expenses accruing and to accrue against the Territory for the fiscal years

1870 and 1871. Also C. B. No. 59, A bill for an act to amend the act of the legislative assembly of Colorado Territory, approved January 10th, 1868, on page 474-5, of the Revised Statutes.

Leave being granted, Mr. Loveland introduced C. B. No. 60, a bill supplemental to an act entitled Judgments and Executions; also, C. B. No. 61, a bill for An act amendatory to an act entitled Attachments.

Leave being granted, Mr. Sherwood introduced C. B. No. 62, a bill for An act to provide for Common Schools.

C. B. No. 57 was read the first time.

C. B. No. 58 was read the first time.

C. B. No. 59 was read the first time.

C. B. No. 60 was read the first time.

C. B. No. 61 was read the first time.

C. B. No. 62 was read the first time.

C. B. No. 56 was read the second time.

Mr. Butler moved to suspend the rules, and that C. B. No. 56 be considered engrossed and read a third time and put upon its passage.

Carried.

C. B. No. 56 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez, and Mr. President—13.

Nays—none.

Title agreed to.

H. B. No. 4 was read the second time, and referred to the committee of the Whole.

H. B. No. 15 was read the second time, and referred to the committee of the Whole.

H. B. No. 24 was read the second time, and referred to the committee of the Whole.

H. B. No. 26 was read the second time, and referred to the committee of the Whole.

H. B. No. 29 was read the second time, and referred to the committee of the Whole.

Substitute for H. B. No. 31 was read the second time, and referred to the committee of the Whole.

H. B. No 32 was read the second time, and referred to the committee of the Whole.

H. B. No. 35 was read the second time, and referred to the committee of the Whole.

H. B. No. 39 was read the second time, and referred to the committee of the Whole.

Substitute for H. B. No. 43 was read the second time, and referred to the committee of the Whole.

H. B. No 62 was read the second time, and referred to the committee of the Whole.

H. B. No. 74 was read the second time, and referred to the committee of the Whole.

H. B. No. 75 was read the second time, and referred to the committee of the Whole.

H. B. No. 80 was read the second time, and referred to the committee of the Whole.

H. B. No. 109 was read the second time.

Mr. Stearns moved that the rules be suspended, and H. B. No. 109 be read a third time and put upon its passage.

Carried.

H. B. No. 109 was read a third time, and passed by the following vote :

Ayes—Messrs. Butler, Cook, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—13.

Nays—none.

Title agreed to.

The committee on Expenditures made the following report :

*Mr. President:* Your committee to whom was referred C. B. No. 26, a bill for An act to dissolve the bonds of matrimony between Joseph McKendree Gilliland and Lucindia Gilliland, beg leave to report that they have had the same under consideration, and report the same back to to the Council, with the recommendation that it do pass.

E. N. STEARNS.

C. B. No. 17 was read the third time, and passed by the following vote :

Ayes—Messrs. Butler, Loveland, Nesmith, Stearns, Sanchez, Webster, Velasquez and Mr. President—8.

Nays—Messrs. Cook, Hughes, Steck and Sherwood—4.

Title agreed to.

Substitute for H. J. R. No 5 was read the third time, and passed by the following vote :

Ayes—Messrs. Butler, Hahn, Hughes, Loveland, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—9.

Nays—Messrs. Cook, Nesmith, Steck and Mr. Webster—4.

Title agreed to.

H. B. No. 21 was read the third time, and passed by the following vote :

Ayes—Messrs. Butler, Hahn, Hughes, Loveland, Nesmith, Stearns, Sanchez, Sherwood, Webster, Velasquez and Mr. President—11.

Nays—Messrs. Cook and Steck—2.

Title agreed to.

C. B. No. 26 was read the third time.

Mr. Sherwood moved that C. B. No. 26 be indefinitely postponed.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hahn, Nesmith, Sanchez, Steck, Sherwood and Mr. Webster—7.

Nays—Messrs. Cook, Hughes, Loveland, Stearns, Velasquez and Mr. President—6.

So C. B. No. 26 was indefinitely postponed.

C. B. No. 51 was read the third time.

Mr. Sherwood moved that C. B. No. 51 be indefinitely postponed.

Ayes and Nays demanded.

Ayes—Messrs. Butler, Nesmith, Steck and Sherwood—4.

Nays—Messrs. Cook, Hahn, Hughes, Loveland, Stearns, Sanchez, Webster, Velasquez and Mr. President—9.

Mr. Sherwood moved to refer C. B. No 51 to a special committee of three, to be selected from those who voted against its postponement.

Ayes and nays demanded.

Ayes—Messrs. Butler, Nesmith, Steck, Sherwood, Webster and Mr. President—6.

Nays—Messrs. Cook, Hahn, Hughes, Loveland, Stearns, Sanchez and Mr. Velasquez—7.

Mr. Butler moved that C. B. No. 51 be referred to a special committee of three, to be selected by the chair; that such committee be authorized to examine witnesses and report the testimony to the Council as early as practicable. Carried.

The President appointed as such committee Messrs. Loveland, Sherwood and Mr. Webster.

On motion of Mr. Butler, C. B. No. 43 was ordered engrossed and read a third time.

The committee on Elections made the following report:

*Mr. President:* The undersigned, the committee on Elections, to whom was referred the contested election case of William M. Roworth vs. Silas B. Hahn, would respectfully report that agreeable to the resolution of the Council, notice having been duly served upon Mr. Hahn, they proceeded to take the testimony of Philip M. Martin, Jeremiah Young and Henry E. Lyon, on the part of the contestant; also the poll-books from Central City and Russell Gulch precincts. It appears from the testimony of Mr. Martin, who was County Clerk of Gilpin county last September, that an election was held in said

county on the 14th day of September, 1869, for county officers, for members of the House of Representatives, and also to fill the vacancy existing in the Third Council District, occasioned by the resignation of Hon. D. D. Belden; that within the time required by law after such election, he called to his assistance Samuel H. Bradley and John W. Ratliff, two Justices of the Peace of said county, and proceeded to canvass the returns of said election; that in making said canvass the returns from Central City and Russell Gulch precincts were rejected.

Mr. Martin testified that Mr. Ratliff made the motion to exclude the returns from said precincts, and the motion prevailed without objection. Mr. Martin did not clearly recollect for what particular reason the returns were rejected. Several objections were discussed by the Canvassing Board, among which were informalities and omissions in the returns, concerning the swearing of the judges and clerks of election. The Central City poll-book produced in evidence before your committee, shows that the oath at the head of the poll-book was signed by James D. Wood, Jeremiah Young and John L. Schellenger; but the jurat signed and certified to by Mr. Young showed that Mr. Schellenger only had been sworn as judge. From the evidence before your committee it is evident that one of the reasons which induced the canvass to exclude the returns from said precinct was the failure of the two judges to be sworn. Your committee is unanimously of the opinion that such reason of itself was not sufficient for rejecting the returns from said precinct. Where the returns are defective, it is the duty of the Board to allow an opportunity for amendment. In this particular instance, it is claimed that the returns were correct; and hence, it was unnecessary to send them back for amendment. However that may be, your committee is of the opinion that the returns were improperly excluded. The failure of two of the judges of election to be sworn, does not necessarily vitiate the election. While irregularities of that kind are to be regretted, and everything ought to be done to prevent a repetition of them, such a failure or omission on the part of one or two officers ought not to be permitted to disfranchise the electors of a whole precinct; and the law is not so harsh or unjust as to attach such serious consequences to delinquencies of such a character.

Undoubtedly, in many cases it might with other causes be an important reason for rejecting returns, and vitiating an election. The object of the law requiring election officers to be sworn, was to throw every protection around the ballot-box, and to preserve the purity of the elective franchise; but where an election has been held and fairly and honestly conducted;

and where no fraud or deceit has been practiced, and especially in a case where no complaints of that kind have been made, the purpose of the law has been fully answered, and there is no good legal or moral reason for disfranchising innocent voters.

Your committee in the hurry of the preparation of this report, have not had time to collate and cite the many authorities that might be quoted in favor of this proposition.

Indeed, as it has not been denied it might be considered a work of supererogation to undertake to demonstrate its correctness.

However, were any other construction to be adopted it would seriously endanger our election system, and would place in many instances in cunning and designing men the power of conducting the appearances of an election, for the express purpose of avoiding and destroying its effect. Thus one of the judges or clerks of election might purposely neglect to take the oath, and after the election, no matter how fairly and honestly conducted, finding that its result was adverse to his personal or particular hopes, he would urge his own intentional neglect, as a reason for defeating the expressed will of the legal voters. The true rule in deciding matters of this kind is to ascertain, if possible, whether the irregularities complained of were of such a character as would necessarily make the election fraudulent, or whether in fact such frauds and deceits were resorted to that it would be unsafe to receive and count. If the ballot box was tampered with, or any of the safeguards of the law were intentionally omitted for the purpose of facilitating the perpetration of frauds, and frauds were perpetrated, then, as we said before, these omissions and failures, in connection with the frauds, might become important and sufficient reasons for rejecting the returns from such a precinct.

And in deciding cases of this kind the rights of the voter must ever be kept in view, and no principle ought to be considered or established which demands the sacrifice of this sacred right, because some election officer in some particular has failed to comply with the law. If such strictness were exacted, every prudent voter before voting would be required to ascertain whether the polls had been duly opened or adjourned, the judges and clerks properly appointed, to examine and approve their method of conducting the election, and then finally, to see that the returns were properly made. The right of suffrage would be so encumbered with conditions, that few would care to exercise it. Mr. Young testified that he was one of the Registrars and judges of the election, and that James D. Wood

and William R. Kennedy were the other two Registrars, that they were all duly sworn as Registrars and acted as such, that on the morning of the election Mr. Kennedy being a candidate for office, declined to act as judge, and Mr. Schellenger was appointed in his place, that he was duly sworn in by Mr. Young, the others, Mr. Wood and Mr. Young, having been duly sworn as Registrars, thought no other oath was required, and proceeded to conduct the election, that it was fairly and honestly conducted. The number of votes cast at said precinct for Mr. Roworth was four hundred and fifty-three, and for Mr. Hahn, three hundred and seventy-five, making a total vote in said precinct of eight hundred and twenty-eight. Other objections were made to said precinct. One that the polls were established at the court house, and the election held at the office of Mr. Columbus Nuckolls, and that there was no proper adjournment or proclamation, and that no constable was left at the polls no notify voters of the change. There are many cases where these requirements of the law are necessary, and where they ought to be strictly enforced. In this case, however, these precautions seemed to be unnecessary. Mr. Young testified that they assembled at the court house and elected and qualified the judge, Mr. Schellenger, that no votes were received there, that a proposition was made to adjourn to Nuckolls' office, and all agreed to it, and that they all accordingly went there, and the polls were opened. He did not remember that any proclamation was made, and thought no constable was appointed. He further testified that Mr. Nuckolls' office was on the same street, and not more than 150 or 200 feet distant, that most of the voters in going to the court house would necessarily pass Mr. Nuckolls' office, and thus be notified, that the voters coming from other directions could easily see where the election was held, and he further testified that he could not see how any person, who wanted to vote, could fail to know where the election was held. Mr. Nuckolls, introduced as a witness on the part of Mr. Hahn, testified that they adjourned without proclamation or appointing a constable, but he did not swear that any injury was done, or fraud committed, because the election was held in his office. Your committee was therefore of opinion that such objection was not sufficient to exclude the returns. Another objection was that some illegal votes were received at said precinct, but only one was proved to be illegal, and there was no evidence showing for whom he voted, but even if his vote were rejected the result would not be changed. Your committee therefore after a review of all the objections, are of the opinion that the returns from Central City precinct ought to be allowed and counted.

The returns from Russell Gulch precinct were rejected by the county board of canvassers because the poll-book did not show that the judges or clerks of election had been sworn. Mr. Lyon testified that he was one of the judges of election in said precinct, and that all of the judges and clerks were duly sworn, and that they signed the oath in one of the poll-books, but that several voters being present and anxious to vote, for the purpose of accommodating them, they proceeded with the election. They intended to sign the other poll-book in the same manner, but from some cause it was overlooked. In sending one of the poll-books to the board of canvassers it happened to be the one which lacked their signatures, and when they afterwards heard that the returns from their precinct had been rejected for the reason stated, they sent the other poll-book. Mr. Lyon further testified that the election was regular in all respects, and was fairly conducted. The poll-book shows that Mr. Roworth received sixty-four votes in said precinct, and Mr. Hahn fifty-four votes. From the testimony of Mr. Lyon, your committee are of opinion that the returns from said precinct ought to be counted. They regard this proposition as so clear and self-evident that argument in support of it would be superfluous. Therefore if the views of your committee are correct, and the returns from Central City and Russell Gulch precincts ought to be received and counted, Mr. Roworth would have a majority of sixty-four votes for said office of Councilman. Your committee therefore recommend the adoption of the following Resolutions :

*Resolved,* That the Hon. Silas B. Hahn is not entitled to a seat in this body as Councilman from the Third District.

*Resolved,* That the Hon. William M. Roworth is entitled to a seat in this body as Councilman from the Third District, and that he now be sworn in.

Respectfully Submitted,

W. A. H. LOVELAND.

HUGH BUTLER.

AMOS STECK.

Mr. Sherwood moved to adopt the report of the committee on elections.

Message from the House :

HOUSE OF REPRESENTATIVES, Denver, Feb. 5th, 1870.

*To the Honorable, the President of the Council :*

SIR: I am instructed by the House to inform your Honorable Body that the House has passed substitute for C. B. No.

16, with the following amendment: Add to section 11 the following: "appeal bonds shall be conditioned the same as appeal bonds required in cases appealed from the District Court," and respectfully request the concurrence of your Honorable Body. The same is herewith transmitted.

Respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

Mr. Butler moved that the Council concur in House amendments to substitute for C. B. No. 16.

Carried.

On motion of Mr. Butler, the Council adjourned until half past two o'clock.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Cook, Hughes, Sanchez, and Sherwood.

Quorum present.

Messrs. Cook, Hughes, Sanchez and Sherwood appeared and took their seats.

