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COUNCIL JOURNAL

—OF THE—

LEGISLATIVE ASSEMBLY

—OF THE—

TERRITORY OF COLORADO.

ELEVENTH SESSION.

BEGUN ACCORDING TO LAW AT DENVER, COLORADO TERRITORY,
ON MONDAY, THE THIRD DAY OF JANUARY, A. D.
1876, AT TWO O'CLOCK P. M.

PRINTED BY AUTHORITY.

DENVER:
TRIBUNE STEAM PRINTING HOUSE.
1876.

SEE INDEX



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COUNCIL JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF COLORADO,

ELEVENTH SESSION.

Begun according to Law at Denver, Colorado Territory, on Monday, the third day of
January, A. D. 1876, at 2 o'clock p. m.

PRINTED BY AUTHORITY.

DENVER, COL.
TRIBUNE BOOK AND JOB PRINTING HOUSE
1876.

COUNCIL JOURNAL

OF THE

Legislative Assembly of Colorado

ELEVENTH SESSION.

*Begun according to law at Denver, Colorado Territory, on Monday,
the third day of January, A. D. 1876, at 2 o'clock p. m.*

The Council was called to order by Foster Nichols, Secretary of the Council of the Tenth Session.

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

First District—Bela M. Hughes, Baxter B. Stiles.

Second District—B. H. Eaton.

Third District—John C. Hummel.

Fourth District—Silas B. Hahn, E. L. Salisbury.

Fifth District—Robert S. Morrison.

Sixth District—Andrew D. Wilson.

Seventh District—James Rice.

Eighth District—James Clelland.

Ninth District—P. A. McBride.

Tenth District—Silverio Suaso.

Eleventh District—Adair Wilson.

On motion of Mr. Hahn, E. L. Salisbury was elected temporary president.

On motion of Mr. Hughes, Horace M. Hale was elected temporary secretary.

On motion of Mr. Hummel, the Council proceeded to elect by ballot a Committee of three on Credentials.

Messrs. McBride and Eaton were appointed tellers, whereupon Messrs. Hummel, Stiles and Eaton were elected as such committee.

On motion of Adair Wilson, a recess of half an hour was taken.

The Council having been called to order, the Committee on Credentials, by Baxter B. Stiles, chairman, reported as follows :

To the Legislative Council of Colorado Territory, Eleventh Session :

Your committee elected to report on the credentials of members of this Council, beg leave to report the following named persons entitled to seats therein as members :

First District—Bela M. Hughes, Baxter B. Stiles.

Second District—B. H. Eaton.

Third District—John C. Hummel.

Fourth District—Ed. L. Salisbury, Silas B. Hahn.

Fifth District—Robert S. Morrison.

Sixth District—Andrew D. Wilson.

Seventh District—James Rice.

Eighth District—James Clelland.

Ninth District—P. A. McBride.

Tenth District—Silverio Suaso.

Eleventh District—Adair Wilson.

JOHN C. HUMMEL,
B. B. STILES,
A. D. WILSON.

On motion of Mr. Hahn, the report of the committee was adopted.

On motion of Adair Wilson, it was resolved that the Secretary of the Territory be requested to administer the oath of office to the members.

On motion of Mr. Hahn, Messrs. Morrison and Rice

were appointed by the Chair to wait upon the Secretary and inform him of the action of the Council.

Hon. John Taffe, Secretary of the Territory, appeared with the committee and stated that he could find no authority empowering him to administer the oath to the members.

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

SECOND DAY.

TUESDAY, January 4, 1876.

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

The President *pro tem.* in the chair.

Roll call.

Present—Messrs. Clelland, Eaton, Hahn, Hughes, Hummel, McBride, Morrison, Rice, Salisbury, Suaso, Adair Wilson and Andrew D. Wilson.

Absent.—Mr. B. B. Stiles.

Quorum present.

Cyrus H. McLaughlin, Notary Public, then administered the oath of office to all the members present.

On motion of Mr. Hahn, the Council proceeded to the election of permanent officers.

It was resolved that the election of President be *viva voce*.

Adair Wilson was nominated for President.

By general consent the resolution to elect the President *viva voce* was withdrawn.

On motion of Mr. Morrison, Adair Wilson was unanimously elected President.

Messrs. Hughes, McBride and Rice were appointed a committee to conduct the President to the chair.

Council proceeded to elect a secretary.

James T. Smith was placed in nomination and unanimously elected.

Baxter B. Stiles appeared and took his seat.

The oath of office was administered to Mr. Stiles.

The Council proceeded to the election of an assistant secretary.

Frank Fossett was nominated and elected by acclamation.

The Council proceeded to the election of an enrolling clerk.

William Borchert was nominated and elected by acclamation.

The Council proceeded to the election of an engrossing clerk.

James D. Henry was nominated and unanimously elected.