Message from the House:

HOUSE OF REPRESENTATIVES, Denver, Feb. 5, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform your Honorable Body that the House has passed C. B. No. 10; also have passed C. B. No. 45. The same are herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

Ayes and nays being demanded upon the motion of Mr. Sherwood to adopt the report of the committee on Elections, the following was the vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Stearns, Steck, Sherwood, Webster and Mr. President—10.

Nays—Mr. Velasquez—1.

Not voting—Mr. Hahn—1.

Excused from voting—Mr. Sanchez—1.

Mr. Butler moved to adopt the resolutions reported by the committee on Elections.

Ayes and nays demanded.

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Stearns, Steck, Sherwood, Webster and Mr. President—10.

Nays—Mr. Velasquez—1.

Not voting—Mr. Hahn—1.

Excused from voting—Mr. Sanchez—1.

Mr. Steck moved to re-consider the vote by which the resolution was adopted, and moved to lay that motion on the table.

Carried.

Mr. Roworth appeared within the bar of the Council and was sworn in by the President as a member of this Council from the Third District vice Hon. Silas B. Hahn.

The President appointed Mr. Roworth to act on all committees upon which Mr. Hahn had formerly served.

Mr. Nesmith moved that C. B. No. 55 and 62 be withdrawn from the files, and referred to a special committee of three.

Carried.

The President appointed as such committee Messrs. Webster, Roworth and Stearns.

On motion of Mr. Webster, the Council resolved itself into the committee of the Whole.

Mr. Webster in the chair.

The Council resumed its sitting in order to receive the following message from the House:

HOUSE OF REPRESENTATIVES, DENVER, Feb. 5, 1870.

*To the Honorable the President of the Council:*

SIR: I am instructed by the House to inform the Council that the House has passed C. C. Resolution No. 1. The same is herewith transmitted. Also, have passed H. J. R. No. 11, to the Congress of the United States: also, have passed H. B. No. 54, a bill for An act for the relief of B. F. Smith; also, H. B. No. 76, a bill for An act to amend section 2 of chapter 53 of the Revised Statutes of Colorado Territory. The concurrence of your Honorable Body is respectfully requested. The same is herewith transmitted.

Very Respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

The message having been received the committee of the Whole resumed its sitting.

The committee of the Whole rose and reported as follows:

*Mr. President:* Your committee of the Whole House would respectfully report that they have had under consideration H. B. No. 4, and recommend that it be referred to the special committee on School Laws; also, H. B. No. 15, and recommend that it be laid upon the table; also, H. B. No. 24, and recommend that it be ordered printed; also, H. B. No. 26, and have postponed the same in committee until Monday; also, H. B. No. 29, and report it back to the Council with the recommendation that it do pass; also, H. B. No. 31, which was postponed in committee of the Whole until Monday; also, H. B. No. 32, and report it back to the Council with the recommendation that it do pass as amended; also, H. B. No. 35, and report it back with the recommendation that it be ordered printed; also, H. B. No. 39, with the recommendation that it be referred to the committee on Mines; also, substitutes to H. B. No. 43, which was postponed in committee of the Whole.

W. W. WEBSTER,  
Chairman.

On motion of Mr. Butler, the report of the committee of the Whole was adopted.

On motion of Mr. Webster, the Council adjourned.

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MONDAY, FEBRUARY 7TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Cook and Hughes.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

The President announced a communication from the Territorial Auditor, which was referred to the committee on Expenditures.

Mr. Butler introduced C. B. No. 63, a bill for An act amendatory of chapter 18 of the Revised Statutes.

Leave being granted, Mr. Webster introduced C. B. No. 64, a bill for an act for the relief of J. B. Rice.

Mr. Butler introduced C. B. No. 65, a bill for An act to provide for the removal of the Territorial Library.

Leave being granted, Mr. Butler introduced C. B. No. 66, a bill for An act to amend chapter 22 of the Revised Statutes, entitled Criminal Jurisprudence.

Leave being granted, Mr. Butler introduced C. B. No. 67, a bill for An act to provide for the Drainage of mines.

Leave being granted, Mr. Nesmith introduced C. B. No. 68, a bill for An act requiring compensation in case of injury to, or death of persons by wrongful act, default or negligence of others.

Objections being made to Mr. Hinsdale introducing a bill, Mr. Sherwood moved that the rules be suspended, in order to allow Mr. Hinsdale to introduce the bill.

Ayes and nays demanded.

Ayes—Messrs. Butler, Loveland, Roworth, Sanchez, Sherwood, Velasquez, and Mr. President—7.

Nays—Messrs. Cook, Hughes, Nesmith, Stearns, Steck and Webster—6.

So the motion was lost.

Mr. Hinsdale gave notice that he would, on to-morrow or some subsequent day, introduce a bill for An act to re-apportion the Territory into Council and Representative Districts.

Mr. Steck gave notice that he would, on to-morrow or some subsequent day, introduce a bill for An act to amend chapter 18 of the Revised Statutes, concerning Corporations.

H. J. R. No. 11 was read the first time.

H. B. No. 54 was read the first time.

H. B. No. 76 was read the first time.

C. B. No. 63 was read the first time.

C. B. No. 64 was read the first time.

C. B. No. 65 was read the first time.

C. B. No. 66 was read the first time.

C. B. No. 67 was read the first time.

C. B. No. 68 was read the first time.

C. B. No. No. 57 was read the second time, and referred to the committee of the Whole.

C. B. No. 58 was read the second time, and referred to the committee of the Whole.

C. B. No. 59 was read the second time, and referred to the committee of the Whole.

C. B. No. 60 was read the second time, and referred to the committee of the Whole.

C. B. No. 61 was read the second time, and referred to the committee of the Whole.

Mr. Loveland moved to adopt the amendment to H. B. No. 32, as reported by the committee of the Whole.

Carried.

Mr. Butler moved to strike out section 3 of H. B. No. 32.

Carried.

Mr. Loveland moved that H. B. No. 32 be ordered engrossed and read a third time.

Carried.

Mr. Butler moved that H. B. No. 29 be read a third time and put upon its passage.

Carried.

H. B. No. 29 was read a third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—13.

Nays—none.

Title agreed to.

Mr. Butler moved that the rules be suspended, and C. B. No. 65 be read a second time.

Carried.

C. B. No. 65 was read a second time, and referred to the committee of the Whole.

The committee on Mining Interests made the following report:

*Mr. President:* Your committee upon Mines and Mining, to whom was referred H. B. No. 39, beg leave to report the same back to the Council, with the recommendation that it do pass.

Respectfully submitted,

J. W. NESMITH,

Chairman.

On motion of Mr. Stearns, the Council resolved itself into the committee of the Whole on general file.

Mr. Stearns in the chair.

The committee of the Whole rose and reported as follows:

*Mr. President:* Your committee of the Whole House beg leave to report that they have had under consideration H. B. No. 26, and recommend that section 3 be amended as follows: by inserting after the word "of," on the third line of said section, the word "flowing;" also, amend section 4, by striking out all after the word "only," on the 6th line of said section; also, amend section 1, by striking out from the first line of the printed bill, the words "Secretary of Colorado Territory," and inserting the words "Associate Justices of Colorado Territory," and recommend that the further consideration be postponed until February 8th, at 3 p. m.; also, H. B. No. 31, and report the same back to the Council with the recommendation that it do pass; also, H. B. No. 43, and report it back to the Council with the recommendation that it do pass; also, H. B.

No. 62, and report it back to the Council with the recommendation that it be indefinitely postponed; also, H. B. No 74, and report it back to the Council with the recommendation that it be referred to a special committee; also, H. B. No. 75, and report it back to the Council with the recommendation that it be returned to the House for proper engrossment; also, H. B. No. 80, and report it back to the Council with the recommendation that it do pass; also, C. B. No. 52, which was postponed in committee of the Whole.

E. N. STEARNS,  
Chairman.

Message from the House:

HOUSE OF REPRESENTATIVES, DENVER, Feb. 7. 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform the Council that the House has passed Council substitute to H. J. R. No. 5; also, have passed the following bills, to-wit.:

H. B. No. 71, An act to repeal section 103 of chapter 50 of the Revised Statutes.

H. B. No. 64, An act to amend chapter 90 of the Revised Statutes.

H. B. No. 47, An act to amend section 4 of chapter 45 of the Revised Statutes.

H. B. No. 20, An act to dissolve the bonds of matrimony between Robert Hardie and Laura A. Hardie.

H. B. No. 81, An act to dissolve the bonds of matrimony between William Braught and Mary Braught.

H. B. No. 83, An act to dissolve the bonds of matrimony between Chauncey Bailey and Sarah A. Bailey.

H. B. No. 41, An act to amend chapter 25 of the Revised Statutes, relating to District Courts; and also chapter 31, relating to the Supreme Court. The concurrence of your Honorable Body is respectfully requested.

Very respectfully.

WM. M. SLAUGHTER,  
Chief Clerk.

The special committee on School Laws made the following report:

*Mr. President:* Your special committee upon School Laws, to whom was referred H. B. No. 4, C. B. No. 55 and 62, would

respectfully report C. B. No. 62 back to the Council with the recommendation that it do pass, with the following amendments, to-wit: also, strike out the words "or other," in the third line of section 4; also, strike out the word "six," in the seventh line of said section and insert the word "three," in lieu thereof; also amend section 15 by striking out the word "three," in the second line of said section and inserting the word "two" in lieu thereof; also, amend section 24, by striking out in the 5th, 6th and 7th lines of said section these words, to-wit: "and if no tax shall have been levied at the last regular school meeting of the district, they may levy and collect a tax which they may deem sufficient for the purposes named in section 21 of the act;" also amend section 34, by striking out the words "or other," in the first line of said section; also, by striking out in the first and second lines of said section these words, to-wit: "or be employed to teach any school under the control of any Board of Directors of any school district in this Territory." Your committee would further report H. B. No. 4 and C. B. No. 55 back to the Council without recommendation. All of which is respectfully submitted.

W. W. WEBSTER,  
Chairman.

On motion of Mr. Butler, the Council adjourned.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Cook and Steck.

Quorum present.

On motion of Mr. Stearns, the report of the committee of the Whole was adopted.

Leave being granted, Mr. Stearns introduced C. B. No. 69, a bill for An act to provide for the general expenses of the Territory for the years 1870 and 1871.

Leave being granted, Mr. Sherwood introduced C. J. M. No. 1, relating to the Reservation of Fort Collins.

Mr. Stearns moved that the rules be suspended and H. B. No. 31 be read a third time and put upon its passage.

Carried.

Messrs. Cook and Steck appeared and took their seats.

H. B. No. 31 was read the third time, and passed by the following vote:

Ayes—Messrs. Cook, Hughes, Loveland, Roworth, Stearns, Sanchez, Sherwood, Webster, Velasquez and Mr. President—10.

Nays—Mr. Steck—1.

Title agreed to.

Mr. Butler appeared and took his seat.

Mr. Stearns moved that the rules be suspended and House bills sent over to-day be read a first and second time and referred to the proper committees.

Carried.

H. B. No. 20 was read the first and second times and referred to the committee of the Whole.

H. B. No. 41 was read the first and second times and referred to the committee of the Whole.

H. B. No. 47 was read the first and second times and referred to the committee of the Whole.

H. B. No. 64 was read the first and second times and referred to the committee of the Whole.

H. B. No. 71 was read the first and second times and referred to the committee of the Whole.

H. B. No. 81 was read the first and second times and referred to the committee of the Whole.

H. B. No. 83 was read the first and second times and referred to the committee of the Whole.

Leave being granted, Mr. Butler introduced C. B. No 70, a bill for An act to amend chapter 70 of the Revised Statutes entitled "Practice."

Leave being granted, Mr. Butler introduced C. B. No. 71, a bill for An act to repeal section 40 of chapter 50 of the Revised Statutes, entitled Justices and Constables.

On motion of Mr. Nesmith, the Council resolved itself into the committee of the Whole on general file.

Mr. Nesmith in the chair.

The Council resumed its sitting in order to receive the following

Message from the House:

HOUSE OF REPRESENTATIVES, Denver, Feb. 7, 1870.

*To the Honorable, the President of the Council :*

SIR: I am instructed to inform the Council that the House has passed H. B. No. 18, for An act to amend section 1 of chapter 18 of the Revised Statutes; also, H. B. No. 16, for An act relating to the competency of witnesses in civil cases; also, H. B. No. 108, for An act to change the name of Mary Adella McFarland and for her relief; also, H. B. No. 86, for An

act to dissolve the bonds of matrimony between Thomas J. Buchanan and Emeline Buchanan; also, H. B. No. 45, An act to amend chapter 48 of the Revised Statutes; also, H. B. No. 95, for An act to change the name of Stephen W. Ralph to Clarence R. Carter; also, H. B. No. 61, for An act concerning evidence; also, H. B. No. 23, for An act to amend chapter 54 of the Revised Statutes; also, H. B. No. 92, for An act to dissolve the bonds of matrimony between Viterbo Atencio and Juana Maria Atencio; also, H. B. No. 88, for An act to dissolve the bonds of matrimony between Truman G. Storer and Delilah B. Storer; also, H. B. No. 27, for An act to amend chapter 21 of the Revised Statutes, relating to counties and county officers; also, substitute for H. B. No. 48, for An act for the relief of preemptions and locations of veins or lodes of quartz or other rock on the mineral lands of the public domain; also, H. B. No. 10, for An act to dissolve the bonds of matrimony between James Upp and Mary A. Upp; also, H. B. No. 113, for An act to amend an act incorporating the Colorado Agricultural Society. The concurrence of your Honorable Body is respectfully requested. The same are herewith transmitted; also, H. J. M. No. 4, asking an endowment for the University of Colorado. The concurrence of your Honorable Body is respectfully requested. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

The message having been received the committee of the Whole resumed its sitting.

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

*Mr. President:* Your committee of the Whole House have had under consideration H. B. No. 20, and report it back to the Council with the recommendation that it do pass; also, H. B. No. 41, which was continued in committee of the Whole; also, H. B. No. 47, and report it back with the recommendation that it do pass; also, H. B. No. 64, and report it back with the following amendment, to-wit: strike out "should" in 4th line of the printed bill and insert the word "shall" in lieu thereof; also, insert in 5th line of said section, after "and guardian," the words "to settle his, her or their account, and thereupon the said executor, administrator or guardian shall be required;" also, insert after the word "thereof" in said 5th line the words "and her:" also, H. B. No. 71, and report

it back with the recommendation that it be indefinitely postponed; also, C. B. No. 62, section 1, amended as follows: after the word "appointed," in the 4th line, insert the word "confirmed." Section 6, the blanks occurring in this section filled by the words "one thousand dollars," and also "three hundred dollars." Section 9 amended by adding to the section the words "shall be again appointed in the same manner." Section 14 amended by inserting after the word "day," in the second line, the words "and fifteen cents per mile for the distance actually traveled in visiting the schools as required in section 11." Section 27 stricken out. With the above amendments the bill is reported back to the Council with the recommendation that it do pass.

J. W. NESMITH,  
Chairman.

On motion of Mr. Loveland, the amendments to C. B. No. 62 were adopted.

On motion of Mr. Loveland, C. B. No. 62 was ordered engrossed and read a third time.

On motion, the Council resolved itself into Executive session.

After some time spent therein the Executive session was dissolved.

On motion of Mr. Butler, the Council adjourned.

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TUESDAY, FEBRUARY 8TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—None.

Quorum present.

Prayer by the chaplain.

Journal read and approved.

The joint committee upon Enrolled Bills made the following report:

*Mr. President:* Your joint committee on Enrolled Bills, beg leave to report that they have examined the enrollment of Council Bills Nos. 14, 16 and 45, and find the same correctly enrolled, and that they have, this 7th day of February, A. D. 1870, at the hour of 10 o'clock a. m., placed the same in the hands of the Governor, and the same await his signature.

WM. M. ROWORTH,  
Chairman.

Mr. Sherwood, from the special committee on Divorced Bills made the following report :

*Mr. President:* Your committee to whom was referred C. B. No. 51, to dissolve the bonds of matrimony existing between John Littleton and Colista B. Littleton, report that they have had the same under consideration, and respectfully recommend that the bill be indefinitely postponed.

J. M. SHERWOOD.

Mr. Loveland, from the special committee on Divorced Bills, made the following report :

*Mr. President:* Your special committee, to whom was referred C. B. No. 51, A bill for an act to dissolve the bonds of matrimony existing between John Littleton and Colista B. Littleton, and H. B. No. 74, A bill for an act to dissolve the bonds of matrimony existing between Darius Jordan and Corilla Jordan, have considered said bills, and report the same back to the Council, with the recommendation that they do pass.

W. A. H. LOVELAND.

Mr. Loveland moved to adopt the report of the majority from special committee.

Ayes and nays demanded.

Ayes—Messrs. Cook, Hughes, Loveland, Stearns, Webster and Velasquez—6.

Nays—Butler, Nesmith, Roworth, Sanchez, Sherwood, Steck, Mr. President—7.

So the motion was lost.

Mr. Butler moved that C. B. No. 51 and H. B. No. 74 be indefinitely postponed.

The question was divided, and ayes and nays being demanded upon the motion to indefinitely postpone C. B. No. 51, the following was the vote :

Ayes—Messrs. Butler, Nesmith, Sherwood, Steck and Mr. President—5.

Nays—Messrs. Cook, Hughes, Loveland, Roworth, Stearns, Sanchez, Webster and Mr. Velasquez—8.

So the motion was lost.

Division being demanded upon the question to indefinitely postpone H. B. No. 74, the following was the vote :

Ayes, 3. Nays, 6.

So the motion was lost.

Mr. Sherwood moved that C. B. No. 51 and H. B. No. 74 be laid on the table.

The question was divided.

Mr. Sherwood moved a call of the House.

Absent—Mr. Steck.

The Sergeant-at-arms was dispatched after the absentee.

Mr. Loveland moved to suspend further proceedings under the call.

Ayes and nays demanded.

Ayes—Messrs. Cook, Hughes, Loveland, Roworth, Sanchez, Webster and Velasquez—7.

Nays—Messrs. Butler, Nesmith, Stearns, Sherwood, and Mr. President—5.

So further proceedings under the call were dispensed with.

Mr. Steck appeared and took his seat.

Ayes and nays being demanded on the question to lay C. B. No. 51 on the table, the following was the vote :

Ayes—Messrs. Butler, Nesmith, Sherwood, and Mr. President—4.

Nays—Messrs. Cook, Hughes, Loveland, Roworth, Stearns, Sanchez, Webster and Mr. Velasquez—8.

Message from the House.

HOUSE OF REPRESENTATIVES, DENVER, Feb. 8, 1870.

*To the Honorable the President of the Council :*

SIR: I am instructed by the House to inform the Council that the House has passed C. B. No. 22 with the following amendments, to-wit: By prefixing an enacting clause as follows: Be it enacted by the Council and House of Representatives of Colorado Territory. Also by striking out section one of the original bill, and insert the following as section one: That section 15 of chapter 76 of the Revised Statutes, be and the same is hereby amended by striking therefrom the word "rods," on the fourth line from the bottom of said section, and inserting in lieu thereof the word "yards," and by adding to said section the following: Provided, that this section shall not apply to the counties of Gilpin, Clear Creek, Summit, Park and Lake.

SECTION 2. That chapter 76 be further amended by striking out the word "June," in section 76, and inserting the word "April" in lieu thereof. Also that section two of the original bill be numbered section three, and section three to be numbered section four. The concurrence of your Honorable body is respectfully requested. The same is herewith transmitted.

Very Respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

Ayes and Nays being demanded on the question to lay H. B. No. 74 on the table, the following was the vote :

Ayes—Messrs. Butler, Nesmith, Sherwood, Steck and Mr. President—5.

Nays—Messrs. Cook, Hughes, Loveland, Roworth, Stearns, Sanchez, Webster and Mr. Velasquez—8.

Mr. Loveland moved that C. B. No 51 be considered engrossed and placed on file for its third reading.

Division demanded.

Ayes 8. Nays 4.

Mr. Nesmith offered the following resolution :

*Resolved*, That the rules of the Council, requiring the reading of bills on three separate days, be suspended for the remainder of the session, and that all bills on their introduction, be read a first and second times and referred. Divorces excepted.

Ayes and nays demanded.

Ayes 7. Nays 3.

Leave being granted Mr. Butler introduced C. B. No. 72, A bill for an act to amend chapter 59 of the Revised Statutes, entitled marriages.

Leave being granted, Mr. Butler introduced C. B. No. 73, A bill for an act to amend chapter 76 of the Revised Statutes.

Mr. Hinsdale introduced C. B. No. 74, A bill for an act to re-apportion the territory into Council and Representative districts.

Mr. Sherwood introduced C. B. No. 75, A bill for an act relating to Sheriffs.

C. B. No. 72 was read the first and second times, and referred to the committee of the Whole.

C. B. No. 73 was read the first and second times, and referred to the committee of the Whole.

C. B. No. 74 was read the first and second times, and referred to the committee of the Whole.

C. B. No. 75 was read the first and second times, and referred to the committee of the Whole.

C. J. M. No. 1 was read the first and second times, and referred to the committee of the Whole.

C. B. No. 70 was read the first and second times, and referred to the committee of the Whole.

C. B. No. 71 was read the first and second times, and referred to the committee of the Whole.

H. J. M. No. 4 was read the first time.

H. B. No. 10 was read the first time.

H. B. No. 16 was read the first time.

H. B. No. 18 was read the first time.

H. B. No. 27 was read the first time.

H. B. No. 23 was read the first time.

H. B. No. 45 was read the first time.

Substitute for H. B. No. 48 was read the first time.

H. B. No. 61 was read the first time.

H. B. No. 86 was read the first time.

H. B. No. 88 was read the first time.

H. B. No. 92 was read the first time.

H. B. No. 95 was read the first time.

H. B. No. 108 was read the first time.

H. B. No. 113 was read the first time.

H. J. R. No. 11 was read the second time, and referred to the committee of the Whole.

H. B. No. 54 was read the second time, and referred to the committee of the Whole.

H. B. No. 76 was read the second time and referred to the committee of the Whole.

C. B. No. 64 was read the second time, and referred to the committee of the Whole.

C. B. No. 63 was read the second time, and referred to the committee of the Whole.

C. B. No. 66 was read the second time, and referred to the committee of the Whole.

C. B. No. 67 was read the second time, and referred to the committee of the Whole.

C. B. No. 68 was read the second time, and referred to the committee of the Whole.

Leave being granted, Mr. Sherwood introduced C. B. No. 76. A bill for an act relating to herding.

C. B. No. 76 was read the first and second times, and referred to the committee of the Whole.

Mr. Nesmith moved that C. B. No. 46, relating to elections, be withdrawn from committee of the Whole for consideration.

Carried.

The committee on Engrossed Bills made the following report:

*Mr. President:* Your committee upon Engrossed Bills, to whom was referred C. B. No. 3, would respectfully report the same as correctly engrossed. The same is herewith transmitted.

W. W. WEBSTER.

E. N. STEARNS.

Mr. Loveland moved that five hundred copies of the speech of Mr. Steck on Female Suffrage, be ordered printed.

Carried.

Mr. Nesmith moved that C. B. No. 46 be considered engrossed, and placed on file for its third reading.

Ayes and nays demanded.

Ayes—Messrs. Cook, Loveland, Nesmith, Roworth, Stearns, Steck and Mr. Webster—7.

Nays—Messrs. Butler, Hughes, Sanchez, Sherwood, Velasquez and Mr. President—6.

C. B. No. 51 was read the third time, and passed by the following vote:

Ayes—Messrs. Cook, Hughes, Loveland, Roworth, Stearns, Sanchez, Webster and Mr. Velasquez—8.

Nays—Messrs. Butler, Nesmith, Sherwood, Steck and Mr. President—5.

Title agreed to.

Mr. Stearns moved that H. B. No. 74 be read a third time, and put upon its passage.

Ayes and nays demanded.

Ayes—Messrs. Cook, Hughes, Loveland, Roworth, Stearns, Webster and Velasquez—7.

Nays—Messrs. Butler, Nesmith, Sanchez, Sherwood, Steck and Mr. President—6.

H. B. No. 74 was read a third time.

Mr. Nesmith moved that H. B. No. 74 be re-committed to the committee of the Whole.

Ayes and Nays demanded.

Ayes—Messrs. Butler, Nesmith, Sanchez, Sherwood, Steck, Webster and Mr. President—7.

Nays—Messrs. Cook, Hughes, Loveland, Roworth, Stearns, and Velasquez—6.

Mr. Stearns moved that H. B. No. 20 be read a third time, and put upon its passage.

Ayes and nays demanded.

Ayes—Messrs. Cook, Hughes, Loveland, Stearns and Velasquez—5.

Nays—Messrs. Butler, Nesmith, Roworth, Sanchez, Sherwood, Steck, Webster and Mr. President—8.

So the motion was lost.

On motion of Mr. Loveland, the report of the committee of the Whole was adopted.

H. B. No. 47 was read the third time and passed by the following vote:

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—10.

Nays—Messrs. Cook, Steck and Webster—3.

Title agreed to.

On motion of Mr. Butler, the Council adjourned,

## AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Loveland and Sherwood.

Quorum present.

H. B. No. 39 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Nesmith, Roworth, Stearns, Sanchez, Steck, Webster and Velasquez—10.

Nays—Mr. President—1.

Title agreed to.

Messrs. Loveland and Sherwood appeared and took their seats.

Leave being granted, Mr. Nesmith introduced C. B. No. 77, A bill for an act in relation to settlers on lands known as grant lands.

C. B. No. 77 was read the first and second times, and referred to the committee of the Whole.

C. B. No. 3 was read a third time.

Mr. Butler moved to re-commit C. B. No. 3 to the committee on Finance.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—7.

Nays—Messrs. Cook, Loveland, Nesmith, Roworth, Steck and Mr. Webster—6.

Mr. Loveland moved to lay H. B. No. 4 and C. B. No. 55 on the table.

Carried.

Mr. Webster moved that Substitute for H. B. No. 43 be read a third time and put upon its passage.

Carried.

Substitute for H. B. No. 43 was read the third time and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Steck, Webster and Velasquez—12.

Nays—Mr. President—1.

Title agreed to.

Mr. Sherwood moved that H. B. No. 80 be read a third time and put upon its passage.

Motion lost.

On motion of Mr. Loveland, the Council concurred in House amendments to C. B. No. 22.

Mr. Butler moved to re-commit C. B. No. 46 to the committee of the Whole.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Sanchez, Sherwood, Velasquez and Mr. President—6.

Nays—Messrs. Cook, Loveland, Nesmith, Roworth, Stearns, Steck and Webster—7.

So the motion was lost.

C. B. No. 46 was read a third time.

Mr. Butler moved to re-commit C. B. No. 46 to the committee on Elections, with instructions to report to-morrow morning.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Roworth, Sanchez, Sherwood, Velasquez and Mr. President—7.

Nays—Messrs. Cook, Loveland, Nesmith, Stearns, Steck and Webster—6.

So the motion was adopted.

Mr. Roworth moved to re-consider the vote by which C. B. No. 46 was re-committed to the committee on Elections.

Ayes and nays demanded.

Ayes—Messrs. Cook, Loveland, Nesmith, Roworth, Stearns, Steck and Webster—7.

Nays—Messrs. Butler, Hughes, Sanchez, Sherwood, Velasquez and Mr. President—6.

Mr. Sherwood moved to go into the committee of the Whole on special order.

Mr. Steck moved to postpone the special order until Feb. 9th, at 3 o'clock p. m.

Ayes and nays demanded.

Ayes—Messrs. Cook, Loveland, Nesmith, Roworth, Stearns, Steck and Webster—7.

Nays—Messrs. Butler, Hughes, Sanchez, Sherwood, Velasquez and Mr. President—6.

Message from the House.