The Council proceeded to the election of a sergeant-at-arms.

J. A. J. Bigler was nominated and unanimously elected.

The Council proceeded to the election of door-keeper.

Bernard J. Currigan was nominated and unanimously elected.

The Council proceeded to elect a fireman.

Mr. Suaso nominated Señor Martinez, and Mr. Salisbury nominated William Ward.

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

For Señor Martinez:—Messrs. Clelland, Hahn, Hughes, Hummel, McBride, Morrison, Rice, Suaso, Wilson (Adair) and Wilson (A. D.)—10.

For Mr. Ward.—Eaton, Salisbury and Stiles.—3.

Señor Martinez was declared elected.

Council proceeded to the election of messenger, by ballot.

Harry Hellis received 9 votes, L. P. Marix 3, and R. Martin 1.

Harry Hellis was declared elected.

Council proceeded to elect an interpreter.

Joseph Bourcy was nominated and unanimously elected.

Rev. W. G. Miller was unanimously elected Chaplain of the Council.

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

The Council now adjourned until 10 a. m., to-morrow.

THIRD DAY.

WEDNESDAY, JANUARY 5, 1876.

The Council met at 10 a. m.

The President in the chair.

Prayer by the Chaplain.

Roll called.

All the members present.

Journal of previous sessions read and approved.

Mr. Stiles moved that the Council rules and joint rules of Council and House for the tenth session, be adopted as the rules of this Council until further ordered.

Carried.

A message from the House informed the Council that the House is now organized and ready to proceed to business.

The following message was also received from the House :

HOUSE OF REPRESENTATIVES, }
DENVER, Jan. 5, 1876. }

To the Honorable President of the Council :

SIR—I am instructed to inform your honorable body that the House has appointed Messrs. Peyton, Everitt and McShane a committee to act with like committee on the part of the Council, to wait upon His Excellency, the Governor, and inform him that both Houses are now organized and ready to receive any communication he may wish to make to the Legislative Assembly.

Mr. Hahn presented the following, which was adopted :

Resolved, That the the thanks of this Council be and that they hereby are tendered to Hon. Edward L. Salisbury and Horace M. Hale for their able and impartial services rendered in the temporary organization of this body.

Mr. Hahn presented the following :

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

Carried, and the Chair appointed Messrs. Hahn and Stiles to act as such committee.

On motion of Mr. Stiles, members of the Constitutional Convention, all Federal officers, members and ex-members of the House of Representatives, and ex-members and former Secretaries of the Council, together with the Mayor and Aldermen of the City of Denver, and members of the press, be privileged within the bar of the Council.

Carried.

Mr. McBride presented the following :

Resolved, That a committee of three be appointed to act in conjunction with a like committee appointed by the House, to wait upon His Excellency, the Governor, and ascertain what hour it would be convenient for him to deliver his message to the joint session of the Council and House.

Carried.

The Chair appointed Messrs. McBride, Hughes and Rice.

The committee appointed to wait upon the House made the following report :

To the Honorable President of the Council :

Your committee appointed to inform the House that the Council was organized and ready to proceed to business, have performed the duties assigned them.

S. B. HAHN,
B. B. STILES.

The committee appointed to wait upon His Excellency, the Governor, by Mr. McBride, chairman, reported that His Excellency, the Governor, would read his message at a joint session of the Legislative Assembly, to occur at 11 a. m.

Mr. Hahn presented the following :

Resolved, That the Secretary of the Territory be respectfully requested to furnish to each member of this Council a copy of all the laws of the Territory that have been heretofore enacted by our Legislatures; also, to furnish the requisite stationery, such as envelopes, paper, pens—also, postage stamps.

After an explanation from Mr. Stiles, to the effect that the Secretary of the Territory was prepared to furnish the necessary supplies of stationery, etc., upon requisition from the Sergeant-at-Arms, the above resolution was, by general consent, withdrawn.

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

Resolved, the House of Representatives concurring therein, That both Houses of this Legislative Assembly will meet in Representatives Hall at 11 o'clock a. m., this day, to listen to the reading of the Governor's message, or such other communication as he may be pleased to make.

A message was received from the House, stating that said body had concurred in Council resolution relative to the assembling of both Houses in joint convention, for the purpose of hearing the Governor's message.

In accordance with the above, and with the resolution to which it refers, the Council proceeded to the House of Representatives, to meet in joint convention, whereupon, both Houses being in joint convention, with the President of the Council in the chair, the Private Secretary of the Governor appeared and read the following :

GOVERNOR'S MESSAGE.

TERRITORY OF COLORADO,
 EXECUTIVE DEPARTMENT,
 January, 1876. }

Gentlemen of the Legislative Assembly of the Territory of Colorado:

Before submitting for your consideration a statement of Territorial affairs, and offering a few suggestions in regard to needed legislation, permit me to congratulate you upon the prosperity of our Territory—the progress which has been made in developing its resources—its increasing population and wealth—and especially upon the very favorable auspices under which the initiatory steps have been taken for its admission into the Union at an early date.