HOUSE OF REPRESENTATIVES, DENVER, Feb. 8th, 1870.

*To the Honorable the President of the Council :*

SIR: I am instructed to inform the Council that H. B. No. 75 has been correctly engrossed to the House. The same is herewith transmitted, and the concurrence of your Honorable body in the provisions of the bill is respectfully requested.

Very respectfully,

WM. M. SLAUGHTER,

Chief Clerk.

Ayes and nays being demanded on the motion of Mr. Butler to re-commit to the committee on Elections, the following was the vote:

Ayes—Messrs. Butler, Hughes, Sanchez, Sherwood, Velasquez and Mr. President—6.

Nays—Messrs. Cook, Loveland, Nesmith, Roworth, Stearns, Steck and Mr. Webster—7.

Motion lost.

Mr. Butler moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Sanchez, Sherwood, Velasquez and Mr. President—6.

Nays—Messrs. Cook, Loveland, Nesmith, Roworth, Stearns, Steck, Webster—7.

So the motion was lost.

Mr. Butler moved that the Council resolve itself into executive session.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Sanchez, Sherwood, Velasquez and Mr. President—6.

Nays—Messrs. Cook, Loveland, Nesmith, Roworth, Stearns, Steck and Webster—7.

Mr. Butler moved to re-commit C. B. No. 46 to the Judiciary committee.

Mr. Sherwood moved that the Council adjourn until half-past seven o'clock this evening.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—7.

Nays—Messrs. Cook, Loveland, Nesmith, Roworth, Steck and Webster—6.

#### EVENING SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—None.

Quorum present.

Mr. Butler withdrew the motion to refer C. B. No. 46 to the Judiciary Committee.

C. B. No. 46 passed by the following vote.

Ayes—Messrs. Cook, Loveland, Nesmith, Roworth, Stearns, Steck and Webster—7.

Nays—Messrs. Butler, Hughes, Sanchez, Sherwood, Velasquez and Mr. President—6.

Title agreed to.

On motion of Mr. Sherwood, the Council resolved itself into Executive Session.

After some time spent therein the Executive Session was dissolved.

Leave being granted, Mr. Butler introduced C. B. No. 78, A bill for an act authorizing the collection of taxes for the support of Lunatic Paupers.

C. B. No. 78 was read the first and second times, and referred to the committee of the Whole.

The following communication from the Governor was read :

EXECUTIVE DEPARTMENT, DENVER, Feb. 8th, 1870.

HON. GEO. A. HINSDALE, President of the Council :

SIR: I have the honor to return herewith, without my approval, a bill for an act to change the boundaries of the counties of Costilla, Conejos and Saguache. The county of Conejos already contains nearly eleven thousand square miles, being an area almost as large as the states of Massachusetts and Connecticut combined. Costilla county contains over four thousand square miles, while Saguache is comparatively small. This bill proposes to cut off more than one thousand square miles from Saguache, and add it to the counties of Costilla and Conejos, which counties must already be so large as to embarrass the administration of their local affairs. The portion proposed to be cut off is represented to me as including a large proportion of the best pastoral lands of Saguache, and also a considerable part of its population. As this county has been but recently organized, is sparsely populated, and even with its present limits and population, but *illegally* able to support a county organization, to cut off so large a portion of their territory, would be to impose additional burdens upon their people, and in fact to practically destroy the future of the county. With all the disadvantages they have had to contend with, the people of this county have shown an honest and conscientious desire to bear their full share of the public burdens, never having appeared on the list as delinquents for any proportion of taxes due the Territory. Their absorption by these two other counties could probably not in any way improve the condition of the Territorial finances in this respect, and I think without some better reason than is apparent to me, this dismemberment would be both unwise and unjust, without the consent of the people most interested in the matter, a matter probably of little importance to the Legislature or the Executive, but of vital importance to the people of the county.

Another objection to the bill becoming a law is the fact that a bill has been introduced into the Congress of the United States cutting off the counties of Costilla and Conejos from Colorado, and attaching them to New Mexico. If this bill is to pass Congress, I do not think it incumbent on either the Legislature or Executive to be instrumental in including any larger portion of our Territory in the transfer than is already included in the limits of those two counties.

I have the honor to be,

Very respectfully,

Your obedient servant,

EDWARD M. McCOOK,

Governor.

Leave being granted, Mr. Sherwood introduced C. B. No. 79, A bill for an act to dissolve the bonds of matrimony between Homer B. Pearce and Era Pearce.

On motion of Mr. Webster, the Council adjourned.

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WEDNESDAY, FEBRUARY 9th, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Nesmith and Sherwood.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Messrs. Nesmith and Sherwood appeared and took their seats.

The following communication was received.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, )  
 Denver, February 8th, 1870. (

*Hon. Geo. A. Hinsdale, President of the Council:*

SIR: I have the honor to inform you that I have this day approved and signed the following bills, certified to have originated in the Council of Colorado Territory, namely:

A bill for an act to amend an act entitled an act providing for changes of venue in civil cases.

A bill for an act to change certain streets and alleys in the town of Pueblo.

I have the honor to be,

Very respectfully;

Your obedient servant,

EDWARD M. McCOOK,

Governor.

Mr. Butler introduced C. J. M. No. 2, to the Congress of the United States.

Mr. Sherwood introduced C. J. M. No. 3, to the Congress of the United States.

C. J. M. No. 2 was read the first and second times, and referred to the committee of the Whole.

C. J. M. No. 3 was read the first and second times, and referred to the committee of the Whole.

The committee on Territorial Library made the following report :

*Mr. President:* Your committee on the Territorial Library, have had a thorough examination in the catalogueing of the Library, and the report of Messrs. Morrison and Sagendorf we herewith place before this Honorable body, showing the present number of books in the Library. We would refer you to the report of the Territorial Librarian, as we could suggest nothing more worthy of your consideration than presented in the same, which we respectfully submit.

J. C. HUGHES,  
Chairman.

The Special committee to examine the accounts of Auditor and Treasurer, made the following report :

*To the Legislative Assembly of Colorado Territory:*

GENTLEMEN: Your Special committee have, in obedience to the provisions of Council Concurrent Resolution No. 2, cancelled all of the vouchers paid during the year 1869, and have caused the proper entries to be made in the books of the Auditor and Treasurer, certifying their accounts to be correct for that year.

Very respectfully submitted.

CHAS. A. COOK,  
GEORGE W. MILLER,  
JOHN H. WELLS,

Committee.

Joint committee on Enrolled Bills, made the following report :

*Mr. President:* Your joint committee on Enrolled Bills, have had under consideration H. B. No. 30 and find the same correctly enrolled, and have, this 8th day of February, A. D. 1870, at 10 o'clock A. M., placed the same in the hands of the Governor for his approval.

WM. M. ROWORTH,  
Chairman.

Mr. Butler introduced C. B. No. 80, A bill for an act to amend chapter 6 of the Revised Statutes of Colorado, entitled attachments.

Leave being granted, Mr. Butler introduced C. B. No. 81, A bill for an act for the relief of the town of Georgetown.

Leave being granted, Mr. Butler introduced C. B. No. 82; A bill for an act amendatory to the act to incorporate the Apex and Gregory Wagon Road Company.

Mr. Sherwood introduced C. B. No. 83, A bill for an act to establish a Territorial road from Evans to Boulder City, and for other purposes.

C. B. No. 82 was read the first and second times, and referred to the committee of the Whole.

C. B. No. 80 was read the first and second times, and referred to the committee of the Whole.

C. B. No. 81 was read the first and second times, and referred to the committee of the Whole.

C. B. No. 83 was read the first and second times, and referred to the committee of the Whole.

C. B. No. 79 was read the first and second times, and referred to the committee of the Whole.

H. J. M. No. 4 was read the second time, and referred to the committee of the Whole.

H. B. No. 10 was read the second time, and on motion of Mr. Stearns, it was referred to a Special committee of three.

Ayes and nays demanded on the motion of Mr. Stearns to refer H. B. No. 10.

Ayes—Messrs. Butler, Cook, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Steck, Webster and Velasquez—11.

Nays—Messrs. Hughes and Mr. President—2.

The President appointed as such committee, Messrs. Stearns, Loveland and Nesmith.

Mr. Nesmith offered the following :

*Resolved.* That five hundred copies of the Catalogue of the

Territorial Library, reported by the Library committee of the Council, be printed and placed in the Library.

J. W. NESMITH.

H. B. No. 16 was read the second time, and referred to the committee of the Whole.

H. B. No. 18 was read the second time, and referred to the committee of the Whole.

H. B. No. 23 was read the second time, and referred to the committee of the Whole.

H. B. No. 27 was read the second time, and referred to the committee of the Whole.

H. B. No. 45 was read the second time, and referred to the committee of the Whole.

Substitute for H. B. No. 48 was read the second time, and referred to the committee of the Whole.

H. B. No. 61 was read a second time and referred to the committee of the Whole.

H. B. No. 75 was read the second time, and referred to the committee of the Whole.

H. B. No. 86 was read the second time, and referred to the committee of the Whole.

H. B. No. 88 was read the second time, and referred to the committee of the Whole.

H. B. No. 92 was read the second time, and referred to the committee of the Whole.

H. B. No. 108 was read the second time, and referred to the committee of the Whole.

H. B. No. 113 was read the second time, and referred to the committee of the Whole.

Mr. Loveland moved that H. B. No. 80 be read a third time, and put upon its passage.

Ayes and nays demanded.

Ayes—Messrs. Butler, Cook, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Steck, Webster and Velasquez—11.

Nays—Messrs. Hughes and Mr. President—2.

H. B. No. 80 was read a third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Steck, Webster, and Velasquez—11.

Nays—Messrs. Hughes and Mr. President—2.

Title agreed to.

Mr. Sherwood moved that the Council resolve itself into the committee of the Whole, on Council file and H. B. No. 41.

Carried.

Mr. Nesmith in the chair.

The committee of the Whole rose and reported as follows:

*Mr. President:* Your committee of the Whole House have had under consideration C. B. No. 57, and report it back with the recommendation that it be referred to the Judiciary committee. Also H. B. No. 41, and have amended the same and still have the same under consideration.

J. W. NESMITH,  
Chairman.

On motion of Mr. Hughes, the report of the committee of the Whole was adopted.

On motion of Mr. Stearns the Council adjourned.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Butler, Hughes and Webster.

Quorum present.

The special committee on H. B. No. 10, made the following report:

*Mr. President:* Your Special committee, to whom was referred H. B. No. 10, A bill to dissolve the bonds of matrimony existing between James Upp and Mary Upp, beg leave to report that they have had the same under consideration, and report it back to the Council with the recommendation that it do pass.

E. N. STEARNS,  
Chairman.

Messrs. Butler, Hughes and Webster appeared and took their seats.

On motion of Mr. Nesmith the Council resolved itself into the committee of the Whole.

Mr. Nesmith in the chair.

The committee of the Whole rose.

The committee on Finance made the following report:

*Mr. President:* Your committee on Finance, to whom was referred C. B. No. 3, have had the same under consideration,

and report it back to the Council with the recommendation that it do pass.

W. A. H. LOVELAND.

W. M. ROWORTH.

W. W. WEBSTER.

Mr. Sherwood moved to postpone the special order until tomorrow, Feb. 10th, at 3 p. m.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Roworth, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—9.

Nays—Messrs. Cook, Steck and Webster—3.

Mr. Steck offered the following resolution:

*Resolved,* That the President and Secretary of the Council shall certify to the Auditor of the Territory, the attendance of Wm. M. Roworth for the whole period of the session of this Council, as a member thereof, and shall further certify to the Secretary of the Territory, the attendance of said Roworth at this session of the Council, for the whole period of the session.

Ayes and nays demanded.

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Stearns, Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—11.

Not voting—Mr. Roworth—1.

Absent—Mr. Nesmith—1.

Nays—None.

Mr. Steck offered the following resolution:

*Resolved,* That the Secretary of the Council shall certify to the Secretary of the Territory the attendance of Geo. A. Hinsdale upon the first session of the Council, at the seventh session of the Legislative Assembly of the Territory, for the period of twenty-eight days, when he attended said session as a contestant for the seat of B. B. Field, Esq., to which he was on the 28th day of said session admitted, and for which time no compensation was allowed him out of the moneys appropriated by Congress for Territorial expenses.

Ayes and nays demanded.

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Roworth, Stearns, Sanchez, Sherwood, Steck, Webster and Velasquez—11.

Nays—None.

Not voting—Mr. President—1.

Absent—Mr. Nesmith—1.

On motion of Mr. Cook, the Council resolved itself into Executive Session.

After some time spent therein, the Executive Session was dissolved.

The joint committee on Enrolled Bills made the following report:

*Mr. President:* Your committee on Enrolled Bills beg leave to report that they have had under consideration C. B. Nos. 6, 19, 39, 30 and 32, also Substitute for H. B. No. 53, and find the same correctly enrolled, and that we have placed the same in the hands of the Governor for his signature, on the 7th day of February, A. D. 1870, at the hour of 12 m. Also beg leave to report that they have examined C. B. No. 22, and find the same correctly enrolled, and have placed the same in the hands of the Governor for his signature, on this 9th day of February, A. D. 1870, at 12 o'clock m.

WM. M. ROWORTH,  
Chairman.

The committee on Engrossed Bills made the following report:

*Mr. President:* Your committee on Engrossed Bills beg leave to report that they have examined C. B. No. 62, and report the same as correctly engrossed.

W. W. WEBSTER,  
Chairman.

The committee on Judiciary made the following report:

*Mr. President:* The Judiciary committee have had under consideration C. B. No. 57, and report to the Council a substitute for said bill.

HUGH BUTLER,  
Chairman.

Mr. Loveland moved that the Substitute for C. B. No. 57, reported by the Judiciary committee, be adopted.

Carried.

Mr. Loveland moved that Substitute for C. B. No. 57 be ordered engrossed and read a third time.

Mr. Webster offered the following resolution:

*Resolved,* That the Engrossing and Enrolling committees be authorized to employ such additional clerical assistance as may be needed during the remainder of this session.

Mr. Butler offered the following as a substitute for Mr. Webster's resolution:

*Resolved*, That F. J. Stanton be and is hereby employed as Assistant Engrossing Clerk for the remainder of the session.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Loveland, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—8.

Nays—Messrs. Cook, Roworth, Steck and Webster—4.

So the substitute was adopted.

Mr. Steck moved to take up for consideration, C. B. No. 3.

Ayes and nays demanded.

Ayes—Messrs. Cook, Loveland, Roworth, Steck and Webster—5.

Nays—Messrs. Butler, Hughes, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—7.

So the motion was lost.

On motion of Mr. Stearns, the Council resolved itself into the committee of the Whole.

Mr. Stearns in the chair.

The committee of the Whole rose.

The committee of the Whole made the following report:

*Mr. President:* Your committee of the Whole House beg leave to report that they have had under consideration H. B. No. 41, and have made additional amendments to the same. Also C. B. No. 67, and have amended the same and report it back to the Council with the recommendation that it do pass as amended. Also C. B. No. 63, and have amended the same and report it back to the Council with the recommendation that it do pass. Also C. B. No. 65, and have amended the same, and report it back to the Council with the recommendation that it do pass as amended.

J. W. NESMITH,  
Chairman.

The committee of the Whole made the following report:

*Mr. President:* Your committee of the Whole House beg leave to report that they have had under consideration C. B. No. 59, and recommend that it be amended as follows: Strike out from the seventh and eighth lines of section 2 of the printed bill, all after the word "appropriated" in the said seventh line, and recommend that it do pass as amended. Also C. B. No. 52, and report the same back to the Council with the recommendation that it do pass as previously amended. Also C. B.

No. 53, and have postponed its further consideration in the committee of the Whole. Also C. B. No. 54, and report it back to the Council with the recommendation that it be indefinitely postponed. Also C. B. No. 58, continued in committee of the Whole. Also C. B. No. 61, and report it back to the Council with the recommendation that it do pass. Also C. B. No. 64, and report it back to the Council with the recommendation that it do pass. Also C. B. No. 60, and recommend that the bill do pass. Also C. B. No. 66, and recommend that it be amended by striking out the word "thirty," in section 255, and insert in lieu thereof the word "twenty," and that the bill do pass as amended.

E. N. STEARNS,  
Chairman.

The committee on Engrossed Bills made the following report:

*Mr. President:* Your committee upon Engrossed Bills, to whom was referred C. B. No. 57, would respectfully report the same as correctly engrossed.

W. W. WEBSTER,  
Chairman.

On motion of Mr. Nesmith, the two reports of the committee of the Whole were adopted.

Mr. Butler moved that C. B. Nos. 57, 63 and 67 be read a third time and put upon their passage.

Carried.

Mr. Sherwood moved that C. B. Nos. 57, 63 and 67 be considered read the third time.

Carried.

Message from the House:

HOUSE OF REPRESENTATIVES, Denver, Feb. 9, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed to inform the Council that the House has passed H. B. No. 98, A bill for an act to extend the corporate limits of the city of Denver. The concurrence of your Honorable body is respectfully requested. The same is herewith transmitted.

Very respectfully,  
WM. M. SLAUGHTER,  
Chief Clerk.

C. B. No. 57 passed by the following vote:

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—12.

Nays—None.

Title agreed to.

C. B. No. 63 passed by the following vote:

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Steck, Webster, Velasquez, and Mr. President—12.

Nays—None.

Title agreed to.

C. B. No. 67 passed by the following vote:

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—12.

Nays—None.

Title agreed to.

The committee on Expenditures made the following report:

*Mr. President:* Your committee to whom was referred the Auditor's communication and the accounts of Gilpin county, in the case of Hotzley *alias* Reynolds, (a lunatic), against the Territory of Colorado, respectfully report that they have made full examination of the case, and recommend the following payments to be made, to-wit:

To R. G. Aduddel, the sum of.....	\$150 00
“ P. M. Martin, “ “ .....	15 00
“ W. L. Quaintance, “ “ .....	290 00
“ A. K. Brown, “ “ .....	110 15
“ Patton & Beebe, “ “ .....	13 00
“ W. R. Kennedy “ “ .....	43 80

All of which is respectfully submitted.

WM. M. ROWORTH,

E. N. STEARNS,

C. A. COOK,

Committee.

On motion of Mr. Loveland, the Council adjourned until 8 o'clock this evening.

#### EVENING SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Mr. Nesmith.

Quorum present.

Mr. Stearns moved that C. B. Nos. 65, 59, 66, 60, 64, 52 and 61 be ordered engrossed, and read a third time.

Carried.

Mr. Stearns moved that the Council resolve itself into the committee of the Whole, on the general file.

Carried.

Mr. Loveland in the chair.

Mr. Nesmith appeared and took his seat.

The committee of the Whole rose and reported as follows :

*Mr. President:* Your committee of the Whole House have had under consideration C. B. No. 70, and report it back to the Council with the recommendation that it do pass. Also C. B. No. 71, and report it back with the recommendation that it do pass. Also C. B. No. 72, and report it back to the Council with the recommendation that it do pass. Also C. B. No. 75, and report it back to the Council with the recommendation that it do pass. Also C. B. No. 76, and report it back to the Council with the recommendation that it be indefinitely postponed. Also C. B. No. 68, and report it back to the Council with the recommendation that it do pass. Also C. B. No. 78, and report it back to the Council with the recommendation that it do pass. Also C. B. No. 79, and report it back to the Council with the recommendation that it be indefinitely postponed. Also C. J. R. No. 3, and report it back to the Council with the recommendation that it do pass as amended. Also C. J. M. No. 1, and report it back to the Council with the recommendation that it do pass. Also C. B. No. 83, and report it back to the Council with the recommendation that it do pass. Also C. B. No. 80, and report it back to the Council with the recommendation that it do pass. Also C. B. No. 81, and report it back to the Council with the recommendation that it do pass. Also C. B. No. 82, and report it back to the Council with the recommendation that it do pass. Also C. J. M. No. 3, and report it back to the Council with the recommendation that it do pass. Also C. B. No. 73, and report it back to the Council with the recommendation that it do pass.

W. A. H. LOVELAND,  
Chairman.

On motion of Mr. Sherwood, the report of the committee of the Whole was adopted.

Mr. Hughes offered the following resolution:

*Resolved*, That the Secretaries of the Council be authorized to employ Mat. Riddlebarger to assist them during the remainder of this session.

Ayes and nays demanded.

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Roworth, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—10.

Nays—Messrs. Webster and Nesmith—2.

On motion of Mr. Sherwood, C. B. Nos. 81, 82, 83, 80, 68, 75, 73, 72, 71, 70, 78, C. J. R. No. 3, C. J. M. No. 1, C. J. M. 3, were ordered engrossed, and read a third time.

The committee on Engrossed Bills made the following report:

*Mr. President*: Your committee upon Engrossed Bills beg leave to report C. B. No. 43 as correctly engrossed.

W. W. WEBSTER,

Chairman.

Mr. Loveland moved that the bill reported by the Engrossing committee, be read a third time and put upon its passage.

Carried.

On motion of Mr. Butler the bill was considered read a third time.

C. B. No. 43 was read a third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Roworth, Stearns, Sanchez, Sherwood, Webster, Velasquez and Mr. President—11.

Nays—Mr. Steck—1.

Title agreed to.

On motion of Mr. Sherwood, the Council adjourned.

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THURSDAY, FEBRUARY 10TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Webster, Butler and Sherwood.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Messrs. Webster, Sherwood and Butler appeared and took their seats.

Mr. Roworth offered Council Concurrent Resolution No. 3.  
Read the first time.

H. B. No. 98 read the first time.

The following communication was received from the Governor and read.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, )  
Denver, February 9th, 1870. }

HON. GEO. A. HINSDALE, President of the Council of Colorado Territory:

SIR: I have the honor to inform you that I have this day approved and signed the following bills, certified to have originated in the Council of Colorado Territory, namely:

A bill for an act entitled An act to amend chapter seventy-one (71) of the Revised Statutes of Colorado Territory

An act to amend an act entitled An act to incorporate the City of Black Hawk, approved March 11th, 1864.

I have the honor to be,

Very respectfully,

Your obedient servant,

EDWARD M. MCCOOK,

Governor.

C. B. No. 82 was on motion of Mr. Loveland, considered read the third time and passed by the following vote:

Ayes—Messrs. Hughes, Loveland, Nesmith, Roworth, Sanchez, Sherwood, Webster, Velasquez and Mr. President—9.

Nays—Mr. Steck—1.

So the bill passed and title agreed to.

C. B. No. 41 was considered, and the following amendments were offered and adopted: In section 2, 3d line, strike out the word "counties," and insert the word "county;" also, in same line, strike out the words "Greenwood and;" also, strike out the word "are" in same line, and insert the word "is."

On motion of Mr. Butler, further consideration of the bill was postponed until the afternoon session.

Mr. Webster, from Engrossing committee, reported as follows:

*Mr. President:* Your committee upon Engrossed bills, to whom was referred C. B. Nos. 59, 60 and 64, would respectfully report the same back to the Council as correctly engrossed. The same are herewith transmitted.

W. W. WEBSTER, Chairman.

C. B. No. 59 was read the third time.

Mr. Butler moved to refer it back to the committee on Finance.

Motion lost.

Bill passed by the following vote:

Ayes—Messrs. Cook, Hughes, Loveland, Nesmith, Roworth, Stearns, Steck, and Webster—8.

Nays—Messrs. Butler, Sanchez, Sherwood, Velasquez and Mr. President—5.

Title agreed to.

C. B. No. 64 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—12.

Nays—Mr. Hughes—1.

Title agreed to.

C. B. No. 60 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Sanchez, Sherwood, Steck, Webster and Velasquez—11.

Nays—Mr. President—1.

Message from the House:

HOUSE OF REPRESENTATIVES, Feb. 10th, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed to return you H. B. No. 21, with notice that the House has concurred in all the Council amendments proposed to said bill, except the Council amendment to section 1 of said bill. The Council is respectfully requested to recede from their amendment to section 1 of said bill. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,

Chief Clerk.

C. B. No. 3 was read the third time and lost by the following vote:

Ayes—Messrs. Cook, Loveland, Nesmith, Roworth, Steck and Webster—6.

Nays—Messrs. Butler, Hughes, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—7.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }  
 Denver, February 10th, 1870. }

HON. GEO. A. HINSDALE, President of the Council of Colorado Territory:

SIR: I have the honor to inform you that I have this day approved and signed the following bill, certified to have originated in the Council of Colorado Territory, viz: "a bill for An act to establish a school of mines."

I have the honor to be,

Very respectfully,

Your ob't servant,  
 EDWARD M. McCOOK,  
 Governor.

H. B. No. 10 was taken up.

Mr. Sherwood moved to postpone the consideration of the bill until to-morrow.

Motion lost by the following vote:

Ayes—Messrs. Butler, Nesmith, Roworth, Sherwood, Steck and Webster—6.

Nays—Messrs. Cook, Hughes, Loveland, Stearns, Sanchez, Velasquez and Mr. President—7.

Bill read the third time, and passed by the following vote:

Ayes—Messrs. Cook, Hughes, Loveland, Stearns, Sanchez, Velasquez and Mr. President—7.

Nays—Messrs. Butler, Nesmith, Roworth, Sherwood, Steck and Webster—6.

Title agreed to.

Mr. Butler introduced Council Concurrent Resolution No. 3, respecting the appeal of Gilpin county, from the decision of N. F. Cheesman, Territorial Auditor, in the matter of Frank Hotzley, lunatic pauper.

Resolution adopted, and on motion the resolution was passed by the following vote:

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Steck, Velasquez and Mr. President—11.

Nays—Messrs. Cook and Webster—2.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, Feb. 10th, 1870.

*To the Honorable, the President of the Council :*

SIR: I am instructed to inform the Council that the House has passed C. B. No. 51. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,

Chief Clerk.

Mr. Nesmith reported Council bill No. 41, with amendments. On motion, the Council went into the committee of the Whole.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, Feb. 10th, 1870.

*To the Honorable, the President of the Council :*

SIR: I am instructed to inform the Council that the House has passed H. B. No. 36, a bill for the relief of Arapahoe county. The concurrence of your Honorable Body is respectfully requested. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,

Chief Clerk.

On motion, the committee arose, asked leave to sit again, and submitted the following report:

*Mr. President:* Your committee of the Whole House have had under consideration H. B. Nos. 27, 75 and 16, and recommend their passage.

J. M. SHERWOOD,

Chairman.

Report adopted.

Mr. Loveland moved that H. B. Nos. 27, 75 and 16 be read the third time and put upon their passage.

Carried.

H. B. No. 27 was read a third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Roworth, Stearns, Sherwood, Steck, Webster, Velasquez and Mr. President—11.

Nays—none.

H. B. No. 75 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Roworth, Stearns, Sherwood, Steck, Webster, Velasquez and Mr. President—11.

Nays—none.

H. B. No. 16 was read and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Roworth, Stearns, Sherwood, Steck, Webster, Velasquez and Mr. President—11.

Nays—none.

Titles to H. B. Nos. 27, 75 and 16 agreed to.

On motion, Council adjourned.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

Quorum present.

Mr. Loveland moved that H. B. No. 74 be taken from the general files and read the third time and put upon its passage.

Carried.

H. B. No. 74 was read the third time, and passed by the following vote:

Ayes—Messrs. Hughes, Loveland, Stearns, Sanchez, Velasquez and Mr. President—6.

Nays—Messrs. Nesmith and Roworth—2.

Title agreed to.

On motion of Mr. Loveland, H. B. No. 83 was taken from the general file and read the third time and passed by the following vote:

Ayes—Messrs. Hughes, Loveland, Stearns, Sanchez and Velasquez—5.

Nays—Messrs. Nesmith and Roworth—2.

Title agreed to.

Mr. Stearns moved that H. B. No. 81 be taken from the general files, read a third time and put upon its final passage.

Ayes and nays called for.