The chief material interests of the Territory, mining, stock-raising, and agriculture, are in a most prosperous condition. The yield of minerals and the precious metals is rapidly and steadily growing greater. Our flocks and herds are increasing in vast numbers, and now exceed in value six millions of dollars, while our agricultural products, although the aggregate yield has been less than in many other sections of our country, prove the wonderful fertility of our soil, and are unsurpassed in excellence and quality.

Every condition warrants the assumption that Colorado will ere long have a prominent place in this great commonwealth of States.

Inasmuch as we are soon to be invested with the dignity of Statehood, and as the Constitutional Convention is now in session to frame a fundamental law, to be submitted to the vote of the people, it would seem expedient that your honorable body should consider only such questions as require present legislative action.

The suggestions that I shall offer, and the recommendations that I shall make, in this, my first message, will therefore be few.

In presenting reports of the Territorial officers, permit me to say that I believe all have most judiciously, honorably and faithfully discharged the duties of their several offices, and that the managers of our educational and other institutions have wisely conducted the affairs entrusted to them.

TERRITORIAL FINANCES.

On account of the fiscal year having closed December 31, 1875, I cannot comment as fully as I would wish upon the Auditor's and Treasurer's statements, as there has not been sufficient time for their preparation to transmit with this message. I can, therefore, only refer you to the reports themselves, which will embody such practical recommendations as the experience of these officers may dictate.

The Auditor's accounts, as he informs me, show a fictitious revenue of about \$70,000, consisting of delinquent and unavailable taxes, which have been accumulating for years. As he cannot expunge these on his own responsibility, it is earnestly urged that one or more commissioners be appointed to examine books, papers, accounts, and vouchers of the county officers and to adjust and cancel these debits, in order that the Auditor's books may accurately show the state of our revenue.

It would seem to be highly appropriate that this examination be had and this adjustment made at this time, so that the financial affairs of the State of Colorado be unincumbered by and unmixed with the unavailable delinquencies which have attended our Territorial history. Your honorable body can hand over to the future State no better boon than a complete settlement of the unadjusted accounts, many of which took their rise with the origin of our Territorial existence, and which seem to have grown with our growth. The longer this matter is deferred, the greater will be the difficulties attending a satisfactory settlement, and nothing can become a new State better than a new set of books, which show no deficiencies, but rather a steadily

augmenting revenue, adequate to the increasing exigencies of the public service.

TREASURER'S REPORT.

The following condensed report from the Treasurer is satisfactory in the highest degree, as it shows that, including outstanding warrants and the unpaid portion of the deaf mute fund, there remains in the treasury a balance of \$2,594.62, and this, too, exclusive of the taxes for 1875, not one dollar of which has yet been paid into the Territorial treasury.

GENERAL STATEMENT.

RECIEPTS, 1874.

January 1.	
By cash on hand	\$18,172 29
Received from counties, general revenue	48,724 38
Auditor's sale of executive property	100 00
Received from counties, military poll tax	452 50
Arapahoe county, special fund to pay interest on county bonds	27,488 57
	<hr/> \$ 94,937 74

RECEIPTS, 1875.

January 1.	
From counties, general revenue	\$58,856 54
From counties, military poll tax	978 50
From counties, deaf mute fund	5,280 19
From L. C. Charles, Territorial Auditor, acct. penitentiary fund	611 00
From Arapahoe county, special fund to pay interest on county bonds	24,000 00
	<hr/> \$ 89,726 23
Total	\$184,663 97

DISBURSEMENTS, 1874.

December 31.	
To Auditor's warrants	\$65,339 17
Coupons on Arapahoe county bonds	24,000 00
Treasurer Arapahoe county, special fund	3,488 57
	<hr/> \$ 92,827 74

DISBURSEMENTS, 1875.

December 31.	
To Auditor's warrants	\$62,490 16
Coupons on Arapahoe county bonds	24,000 00
Cash in treasury	5,346 07
	<hr/> \$ 91,836 23
Total	\$184,663 97

RECONCILEMENT OF ACCOUNTS.

Auditor's balance, general fund	\$2,594 62
Deaf mute fund	523 45
Outstanding warrants	2,228 00
	<hr/>
Total	\$5,346 07

OUR TAX LAWS.

By reference to the Auditor's report, it will be seen that the increased value of the taxable property, as returned by the County Assessors for the year 1875 over 1874 is very small indeed, amounting to about three hundred thousand dollars, while the amount of the property returned shows a very large increase. This exhibit is the result of a very low valuation placed upon the property assessed, in some instances the valuation being less than one-fourth of what the property would bring under the hammer. This, in my judgment, is calculated to deceive our neighbors as to our wealth and resources. The theory of low valuations for purposes of taxation is fallacious and delusive. If the real value of our property be one hundred millions instead of forty-four millions, and it be so stated, the rate of taxation is really not increased, and the resources of the country not disparaged. We are compelled each year to raise so much revenue—say one hundred thousand dollars. If the property be valued at forty per cent. of its true worth, the taxpayers are in nowise relieved, and a positive and damaging mis-statement goes to the country. The basis of taxation in the different counties varies in a most surprising degree. If we take horned cattle, for instance, we find that in Conejos county, the average is about nine dollars per head; in Weld, ten dollars; Arapahoe, eleven; Fremont, twelve; Bent, thirteen; Elbert, fourteen; Douglas, fifteen; Pueblo, sixteen; Boulder, nineteen; Clear Creek, twenty-five; and Gilpin, thirty-two.

The valuation of sheep in the different counties ranges from seventy-five cents to two and one-half dollars per

head. The same differences of valuation may be found as applied to all other live stock.

What is said here in reference to personalty may be said with equal truth in regard to real estate. A remedy should be provided for these glaring inequalities. The burdens of taxation should be fairly distributed.

EDUCATION.

The education of the masses is the cohesive power of our government. Upon it depends the purity, stability, and prosperity of our institutions. "The people rule," and the greater and more widespread are intelligence and learning, the wiser and better will be our laws and rulers.

Public instruction demands the first attention of the State; for it liberal provisions should be made, and the utmost vigilance exercised, that the appropriations for this object be not diverted to sectarian purposes.

The report of Prof. Hale, Superintendent of Public Instruction, presents the school statistics for the past two years, from which I take the following items:

PER CENT OF INCREASE, 1874 OVER 1873.

Number of school districts,	19 per cent.
Number of schools,	33 "
Number of school houses,	26 "
Number of persons of school age,	25 "
Value of school property,	30 "

PER CENT OF INCREASE, 1875 OVER 1874.

Number of school districts,	10 per cent.
Number of schools,	18 "
Number of school houses,	16 "
Number of persons of school age,	9 "
Value of school property,	21 "
Number of school population	21,917
Average number of school days,	107

It will be seen from the foregoing, that the total school population is 21,917, of whom only 11,280 attend public schools, and 926 private schools, making a total of

12,206 who receive school instruction, and leaving a balance of 9,711, or nearly 45 per cent who do not. Of those who were enrolled, the Superintendent says that "not more than one-half were regular in their attendance."

In view of these facts, I believe the adoption of a system of education to some extent compulsory is but a matter of time, and it is for your honorable body to decide whether you will consider the matter at this session.

The shortness of the school session, averaging only 107 days in the year, also calls for a remedy at your hands, as a school term should not comprise less than two hundred days in each year.

Your attention is especially called to the suggestions of the Superintendent's report, in reference to the duties of County Superintendents, the census in school districts, the filling of vacancies in boards of directors, and the apportionment of funds in the several districts for educational purposes.

It seems proper, also, that there should be such stringent legislation as will secure the application of the school fund to the specific purpose for which it has been appropriated.

THE UNIVERSITY OF COLORADO.

In this connection I take great pleasure in referring to the University of Colorado, located at Boulder. All educational institutions of this character are concerns of the State, and their prosperity a matter which should enlist the generous sympathy of all our people.

In the work of erecting a building designed to be used as a university, the citizens of Boulder have displayed a generosity entitled to the highest commendation. They are, in truth, co-laborers with the Territorial government in this enterprise.

The Legislature, in 1874, appropriated \$15,000 for the erection of a suitable building, upon the condition, how-

ever, that an equal sum should be raised by subscriptions or donations made by the people. That amount having been obtained, the appropriation thus made was drawn from the treasury, and a building costing \$35,000 is now rapidly approaching completion. It is believed that it will be fitted for occupation by the first of March. It is important, therefore, that an appropriation sufficient to furnish this building and employ a corps of teachers, should be made.

The Trustees, as I am informed, have had an extensive correspondence with the officers of leading educational institutions throughout the country, and in every instance it has been urged that this institution be made of the highest order, so that the youth of America who are unable to endure the application necessary to a complete education in a less favorable climate, can here not only obtain mental culture, but also physical strength.

Furthermore, in no State do there exist equal facilities for the study of geology, metallurgy, and their cognate sciences. There is no reason that students should be forced to Europe to study these things, when opportunities of such an ample nature here abound for the acquisition of the same knowledge. Nor is there any reason that Colorado should not possess in her educational department the highest order of talent. The climate is healthful and inviting, the society intelligent and refined, the avenues for advancement open and numerous, and these should be sufficient to bring to our borders the most eminent educators to be found in this country or in Europe.

I would, therefore, in the interest of learning, especially recommend that an appropriation be made to start the University, and that its future expenses be provided for by the levy of a small tax.