Motion carried by the following vote:

Ayes—Messrs. Hughes, Loveland, Stearns, Sanchez and Velasquez—5.

Nays—Messrs. Nesmith, Roworth, and Mr. President—3.

Bill read the third time and passed by the following vote:

Ayes—Messrs. Hughes, Loveland, Stearns, Sanchez and Velasquez—5.

Nays—Messrs. Nesmith, Roworth and Mr. President—3.

Title agreed to.

Mr. Hughes moved to call up H. B. No. 88 from the general file.

Call of the Council ordered.

Absent—Messrs. Cook, Butler, Steek and Webster.

The absentees appearing, Mr. Stearns moved that further proceedings under the call be dispensed with.

Carried.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, DENVER, Feb. 10, 1870.

*To the Honorable the President of the Council :*

SIR: I am instructed to inform the Council that the House has passed H. B. No. 55, a bill for An act for Fremont county. The concurrence of your Honorable Body is respectfully requested. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

HOUSE OF REPRESENTATIVES, Feb. 10, 1870.

*To the Honorable, the President of the Council :*

SIR: I am instructed to inform the Council that the House has passed C. B. No. 56. The same is herewith transmitted. Also, have passed C. B. No. 17, with the following amendment to section 2: amend section 2 by striking out of second line of said section the word "fifty," and insert in lieu thereof the word "twenty-five." The concurrence of your Honorable Body is respectfully requested. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

On motion of Mr. Stearns, the Council resolved itself into the committee of the Whole.

Mr. Stearns in the chair.

On motion, committee arose and reported, viz :

*Mr. President:* Your committee of the Whole House beg leave to report that they have had under consideration substitute for H. B. No. 48, a bill for An act for the relief of pre-emptors and locators of veins of quartz on the mineral lands of the public domain, and report the same back with the recommendation that it do pass.

Mr. Webster, from the committee on Engrossment reports as follows :

*Mr. President:* Your committee upon Engrossment, to whom was referred C. B. Nos. 61, 66, 68, 72, 75, 81, 82 and C. J. M. No. 1, would respectfully report the same as correctly engrossed, and the same are herewith transmitted.

W. W. WEBSTER,

Chairman.

Special order H. B. No. 41 was called, and on motion of Mr. Butler was postponed until the bills reported from the Engrossing committee should be considered.

Mr. Loveland moved to take up the bills reported from Engrossing committee.

Carried.

On motion, bills are read by their title only.

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

Title agreed to.

C. B. No. 82 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Webster and Velasquez—11.

Nays—Mr. Steck and Mr. President—2.

Title agreed to.

C. B. No. 72 was read the third time, passed unanimously and title agreed to.

C. B. No. 61 was read the third time, passed unanimously and title agreed to.

C. B. No. 66 was read the third time, passed unanimously and title agreed to.

C. B. No. 68 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Steck, Webster and Velasquez—12.

Nays—Mr. President—1.

Title agreed to.

C. B. No. 75 was read the third time, passed unanimously and title agreed to.

C. B. No. 81 was read the third time, passed unanimously and title agreed to.

Substitute for H. B. No. 48 was read the third time and passed by the following vote:

Ayes—Messrs. Cook, Hughes, Stearns, Sherwood, Steck, Webster, Velasquez and Mr. President—8.

Nays—Messrs. Butler, Loveland, Nesmith, Roworth and Sanchez—5.

Title agreed to.

Mr. Stearns introduced C. B. No. 84, "to establish the Counties of Bent and Greenwood."

Read the first and second times and placed on the general file.

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

Mr. Nesmith in the chair.

On motion, the committee arose and reported as follows:

*Mr. President:* Your committee of the Whole have had under consideration H. B. No. 26, and respectfully report it back with the recommendation that it be made the special order for this evening at 8 o'clock.

J. W. NESMITH,

Chairman.

Mr. Steck introduced C. B. No. 85, read the first, second and third times and passed unanimously, Mr. Hughes being excused, and Mr. President not voting.

Mr. Loveland moved to go into committee of the whole on general file

Carried.

Mr. Stearns in the chair.

Committee arose and reported, viz:

*Mr. President:* Your committee of the Whole have considered C. B. No. 84, and report the same back to the Council with the recommendation that it do pass; also, resumed the consideration of C. B. No. 41, on which they have made some progress, and ask leave to sit again.

E. N. STEARNS,

Chairman.

On motion of Mr. Stearns, C. B. No. 84 was considered engrossed, read a third time and passed by the following vote:

Ayes—Messrs. Hughes, Loveland, Nesmith, Stearns, Sherwood, Webster and Velasquez—7.

Nays—Mr. Steck—1.

Title agreed to.

Mr. Steck submitted the following report:

The committee of conference on H. B. No. 3, An act to amend chapter 18 of the Revised Statutes, respectfully report that the committee have agreed to report the amendments of the Council to the House, with the recommendation that it do pass.

AMOS STECK,

WM. M. ROWORTH.

On motion the Council adjourned until 8 o'clock this p. m.

EVENING SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Steck and Cook.

The President announced a message from the Governor, which was ordered read.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY. )

Denver, Feb. 10th, 1870. (

*Hon. Geo. A. Hinsdale, President of the Council of Colorado Territory:*

SIR: I have the honor to return herewith, without my approval, a bill entitled "An act to provide for the translation and printing of the laws in the Spanish language." This act provides for the election, "by joint ballot of the Council and House," of a translator who shall receive the sum of twenty-five hundred dollars (\$2,500.00) for his services. It provides, also, that the printing of these laws shall be let by contract to the lowest bidder. I do not understand why the *translation* of these laws should not be provided for in the same economical manner as the printing.

Responsible parties have informed me that they are willing to make this translation for less than one third of the amount proposed to be appropriated in this bill; and if the legislature considers the translation and printing of these laws in Spanish a necessity, I yet fail to see any good reason why the people of the Territory, already overburdened with taxes, should be compelled to pay twenty-five hundred dollars for the performance of a task which can be accomplished for one-third of the amount. I think the people would be unwilling to pay this additional sum, merely for the purpose of enabling the assembly to indulge in a Legislative novelty, by exercising the appointing power—a power which I had heretofore conscientiously believed was vested in the Executive.

I have the honor to be,

Very respectfully,

Your obedient servant,

EDWARD M. McCOOK,

Governor.

Council resolved itself into the committee of the Whole.

Mr. Nesmith in the chair.

Messrs. Steck and Cook appeared and took their seats.

Mr. Nesmith, from the committee of the Whole, reported that they had considered H. B. No. 26, and recommend its passage with the following amendments, viz: Before the word "thousand" strike out the word "three," and insert the word "two;" also before the word "inches" strike out the word "four," and substitute the word "three."

Mr. Loveland moved that H. B. No. 26, with the amendments, be engrossed and ordered to a third reading.

C. B. No. 17 was taken up, and on motion of Mr. Loveland the amendments proposed by the House were adopted.

Mr. Butler offered the following resolution:

*Resolved*, That the House be and is hereby respectfully requested to return H. B. No. 27, for the purpose of re-consideration.

C. B. No. 17 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Loveland, Nesmith, Roworth, Stearns, Sanchez, Webster, Velasquez and Mr. President—9.

Nays—Messrs. Cook, Hughes, Sherwood and Steck—4.

Title agreed to.

Mr. Stearns moved to call up H. B. No. 41.

Mr. Butler moved to take up C. B. No. 10 and consider the same, the Governor's veto to the contrary, and the bill passed by the following vote:

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—9.

Nays—Messrs. Cook, Roworth, Steck and Webster—4.

Being more than two-thirds of the vote of the Council.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, ( )  
Denver, February 10th, 1870. ( )

HON. GEO. A. HINSDALE, President of the Council of Colorado Territory:

SIR: I have the honor to inform you that I have this day approved and signed the following bill, certified to have originated in the Council of the Territory of Colorado, viz:

“An act entitled an act to amend chapter three (3), of the Revised Statutes of Colorado, concerning aliens.”

I have the honor to be,

Very respectfully,

Your obedient servant,

EDWARD M. McCOOK,

Governor.

Mr. Steck moved to take up C. B. No. 19 and consider the same, the veto of the Governor to the contrary.

Motion lost by the following vote:

Ayes—Messrs. Cook, Nesmith, Roworth, Steck and Webster—5.

Nays—Messrs. Butler, Hughes, Loveland, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—8.

Mr Loveland moved to go into the committee of the Whole. Carried.

Mr. Butler in the chair.

Message from the House :

HOUSE OF REPRESENTATIVES, Feb. 10th. 1870.

*To the Honorable, the President of the Council :*

SIR: I am instructed to inform the Council that the House has passed C. B. Nos. 67, 59 and 84. The same are herewith transmitted. Also have passed H. B. No. 37, and Substitute for H. B. No. 9. The concurrence of the Council is respectfully requested. The same are herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,

Chief Clerk.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, DENVER, Feb. 10. 1870.

*To the Honorable the President of the Council :*

SIR: I am instructed to inform the Council that the House has passed C. B. No. 63. The same is herewith transmitted. Also have passed H. B. Nos. 104, 89, 78 and 122, and H. J. R. Nos. 7 and 8. The concurrence of your Honorable body is respectfully requested. The same are herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER, Chief Clerk.

Mr. Loveland moved that the committee arise.

Carried.

Mr. Butler, from the committee of the Whole reported, That they had considered H. B. No. 41, and recommend its passage as amended, and that the amendments be inserted in the original bill by interlineations or otherwise, and the bill considered engrossed.

Report adopted.

The committee on Enrolled Bills made the following report:

*Mr. President:* Your joint committee on Enrolled Bills beg leave to report that they have had under consideration and have examined C. B. Nos. 51 and 56, and find the same correctly enrolled, and that they have this 10th day of February, 1870, at the hour of five o'clock p. m., placed the same in the hands of the Governor, and they now await his signature.

Respectfully submitted,

WM. M. ROWORTH,

Chairman.

Also have examined and compared H. B. No. 29; also Substitute for H. B. Nos. 31 and 43, and H. J. R. Nos. 5 and 12, and find the same correctly enrolled, and have this the 10th day of February, 1870, at the hour of 10 o'clock p. m., placed the same in the hands of the Governor, and they now await his signature.

WM. M. ROWORTH,

Chairman.

The committee on Engrossed Bills reported H. B. No. 26 correctly engrossed, and on motion of Mr. Loveland the bill was read the third time, and passed unanimously.

Title agreed to.

On motion the Council adjourned.

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FRIDAY, FEBRUARY 11TH, 1870.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Cook, Loveland, Sanchez, and Sherwood.

Quorum present.

Prayer by the chaplain.

Journal read and approved.

Mr. Sherwood appeared and took his seat.

Mr. Loveland, Mr. Sanchez and Mr. Cook appeared and took their seats.

Message from the House:

HOUSE OF REPRESENTATIVES, DENVER, Feb. 11, 1870.

*To the Honorable, the President of the Council :*

SIR: I am instructed to inform the Council that the House has passed C. J. R. No. 1. The same is herewith transmitted. Also H. B. No. 118. The concurrence of your Honorable body is respectfully requested. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,

Chief Clerk.

Mr. Butler asked and obtained leave to enter on the Council proceedings, that he would, had he been present, have voted against H. B. Nos. —

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY.  
Denver, February 10th, 1870.

*Hon. Geo. A. Hinsdale, President of the Council of Colorado Territory :*

SIR: I have the honor to inform you that I have this day approved and signed the following bill, certified to have originated in the Council of Colorado Territory, viz: "A bill for an act to amend chapter seventy-six (76) of the Revised Statutes of Colorado Territory."

I have the honor to be,

Very respectfully,

Your obedient servant,

EDWARD M. McCOOK,

Governor.

The memorial of S. E. Browne, concerning "Browne's Rangers," was presented and read.

Mr. Butler presented the following resolution:

*Resolved.* That the President of the Council be and is hereby

respectfully requested not to sign the enrolled copy of H. B. No 27.

Ayes and nays demanded.

Ayes—Messrs. Butler, Loveland, Nesmith, Roworth, Sherwood, Steck and Velasquez—7.

Nays—Messrs. Cook, Hughes and Stearns—3.

Carried.

Mr. Butler moved to suspend the rules, in order to introduce C. B. No. 86.

Ayes and nays demanded.

Ayes—Messrs. Butler, Cook, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—12.

Nays—Mr. Hughes—1.

C. B. No. 86 was read the first and second times.

The following bills were read the first time:

Substitute for H. B. No. 9, was read the first time.

H. B. No. 36 was read the first time.

H. B. No. 37 was read the first time.

H. B. No. 55 was read the first time.

H. B. No. 78 was read the first time.

H. B. No. 89 was read the first time.

H. B. No. 104 was read the first time.

H. B. No. 118 was read the first time.

H. B. No. 122 was read the first time.

H. J. R. No. 7 was read the first time.

H. J. R. No. 8 was read the first time.

H. B. No. 98 was read the second time.

Mr. Loveland moved to take up C. B. No. 3.

Mr. Sherwood moved that the bill be indefinitely postponed.

Carried by the following vote:

Ayes—Messrs. Butler, Hughes, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—7.

Nays—Cook, Loveland, Nesmith, Roworth, Steck and Webster—6.

Mr. Butler offered the following:

*Resolved*, That the Enrolling Clerk of the Council be and is hereby authorized to employ such assistance as may be necessary.

Carried.

House went into the committee of the Whole.

Mr. Sherwood in the chair.

Committee arose and reported back to the Council H. B. No. 41 with amendments, and recommended its passage.

On motion of Mr. Loveland, the amendment to H. B. No.

41 was considered engrossed, read a third time and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—13.

The committee on Engrossed Bills made the following report:

*Mr. President:* Your committee on Engrossed Bills, to whom was referred C. B. Nos. 73, 83, 80, 70, 52, 65, 71 and 78, C. J. R. No. 3, and C. J. M. No. 3, also Council amendments to H. B. No. 32, would respectfully report that they have examined the same, and find them correctly engrossed.

W. W. WEBSTER,  
Chairman.

Mr. Roworth, from the committee on Enrolled Bills, reported C. B. Nos. 63, 59, 84 and 67 as correctly enrolled, and have this 11th day of February, 1870, placed them in the hands of the Governor, and now await his signature.

C. J. M. No. 3 was read a third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—11.

Nays—Mr. Roworth—1.

Title agreed to.

C. B. No. 78 was read a third time, and passed by the following vote.

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Sanchez, Sherwood, Steck, Velasquez and Mr. President—11.

Nays—Mr. Webster—1.

Title agreed to.

C. J. R. No. 3 was read the third time, and passed by the following vote:

Ayes—Butler, Hughes, Loveland, Sanchez, Sherwood, Velasquez and Mr. President—7.

Nays—Messrs. Cook, Nesmith, Roworth, Steck and Webster—5.

Title agreed to.

C. B. No. 71 was read a third time, and passed unanimously.

Title agreed to.

C. B. No. 52 was read a third time, and passed by the following vote:

Ayes—Messrs. Hughes, Loveland, Sanchez, Steck, Velasquez and Mr. President—6.

Nays—Messrs. Butler, Cook, Nesmith, Roworth and Sherwood—5.

Title agreed to.

C. B. No. 70 was read a third time, and passed unanimously.

Title agreed to.

C. B. No. 80 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Roworth, Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—11.

Nays—None.

Title agreed to.

H. B. No. 32 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—12.

Nays—None.

Title agreed to.

C. B. No. 73 was read the third time, and passed unanimously.

Title agreed to.

C. B. No. 65 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Velasquez and Mr. President—9.

Nays—Messrs. Cook, Steck and Webster—3.

Title agreed to.

C. B. No. 83 was read the third time and passed unanimously.

Title agreed to.

Mr. Webster, from the Engrossing committee, reported C. B. No. 41 as correctly engrossed.

C. B. No. 41 was read the third time, and passed by the following vote:

Ayes—Messrs. Cook, Hughes, Nesmith, Roworth, Stearns, Sanchez, Steck, Webster and Mr. President—9.

Nays—None.

Title agreed to.

On motion, the Council went into the committee of the Whole. Mr. Stearns in the chair.

The committee of the whole arose and submitted the following report:

*Mr. President:* Your committee of the Whole House beg leave to report that they have had under consideration H. B.

Nos. 95 and 64, and report the same back to the Council with the recommendation that they do pass. Also H. J. M. No. 4, and report the same back to the Council with the recommendation that it do pass as amended. Also H. B. No. 35, and postpone the further consideration of the same in committee.

E. N. STEARNS,

Chairman.

On motion the Council adjourned.

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Messrs. Cook, Loveland, Nesmith and Sherwood.

Quorum present.

Mr. Stearns moved that H. J. M. No. 4, and H. B. Nos. 64 and 95 be taken up and considered, read in full, and put upon their passage.

Carried.

H. J. M. No. 4 was read by title and passed by the following vote:

Ayes—Messrs. Butler, Hughes, Roworth, Stearns, Sanchez, Steck, Webster, Velasquez and Mr. President—9.

Nays—None.

Title agreed to.

H. B. No. 64 was read, and passed by the following vote:

Ayes—Messrs. Butler, Hughes, Roworth, Stearns, Sanchez, Steck, Webster, Velasquez and Mr. President—9.

Title agreed to.

H. B. No. 95 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Hughes, Roworth, Stearns, Sanchez, Webster, Velasquez and Mr. President—8.

Nays—Mr. Steck—1.

Title agreed to.

Messrs. Cook, Sherwood and Nesmith appeared and took their seats.

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

Mr. Butler in the chair.

Message from the House.

HOUSE OF REPRESENTATIVES, DENVER, Feb. 11th, 1870.

*To the Honorable the President of the Council:*

STR: I am instructed by the House to inform the Council

that the House has passed C. B. No. 62, with the addition of a new section, to be inserted in the bill between sections 34 and 35. The Council is respectfully requested to concur in said amendment. The same is herewith returned. Also the House has passed C. B. No. 57 with amendments. The concurrence of your Honorable body therein is respectfully requested. Also have passed H. B. No. 49. The concurrence of the Council is respectfully requested. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

On motion the committee arose and submitted the following report:

*Mr. President:* The committee of the Whole have had under consideration C. J. M. No. 2, and report the same back to the Council with the recommendation that it pass. Also C. B. Nos. 74, 77 and 86, and report them back to the Council with the recommendation that they pass. Also C. B. No. 28, and have amended the same as follows: Strike out the first section and insert the following in lieu thereof: "There shall be added to the Territorial Assay office, now established by law, an Analytical Department." Strike out section 14, and insert in lieu thereof the following: "So much of the act entitled an act to establish a Territorial Assay Office in the Territory of Colorado, approved Jan. 10th, 1868, as is inconsistent with this act, be and the same is hereby repealed." Also strike out section 3, and report the same back with the recommendation that it pass as amended. Also H. B. No. 35, and report the same back with the recommendation that it do pass. Also H. B. No. 23, and report the same back with the recommendation that it pass as amended.

Respectfully submitted,

HUGH BUTLER,  
Chairman.

On motion the report was adopted.

Mr. Loveland moved that C. B. Nos. 86, 77, 74, and 28, and C. J. R. No. 2, be considered engrossed and read a third time. Carried.

C. J. M. No. 2 was read the third time, and passed by the following vote:

Ayes—Messrs. Hughes, Loveland, Nesmith, Sanchez, Steek, Webster and Velasquez—7.

Nays—Mr. President—1.

Title agreed to.

C. B. No. 74 was read the third time, and passed by the following vote:

Ayes—Messrs. Nesmith, Sanchez, Sherwood, Steck, Velasquez and Mr. President—6.

Nays—Messrs. Hughes and Webster—2.

Titled agreed to.

C. B. No. 77 was read the third time, and passed by the following vote:

Ayes—Messrs. Hughes, Loveland, Nesmith, Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—9.

Nays—None.

Title agreed to.

C. B. No. 86 was read the third time, and passed by the following vote:

Ayes—Messrs. Cook, Nesmith, Stearns, Sanchez, Sherwood, Steck, Webster and Velasquez—8.

Nays—Messrs. Hughes, Loveland and Mr. President—3.

Title agreed to.

Mr. Webster moved that the Council recede from its amendments to H. B. No. 21.

Carried.

On motion the Council considered C. B. No. 57, and concurred in House amendments to the same.

Mr. Nesmith moved that C. B. No. 28 be re-committed to the committee of the Whole.

Carried.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY.  
Denver, February 11th, 1870.

*Hon. Geo. A. Hinsdale, President of the Council of Colorado Territory:*

SIR: I have the honor to inform you that I have this day approved and signed the following bills, certified to have originated in the Council of Colorado Territory, viz:

“An act amendatory of chapter eighteen (18), of the Revised Statutes of Colorado, concerning corporations.”

“An act to provide for the drainage of mines.”

“An act to establish the counties of Bent and Greenwood.”

I have the honor to be,

Very respectfully,

Your obedient servant,

EDWARD M. McCOOK,

Governor.

Mr. Loveland moved to call up H. B. No. 118, suspend the rules, and the bill be read the second and third times.

Carried.

H. B. No. 118 was read the second and third times, and passed by the following vote:

Ayes—Messrs. Cook, Hughes, Loveland, Roworth, Stearns, Webster and Velasquez—7.

Nays—Messrs. Nesmith, Sherwood and Mr. President—3.

Title agreed to.

On motion the Council took a recess for fifteen minutes.

Council called to order by the President.

Mr. Loveland moved to suspend the rules, and that H. B. No. 89 be read the second and third times.

Carried.

The bill was read and passed by the following vote:

Ayes—Messrs. Hughes, Loveland, Nesmith, Roworth, Stearns Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—11.

Nays—None.

Title agreed to.

Mr. Loveland moved to call up H. B. No. 49. Read the first time, and, under the suspension of the rules, read the second and third times, and passed by the following vote:

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Sanchez, Sherwood, Webster and Mr. President—8.

Nays—Messrs. Cook, Roworth, Stearns and Steck—4.

Title agreed to.

Mr. Nesmith moved that all bills on their second reading, be read the third time, and referred to the committee of the Whole.

Carried.

And H. B. Nos. 36, 9, 78, 37, 55, 122, 104, and H. J. R. Nos. 7 and 8 were read.

On motion the Council adjourned until half-past 7 o'clock.

#### EVENING SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following message was received from the House.

HOUSE OF REPRESENTATIVES, Denver, Feb. 11, 1879.

*To the Honorable, the President of the Council:*

SIR: I am instructed to inform the Council that the House has passed C. B. Nos. 82, 81, 85, 66, 50, 48 and 42, and the same are herewith returned. Also that the House has concurred in the Council amendments to H. B. Nos. 26 and 41. Also that the House has passed H. B. Nos. 99, 100, 102, 101, 125, 84 and 117. Your concurrence is respectfully requested. The same are herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,

Chief Clerk.

The Council resolved itself into the committee of the Whole, on general file.

Mr. Stearns in the chair.

The committee of the Whole arose and reported as follows:

*Mr. President:* Your committee of the Whole House beg leave to report that they have had under consideration H. J. R. No. 11, H. B. No. 76, H. B. No. 54 and H. B. No. 61, and report the same back to the Council with the recommendation that they do pass. Also H. B. No. 71 and H. B. No. 45, and report them back to the Council with the recommendation that they be indefinitely postponed. Also H. B. No. 55, and recommend that it do pass. Also H. B. No. 117, and recommend that it do pass. Also H. B. No. 37, and report it back to the Council with the recommendation that it do pass. Also H. B. No. 36, and report it back with the recommendation that it do pass. Also H. B. No. 9, which is postponed in committee of the Whole. Also H. B. No. 122, and recommend that it do pass. Also H. B. No. 78, and recommend that it be indefinitely postponed. Also H. B. No. 108, and recommend that it do pass. Also H. B. No. 99 and H. B. No. 92, and recommend that they be indefinitely postponed. Also H. B. No. 24, and recommend that it be laid on the table. Also H. B. No. 84, and recommend that it do pass. Also H. J. R. No. 7, and recommend that it do pass. Also C. B. No. 28, and recommend that it do pass as amended. Also H. B. No. 104, and recommend that it be indefinitely postponed.

E. N. STEARNS,  
Chairman.

On motion of Mr. Loveland, the report of the committee of the Whole was adopted.

Message from the House:

HOUSE OF REPRESENTATIVES, DENVER, Feb. 11, 1870.

*Hon. Geo. A. Hinsdale, President of the Council:*

SIR: I am instructed by the House to inform the Council that the House has passed C. B. Nos. 43 and 83. Also C. C. R. No. 3. The same are herewith transmitted.

Very Respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

Mr. Loveland moved that the bills reported from the committee of the Whole, be read the third time and put upon their passage.

Carried.

The committee upon Enrolled Bills made the following report:

*Mr. President:* Your joint committee on Enrolled Bills, beg leave to report that they have examined C. J. M. No. 1, and find the same correctly enrolled, and have placed the same in the hands of the Governor for his approval, this 11th day of February, at 4 o'clock p. m. Also have examined the enrollment of C. B. Nos. 57, 42 and 85, and find the same correctly enrolled, and have this 11th day of February, at 9 o'clock p. m., placed the same in the hands of the Governor for his approval.

WM. M. ROWORTH,  
Chairman.

H. J. M. No. 7 was read the third time, and passed by the following vote:

Ayes—Messrs. Cook, Loveland, Nesmith, Roworth, Stearns, Sanchez, Steck and Webster—7.

Nays—Messrs. Butler, Hughes, Velasquez and Mr. President—4.

Title agreed to.

H. B. No. 88 was read the third time, and passed by the following vote:

Ayes—Messrs. Cook, Hughes, Loveland, Roworth, Stearns, Sanchez, Webster and Velasquez—8.

Nays—Messrs. Butler, Nesmith, Steck and Mr. President—4.

Title agreed to.

H. B. No. 118 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Webster, Velasquez and Mr. President—11.

Nays—Mr. Steck—1.

Title agreed to.

H. B. No. 122 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Steck, Webster and Velasquez—11.

Nays—Mr. President—1.

Title agreed to.

H. B. No. 55 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Steck, Webster, Velasquez and Mr. President—11.

Nays—None.

Title agreed to.

H. B. No. 61 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Steck, Webster, Velasquez and Mr. President—11.

Nays—None.

Title agreed to.

H. B. No. 117 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Webster, Velasquez and Mr. President—11.

Nays—Mr. Steck—1.

Title agreed to.

H. B. No. 37 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—13.

Nays—None.

Title agreed to.

H. B. No. 54 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Steck, Webster, Velasquez and Mr. President—12.

Nays—Mr. Sherwood—1.

Title agreed to.

H. B. No. 76 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Sanchez, Sherwood, Webster and Velasquez—10.

Nays—Messrs. Stearns and Steck—2.

Excused—Mr. President—1.

Title agreed to.

H. J. R. No. 11 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Steck, Sherwood, Webster, Velasquez and Mr. President—13.

Nays—None.

Title agreed to.

H. B. No. 23 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Steck, Webster and Velasquez—12.

Nays—Mr. President—1.

Title agreed to.

H. B. No. 35 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—12.

Nays—Mr. Stearns—1.

Title agreed to.

H. B. No. 36 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—13.

Nays—None.

Title agreed to.

Mr. Steck moved to take all bills from the files for consideration.

Carried.

H. B. No. 113 was read the third time, and on motion of Mr. Loveland was laid on the table.

On motion of Mr. Butler, H. B. No. 18 was indefinitely postponed.

H. J. M. No. 8 was read the third time, and passed by the following vote:

Ayes—Messrs. Cook, Nesmith, Roworth, Stearns, Steck, Webster and Velasquez—7.

Nays—Messrs. Butler, Hughes, Loveland, Sanchez, Sherwood and Mr. President—6.

Title agreed to.

H. B. No. 98 was read the third time. Mr. Sherwood moved to indefinitely postpone the same.

Ayes and nays demanded.

Ayes—Messrs. Butler, Hughes, Sherwood, Steck and Webster—5.