DEAF MUTE INSTITUTE.

The accompanying reports of the officers of the Deaf

Mute Institute at Colorado Springs fully represent its prosperity and advancement, as well as its needs.

Great credit is due Dr. Buckingham, the President, and his associates, for their able, judicious and economical management of its affairs.

The revenue, however, derived from an assessment of one-fifth mill, after being applied to the discharge of the necessary expenses of conducting the institute, is not at present sufficient to allow of needful improvements.

The law now requires County Treasurers to pay annually into the Territorial treasury the taxes belonging to the fund set apart for its support, and I believe that its interests would be better subserved by changing this system, and requiring the County Treasurers in this particular, as in all others, to make semi-annual settlements and payments. The funds would thus be rendered more speedily available.

By reference to the 13th section of the act, approved February 13th, 1874, entitled "An Act to establish a School for Deaf Mutes, etc.," it will be observed that the donation of five acres of ground, to be made by the citizens of Colorado Springs, is coupled with the condition that certain buildings designed for the education of deaf mutes be erected thereon. For the double purpose of securing this donation and supplying as far as possible the existing insufficiencies of the building now occupied, the managers concluded to erect an additional building and locate the same on the land donated. In order to accomplish this, they were forced to negotiate a loan of \$5,000 at 12 per cent. per annum. For the payment of this sum they have made themselves personally responsible.

I would recommend that the loan so made be assumed by the Territory, and provision made for its ultimate payment. While I do not apprehend that any specific appropriation will be necessary for this purpose, as the returns from the present levy of one-fifth mill will be enlarged by the steady increase of our taxable property, yet it may be

advisable that the Legislature specifically provide that a portion of the revenue belonging to this fund be applied to the discharge of this indebtedness. This institution has special claims upon your consideration.

PENITENTIARY.

The report of the Board of Managers, together with the exhibit of the retired Warden, Mr. Prosser, is very gratifying, as it shows the accomplishment of valuable improvements in a most economical manner. "The total net expenses of this institution during the years 1874 and 1875, including officers' services (except the Board of Managers,) the capture of escaped convicts, etc., has been but fifty-five and three-fourths cents per capita per day, while the cost of food and clothing has been less than thirty cents for each convict per day."

The managers have most faithfully performed their duty, and a comparison with the reports of other States, shows that, while making improvements in the penitentiary buildings, the actual expenditures have been in many instances very much lower.

An appropriation is recommended, commensurate with the increasing number of prisoners and the continuance of the work, which is absolutely necessary for the safe keeping of the inmates. The inadequate space for their accommodation (seventy-five having been confined in a building intended for forty,) the facilities for escape and concealment by reason of their proximity to the mountains, and the consequent difficulty of their recapture, render it imperative that the penitentiary should be enlarged and the walls to surround it completed at an early date.

APPREHENSION OF FUGITIVES FROM JUSTICE.

The law now authorizes the Governor to offer a reward of but two hundred dollars for the apprehension of fugitives

from justice, without regard to the crimes with which they stand charged.

I would, therefore, recommend that the law be so changed as to classify the grades of offenders, and to affix the maximum rewards which may be offered for their apprehension.

MILITIA.

The Adjutant General, in his very excellent report, shows the difficulty of securing a full enrollment of the militia, by reason of the want of a provision in the law for the proper compensation of the officers whose duty it is to carry out its requirements. Situated as we are on the frontier, it is especially important that we have a body of well trained and disciplined troops, to protect in cases of Indian outbreak, to check mob violence, and enforce the civil authority when resisted.

While the probability of their active employment is small, yet it would be well to have a few thoroughly organized companies in different portions of the Territory, that would be at once available in emergencies.

REGISTRATION LAW.

Article 1, section 24, of the "Act concerning elections," provides that "in no precinct in which less than one hundred and fifty votes shall have been cast at the last preceding general election, shall the judges of election be compelled to make the registry herein provided for."

This exception affords opportunity for frauds in certain precincts, and should be repealed, so that all voters be compelled to register.

A BOARD OF HEALTH.

I would recommend to your consideration the propriety of creating, at an early day, a board of health. I am convinced that the existence of such a board would be attended

with the most beneficial results. It would be valuable in collecting information and statistics regarding the various diseases especially benefitted by our climate. Invalids, generally, would gladly avail themselves of an opportunity for thus obtaining reliable information as to the peculiar effects of this climate, and, at the same time, medical science would be advanced by an agency of this character. The public health is a subject of the highest importance, and the best means of preserving it should ever be a matter of solicitude.

CENTENNIAL.

Immediate steps should be taken to secure a proper representation of our mineral and other products at the Centennial exhibition to be held in Philadelphia. Inasmuch as some of the counties and many of our citizens have, with commendable spirit and liberality, made preparations to take part in that great national exposition, the Territory should not be tardy in showing the same activity by making an ample appropriation for that object. The fund so set apart might be placed at the disposal of the Commissioners already appointed, to be expended under such rules and regulations as your honorable body may direct.