Nays—Messrs. Cook, Loveland, Nesmith, Velasquez and Mr. President—5.

Motion lost.

The Council reconsidered the vote by which H. B. No. 113 was laid on the table, and the bill passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Stearns, Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—11.

Nays—None.

Title agreed to.

Messages from the Governor.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, February 11th, 1870.

HON. GEO. A. HINSDALE, President of the Council of Colorado Territory:

SIR: I have the honor to inform you that I have approved and signed the following bills, certified to have originated in the Legislative Council of Colorado Territory, namely:

An act to provide for the payment of the per diem of Geo. A. Hinsdale and Wm. M. Roworth.

An act relating to the judges of the Supreme Court of Colorado Territory.

An act to repeal a certain portion of section 1 of Article 2, of chapter fifty-four (54), of the Revised Statutes of Colorado Territory.

I have the honor to be,

Very respectfully,

Your ob't servant,

EDWARD M. McCOOK,

Governor.

EXECUTIVE DEPARTMENT, DENVER, Feb. 11th, 1870.

HON. GEO. A. HINSDALE, President of the Council:

SIR: I have the honor to inform you that I have this day signed the following bills, certified to have originated in the Legislative Council of Colorado Territory, namely:

An act to amend the act of the Legislative Assembly of Colorado Territory, approved Jan. 10th, 1868, on pages 474 and 475 of the Revised Statutes.

I have the honor to be,

Very respectfully,

Your obedient servant,

EDWARD M. McCOOK,

Governor.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }  
Denver, Feb. 11th, 1870. }

*Hon. Geo. A. Hinsdale, President of the Council of Colorado Territory:*

SIR: I have the honor to inform you that I have this day approved and signed the Memorial of the Legislative Assembly of Colorado Territory, concerning the Fort Collins Reservation.

I have the honor to be,

Very respectfully,

Your obedient servant,

EDWARD M. McCOOK,

Governor.

Mr. Sherwood moved that H. B. No. 78 be indefinitely postponed.

Ayes and nays demanded.

Ayes—Messrs. Cook, Hughes, Sherwood, Steck, Webster, Velasquez and Mr. President—7.

Nays—Messrs. Butler, Loveland, Nesmith, Roworth and Sanchez—5.

So H. B. No. 78 was indefinitely postponed.

Mr. Butler asked that the communication from ex-Governor Evans be spread upon the Journal.

So ordered.

The following was the communication:

DENVER, January 28th, 1870.

*Hon. Henry E. Lyon, House of Representatives:*

DEAR SIR: At the request of Hon. Isaac Whicher, I have the honor of addressing you in regard to the claims of the

men of Captain C. M. Tyler's company of militia. Said company was organized in pursuance of a proclamation which I had the honor of promulgating in 1864, as Governor of the Territory of Colorado, calling upon the people of Colorado to defend their homes and families against the hostile incursions of the Indians of the plains.

With great promptness this company was organized and reported for duty, and were mustered into the service of the Territory under its militia law. The company did faithful and valiant service in the protection of the route of our only communication with the Missouri River then open—the route by which nearly all of the supplies of the people were brought to them. I have no doubt of the justice of their claim for pay on the ground of its legality; and when it is remembered that at a period when their time was most valuable, and at great sacrifice to themselves, they patriotically volunteered to defend the community in a time of imminent danger, it becomes a claim of paramount obligation on the Territory.

I cannot be too emphatic in my commendation, remembering with what gratitude their unrequited services were accepted by the people of Colorado. The obligation was first upon the Territory, which in turn has a just claim on the general government for indemnity for the expenses. In fact, a law of Congress passed at a subsequent period, authorizing the Secretary of War to audit the claims of Colorado for services in the Indian war, especially provided for the payment of this claim; but as I learn, it was not allowed because the Territory had not assumed its payment.

This irregularity however, it seems to me, ought not in any way to militate against the just claims of these patriotic men for their pay from the Territory, even at this late date.

Very respectfully, your obd't servant,  
JOHN EVANS.

The committee on Engrossed Bills made the following report:

*Mr. President:* Your committee on Engrossed Bills, to whom was referred C. B. No. 28, beg leave to report that they have examined the same and find it correctly engrossed.

W. W. WEBSTER,  
Chairman.

The Library committee made the following report:

*Mr. President:* The Library committee beg leave to report

that J. H. Morrison and Andrew Sagendorf are entitled to seven days' pay each, at seven dollars per day, as Clerks to the Library committee, agreeably to the resolution of the Council.

J. C. HUGHES,  
J. W. NESMITH.

On motion of Mr. Loveland, the report of the Library committee was adopted.

On motion of Mr. Loveland, the Council concurred in House amendments to C. B. No. 62.

Message from the House:

HOUSE OF REPRESENTATIVES, Denver, Feb. 11th, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform your Honorable Body that the House has passed C. B. No. 86. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

Message from the House:

HOUSE OF REPRESENTATIVES, Denver, Feb. 11th, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed to inform the Council that the House has refused to pass C. B. No. 60. The same is herewith returned; also, have passed H. C. R. No. 2. The concurrence of your Honorable Body is respectfully requested. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

C. B. No. 28 was read the third time, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Loveland, Nesmith, Roworth, Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—11.

Nays—Mr. Hughes—1.

Title agreed to.

On motion, the rules were suspended, and H. B. No. 85 was read the first, second and third times and passed by the following vote:

Ayes—Messrs. Butler, Hughes, Loveland, Roworth, Stearns, Sanchez, Sherwood, Steck, Webster, Velasquez and Mr. President—11.

Nays—none.

Title agreed to.

H. C. R. No. 2 was on suspension of the rules, read the first, second and third times, and passed by the following vote:

Ayes—Messrs. Butler, Cook, Hughes, Loveland, Nesmith, Roworth, Stearns, Sherwood, Steck, Webster, Velasquez and Mr. President—12.

Nays—none.

Title agreed to.

Mr. Butler offered the following resolution:

*Resolved*, That the thanks of the Council are due, and are hereby tendered to the officers of the Council, for their prompt and efficient services.

Adopted.

The joint committee on Enrolled Bills made the following report:

*Mr. President:* Your joint committee upon Enrolled Bills beg leave to report that they have examined C. B. Nos. 48, 82, 50, 81, 83 and 43 and find the same correctly enrolled; and that they have this 11th day of February, at 10 o'clock p. m., placed the same in the hands of the Governor for his approval. Also, C. B. Nos. 62 and 86 and find the same correctly enrolled, and have placed the same in the hands of the Governor for his approval.

WM. M. ROWORTH,  
Chairman.

C. B. No. 69 was read the third time, and passed by the following vote:

Ayes—Messrs. Hughes, Loveland, Nesmith, Roworth, Stearns, Sanchez, Steck, Webster, Velasquez and Mr. President—10.

Nays—None.

Title agreed to.

Message from the House:

HOUSE OF REPRESENTATIVES, DENVER, Feb. 11th, 1870.

*To the Honorable, the President of the Council :*

SIR: I am instructed to inform the Council that the House has passed C. B. No. 69. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

Mr. Butler moved that a committee of two be appointed to wait on the Governor to ascertain if he had any further communications to make to the Council. Carried.

The President appointed as such committee Messrs. Butler and Steck.

Mr. Webster moved that a committee of two be appointed to confer with a like committee of the House, relative to the hour of adjournment. Carried.

The President appointed as such committee Messrs. Webster and Stearns.

Message from the House.

HOUSE OF REPRESENTATIVES, DENVER, Feb. 11, 1870.

*To the Honorable the President of the Council :*

SIR: I am instructed to inform the Council that the House has appointed Messrs Randall and Campbell as committee on adjournment of the two houses.

Very respectfully,

WM. M. SLAUGHTER, Chief Clerk.

Communication from the Governor:

EXECUTIVE DEPARTMENT, Denver, February 11th, 1870.

HON. GEO. A. HINSDALE, President of the Council:

SIR: I have the honor to inform you that I have approved and signed the following bills, certified to have originated in the Legislative Council, namely: C. B. Nos. 43, 48, 51, 81, 83, 86 and 62.

I have the honor to be,

Very respectfully,

Your obed't servant,

EDWARD M. McCOOK, Governor.

Message from the House :

HOUSE OF REPRESENTATIVES, Denver, Feb. 11th, 1870.

*To the Honorable, the President of the Council :*

SIR: I am instructed to inform the Council that the House has passed C. B. No. 64. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

Message from the House :

HOUSE OF REPRESENTATIVES, Denver, Feb. 11th, 1870.

*To the Honorable, the President of the Council :*

SIR: I am instructed to inform the Council that the House has passed C. B. No. 41. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

Message from the Governor :

EXECUTIVE DEPARTMENT, COLORADO TERRITORY.  
Denver, February 11th, 1870.

HON. GEO. A. HINSDALE, President of the Council :

SIR: I have the honor to inform you that I have this day approved and signed the following bills, certified to have originated in the Council of Colorado, namely: An act to provide for the general expenses of the Territory for the years 1870 and 1871. An act to amend chapter twenty-two of the Revised Statutes of Colorado Territory, entitled an act concerning criminal jurisprudence. Council Concurrent Resolution No. 3.

I have the honor to be,

Very respectfully,

Your ob't servant,

EDWARD M. McCOOK

Governor.

The Council resolved itself into Executive session.

After some time spent therein the Executive session was dissolved.

Message from the House.

HOUSE OF REPRESENTATIVES, DENVER, Feb. 11th, 1870.

*To the Honorable, the President of the Council :*

SIR: I am instructed to inform the Council that the House has passed C. J. R. No. 3. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,

Chief Clerk.

Message from the Governor.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY.

DENVER, February 11th, 1870.

*Hon. Gen. A. Hinsdale, President of the Council :*

SIR: I have the honor to inform you that I have this day approved and signed the following bill, certified to have originated in the Council of Colorado Territory, namely:

A bill for an act for the relief of John B. Rice, of Pueblo county.

I have the honor to be,

Very respectfully,

Your obedient servant.

EDWARD M. McCOOK,

Governor.

The joint committee on Enrolled Bills made the following report:

*Mr. President :* Your joint committee on Enrolled Bills beg leave to report that they have examined C. C. R. No. 3, C. B. Nos. 66, 69, 64 and 41, and find the same correctly enrolled, and have on this 11th day of February, placed the same in the hands of the Governor for his approval.

WM. M. ROWORTH,

Chairman.

The Council resolved itself into Executive Session.

After some time spent therein, the Executive Session was dissolved.

Mr. Butler moved to reconsider the vote by which the President was directed not to sign H. B. No. 37.

Carried.

## Message from the House.

HOUSE OF REPRESENTATIVES, DENVER, Feb. 11th, 1870.

*To the Honorable the President of the Council:*

SIR: I am instructed to inform the Council that the House has concurred in Council amendments to H. J. M. No. 4.

Very respectfully,

WM. M. SLAUGHTER,  
Chief Clerk.

The committee on Enrolled Bills made the following report:

*Mr. President:* Your committee on Enrolled Bills beg leave to report that they have examined C. B. No. 17, and find the same correctly enrolled, and have placed it in the hands of the Governor for his approval, this 11th day of February, A. D. 1870.

WM. M. ROWORTH,  
Chairman.

## Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, February 11th, 1870.

*Hon. Geo. A. Hinsdale, President of the Council of Colorado Territory:*

SIR: I have the honor to inform you that I have this day approved and signed the following bills, certified to have originated in the Council of Colorado Territory, namely:

A bill for an act to provide for the assessment and collection of Revenue.

An act amendatory to the act to incorporate the Apex and Gregory Wagon Road Company.

I have the honor to be,

Very respectfully,

Your obedient servant,

EDWARD M. McCOOK,  
Governor.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }  
DENVER, February 11th, 1870. }

*Hon. Geo. A. Hinsdale, President of the Council:*

SIR: I have the honor to inform you that I have this day approved and signed the following bill, certified to have originated in the Council of Colorado Territory, namely:

An act legalizing a certain action of the County Commissioners of Clear Creek County.

I have the honor to be,

Very respectfully,

Your obedient servant,

EDWARD M. McCOOK,

Governor.

The committee on Adjournment made the following report:

*Mr. President:* Your committee on the part of the Council to confer with a like committee of the House, beg leave to report that the hour for the adjournment of both bodies has been fixed for the hour of 12 o'clock.

W. W. WEBSTER.

E. N. STEARNS.

Message from the House.

HOUSE OF REPRESENTATIVES, DENVER, Feb. 11, 1870.

*To the Honorable, the President of the Council:*

SIR: I am instructed by the House to inform your Honorable body that the House has passed C. B. No. 38. The same is herewith transmitted.

Very respectfully,

WM. M. SLAUGHTER,

Chief Clerk.

Mr. Loveland moved a call of the House.

Carried.

Absent—Messrs. Butler, Cook, Hughes, Roworth, Sanchez and Sherwood.

The Sergeant-at-Arms was dispatched for the absentees.

The committee on Enrolled Bills, made the following report:

*Mr. President:* Your committee on Enrolled Bills beg leave to report that they have examined C. B. No. 38, and find the

same correctly enrolled, and have placed the same in the hands of the Governor for his approval, on this 11th day of February, A. D. 1870.

WM. M. ROWORTH,  
Chairman.

On motion of Mr. Nesmith, further proceedings under the call was dispensed with.

Message from the Governor.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }  
DENVER, February 11th, 1870. }

*Hon. Geo. A. Hinsdale, President of the Council:*

SIR: I have the honor to inform you that I have this day approved and signed the following bill, certified to have originated in the Council of Colorado Territory.

An act to amend chapter 28 of the revised Statutes, respecting elections.

I have the honor to be,  
Very respectfully,  
Your obedient servant,  
EDWARD M. McCOOK,  
Governor.

Mr. Butler, from the committee to wait on the Governor, reported that the Governor had no further communications to make.

The journal was then read and approved.

The committee to confer with a like committee of the House on adjournment, reported that the House was ready to adjourn *sine die*.

On motion the Council adjourned *sine die*.

A. O. PATTERSON,  
Secretary.







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