In conclusion, permit me to express the hope that the session upon which you have entered, may be characterized by the utmost harmony and attended by the most beneficial results.

The progress Colorado has made during the past fifteen years has excited the attention of the civilized world. Men of wealth and culture have come here from distant parts of the Old World, attracted by her climate and resources, and have assisted in the development of her material interests. She has presented them with the spectacle of a people of singular energy, and capable of readily adapting themselves to any conditions and improvements which tend to promote the best interests of society. She can now,

also, present them with the spectacle of a people who have so wisely managed their financial affairs that no debt exists to burden the Territory.

Let the prosperity of the past be regarded as a hopeful augury of the future, and let the efforts of all be generally directed to the furtherance of Colorado's admission into the Union, when, through the intelligence, energy and wealth of her people, she may be among the first of the States, as she has been the first of the Territories.

JOHN L. ROUTH,
Governor.

The message having been received, the joint convention was dissolved, and the Council, having returned to the Council chamber,

On motion of Mr. Stiles,

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

FOURTH DAY.

THURSDAY, January 6, 1876.

Council met at 10 o'clock, a. m.

The President in the chair.

Prayer by the Chaplain.

Roll called.

All the members present.

Journal read and approved.

Before proceeding to the regular order of business, the President announced the following as the standing committees of the Council :

Judiciary—Hughes, Morrison and Salisbury.

Finance, Ways and Means—McBride, Stiles and Hummel.

Education and Labor—Hahn, Clelland and Stiles.

Military Affairs—Morrison, Hummel and Rice.

Roads and Bridges—Hahn, Eaton and Suaso.

Expenditures—Stiles, A. D. Wilson and Hughes.

Incorporations and Railroads—Salisbury, Hummel and McBride.

Territorial Library—Stiles, Hahn and Suaso.

Elections—Hummel, McBride and Eaton.

Counties—Rice, A. D. Wilson and Morrison.

Federal Relations—Hummel, Suaso and Rice.

Agriculture and Stock Growing—A. D. Wilson, Eaton and McBride.

Mines and Minerals—Morrison, Clelland and Salisbury.

Indian Affairs—A. D. Wilson, Suaso and Eaton.

Printing—Clelland, Hughes and Salisbury.

Penitentiary and Jails—Clelland, A. D. Wilson and Salisbury.

Immigration—McBride, Stiles and Suaso.

Irrigation—Eaton, Hahn and Clelland.

Benovolent Institutions—Rice, Hahn and Hughes.

Engrossed Bills—Morrison and Rice.

Capitol Grounds.—Hughes, Clelland and Eaton.

Mr. Stiles presented the following, which was carried :

Resolved, That the time of the meeting of the Council, daily, shall be at 10 o'clock a. m., and 2 o'clock p. m., unless a different hour is named when the Council adjourns.

Mr. Hahn presented the following:

Resolved, That the Secretary of the Territory be respectfully requested to furnish each member of this Council a copy of the laws of the Territory that have been heretofore enacted by our preceding Legislatures; also, to furnish the requisite stationery, such as paper, pens, envelopes—and also postage stamps; also, two dozen chairs for the accommodation of gentlemen invited to seats in the Council room, curtains for the windows, a pin above each desk, suitable for supporting coat and hat.

Mr. Hughes moved to amend by striking out the words "and also postage stamps."

The amendment was defeated, after which the resolution was carried.

Mr. McBride moved that a committee of three be appointed to wait upon the honorable Secretary of the Territory, to present the resolution of Mr. Hahn, concerning supplies, etc., and to make such other suggestions as they might deem proper, looking to the comfort and convenience of the Council in the transaction of its business.

Carried.

The Chair appointed Messrs. McBride, Morrison and Rice to act as such committee.

On motion of Mr. Hughes, the Council adjourned until to-morrow at 10 a. m.

FIFTH DAY.

FRIDAY, January 7, 1876.

Council met at 10 a. m.

The President in the chair.

Prayer by the Chaplain.

Roll called.

All the members present.

Journal read and approved.

Mr. McBride, chairman of committee appointed to wait upon Secretary Taffe, in regard to supplies, etc., reported that the committee had performed the duties assigned them; that the Secretary's office could furnish the "Acts of 1872" and "Acts of 1874," but not the "Revised Statutes" or the "Acts of 1870," as no copies of the latter were on hand for distribution.

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

Mr. Hahn introduced Council bill No. 1, for an act concerning the Probate Court of Gilpin county.

The bill was read by its title.

Mr. Morrison presented the following :

Resolved, That the Secretary of this Council be instructed to procure six copies of the "Revised Statutes" and six copies of the "Acts of 1870," for the use of this Council; such copies, after this session, to be turned over to the Secretary of State for the use of subsequent Legislatures of Colorado.

Mr. Stiles moved to amend by striking out the word "six" wherever it occurs, and inserting "thirteen" in place thereof.

Amendment carried, and the resolution, as amended, declared adopted.

Mr. Salisbury introduced the following, which was adopted :

Resolved, That when a bill has been read a second time, it may, on motion, be referred to the Committee on Printing, and if so referred, it shall be the duty of the committee to cause two hundred (200) copies of the same to be printed as soon as practicable, and that the further consideration of any such bill shall not be in order until the same shall have been printed and copies of the same have been distributed among the members of the Council.

Mr. McBride introduced the following :

Resolved, That the Committee on Agriculture and Stock-Growing be instructed to report a bill to this body for the more complete protection of the owners of sheep, in their rights of property in this Territory.

On motion of Mr. Hughes, the rules were suspended and the resolution referred to the Committee on Agriculture and Stock-Growing.

Mr. Stiles called for the reading of the report of the

committee on accounts of the Auditor and Treasurer for 1874 and 1875.

The report was read, and, on motion of Mr. Stiles, ordered spread upon the journal.

To the Legislative Assembly of Colorado Territory :

Your committee appointed by the honorable Secretary of the Territory to examine the books and accounts of the Auditor and Treasurer, in pursuance of law, respectfully report :

That your committee, pursuant to law, assembled at the office of the Territorial Auditor, and, having been duly sworn, entered upon the discharge of their duties.

Your committee do not consider it necessary to report in detail the separate receipts and disbursements, as they will fully appear in the complete and exhaustive reports of the Auditor and Treasurer, which will be laid before your honorable body.

Your committee have made a thorough examination of the books, papers, accounts and vouchers of the official transactions of the Auditor and Treasurer during the fiscal years 1874 and 1875, and beg leave to report, that they found all the accounts, warrants and vouchers presented by these officers to be correct in every particular. We cannot find that any useless expenditure of the public money has been made, or any fraudulent or fictitious accounts allowed, or any warrants paid unauthorized by law, and your committee commend these officers for their plain and correct system of keeping the public accounts of the Territory.

Your committee find the balance in the Treasury, by the Auditor's books,
 to be \$2,594 62
 Outstanding warrants unpaid December 31, 1875 2,228 00

Making the Treasurer's balance, general revenue \$4,822 62

AUDITOR'S BALANCE IN THE TREASURY.

Territorial deaf mute fund \$ 523 45

TREASURER'S BALANCE IN THE TREASURY.

Territorial deaf mute fund 523 45
 Treasurer's total balance in the treasury, January 1, 1876 5,346 07
 Auditor's total balance in the treasury, January 1, 1876 3,118 25

In conclusion, your committee have to congratulate the

Territory upon the satisfactory manner in which the affairs of the treasury department have been conducted.

Respectfully submitted.

BELA M. HUGHES,

Member of the Legislative Council.

R. J. McNUTT,

Member of the House of Representatives.

ALFRED BUTTERS,

Member of the House of Representatives.

DENVER, January 4, 1876.

On motion of Mr. Stiles, the rules were suspended and the following resolutions, communicated by message from the House, taken up for consideration :

1. *Resolved* by the House of Representatives, the Council concurring, That the Secretary of the Territory be and hereby is authorized to secure the translation of the Governor's message into the Spanish language, for the purpose of having the same printed.

2. *Resolved*, That the House Committee on Printing, the Council concurring, be and the same is hereby authorized and instructed to have the Governor's message, as read to the Council and House of Representatives, translated into the German language, and printed in the German paper of the Territory having the largest circulation.

3. *Resolved* by the House of Representatives, the Council concurring, That the Sergeant-at-Arms of the House be instructed to procure the following articles for the use of members: One gavel for the Speaker, two daily papers for each member, stamps, wrappers and other necessary stationery for the use of members—members to inform the Sergeant-at-Arms what daily papers they may prefer.

Resolutions numbered 1 and 2 were concurred in.

Resolution numbered 3 was, on motion of Mr. Stiles, amended to read as follows:

Resolved by the House of Representatives, the Council concurring therein, That the Sergeant-at-Arms of the House and the Sergeant-at-Arms of the Council, respectively, be instructed to procure the following articles for the

use of members of each body: One gavel for the President and one for the Speaker; two daily papers for each member of both bodies; stamps, wrappers and other necessary stationery for the use of members—members to inform the Sergeant-at-Arms of each body, respectively, what daily papers they may prefer.

The resolution, as amended, was concurred in.

Mr. Stiles moved that when the Council adjourn, it stand adjourned until Monday next, at 10 a. m.

Carried.

On motion of Mr. Rice, the Council adjourned.

SIXTH DAY.

MONDAY, January 10, 1876.

Council met at 10 a. m.

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Mr. Morrison, on account of sickness.

Journal read and approved.

A communication was received from A. B. Robbins, President of the Colorado Stock Board and Exchange, inviting the officers and members of the Council to visit and sit with the board during the call of stocks.

On motion of Mr. Eaton, a vote of thanks was extended to the board for the courtesy shown this body.

A communication was received from W. D. Todd, President of the Denver Library Association, tendering the Council the use of its rooms, books and newspapers.

On motion of Mr. Stiles, the thanks of the Council were extended to the association for its generous tender.

Mr. Hughes introduced:

C. B. No. 2, for an act concerning equitable liens.

C. B. No. 3, for an act to amend chapter twenty-two of the Revised Statutes, entitled "Criminal Code."

C. B. No. 4, for an act in regard to practice at law.

C. B. No. 5, for an act to amend chapter ten of the Revised Statutes, entitled "Bills of Exchange and Promissory Notes."

C. B. No. 6, for an act to amend chapter seven of the Revised Statutes, entitled "Attorneys-at-Law."

C. B. No. 7, for an act to repeal sections 54, 55, 56, 57, 58, 59 and 60 of chapter seventy of the Revised Statutes, entitled "Practice."

C. B. No. 8, for an act concerning the assignment of judgments.

C. B. No. 9, for an act in regard to practice at law and in chancery.

C. B. No. 10, for an act to amend chapter sixty-seven of the Revised Statutes, entitled "Partition."

C. B. No. 11, for an act to amend section eighteen of chapter thirty-five of the Revised Statutes, entitled "Forcible Entry and Detainer."

C. B. No. 12, for an act to amend an act entitled "An act to amend chapter 9 of the Revised Statutes, and for other purposes," approved February 9, 1872.

C. B. No. 13, for an act to amend chapter forty-nine of the Revised Statutes, entitled "Jurors."

C. B. No. 14, for an act to amend chapter seventy of the Revised Statutes, entitled "Practice."

C. B. No. 15, for an act to amend chapter fifty-five of the Revised Statutes, entitled "Limitations."

C. B. No. 16, for an act in regard to bonds given in legal and equitable proceedings.

C. B. No. 17, for an act in relation to the appointment of clerk of Probate Court of Arapahoe County.

C. B. No. 18, for an act concerning mortgages on real estate.

C. B. No 19, for an act to amend chapter six of the Revised Statutes, entitled "Attachments."

On motion of Mr. Stiles, the rules were suspended and the above bills read a first time in full.

C. B. No. 1 was read a second time by its title, and referred to Committee on Printing.

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

SEVENTH DAY.

TUESDAY, January 11, 1876.

The Council met at 10 a. m.

The President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Morrison.

Journal read and approved.

A message was received from the House, stating its concurrence in Council amendment to House concurrent resolution concerning supplies, such as gavels, etc.

Mr. Eaton presented the following:

Resolved by the Council, the House of Representatives concurring, That the following committees be appointed, each to consist of one member from the Council and two from the House, respectively, who shall visit the Penitentiary at Cañon City, the Colorado University at Boulder City, the Deaf Mute Institution at Colorado Springs and the Territorial School of Mines at Golden, and report to this joint body at an early day.

Under a suspension of the rules, the above resolution was taken up for consideration.

Mr. Clelland moved to amend by striking out the words

“one” and “two,” where they occur in the resolution, and inserting in lieu thereof the word “three.”

Amendment lost, whereupon the resolution was adopted.

Mr. Rice presented the following, which was adopted:

Resolved, That an invitation be extended by the President of this Council to the officers of the Colorado Stock-Growers' Association to hold their meeting, which is set for 7:30 p. m., January 14th, at this room.

Mr. Hahn presented the following, which was adopted:

Resolved, That no smoking be permitted in the Council Chamber during the sessions of the Council.

Mr. McBride introduced the following, which was adopted:

Resolved, That a vote of thanks of this Council be tendered to the Mayor and Council of the City of Denver, and to the citizens' committee, for their invitation to the banquet on the 8th instant.

Mr. Stiles, by unanimous consent, introduced C. B. No. 20, entitled an act to change the name of Andrew Alfred Wood to Andrew Wood Decker.

It was read a first and second time.

Mr. Hahn introduced C. B. No. 21, for an act to amend, revise and consolidate the acts relating to public schools.

It was read a first time in full.

Mr. Suaso introduced C. B. No. 22, for an act to amend chapter fifty-nine of the Revised Statutes, entitled “Marriages,” approved February 13, 1874.

It was read a first time.

Mr. Hughes introduced C. B. No. 23, for an act to amend chapter twenty-six of the Revised Statutes, entitled “Divorce and Alimony.”

It was read a first time in full.

Mr. Clelland introduced the following bills, which were read a first time:

C. B. No. 24, for an act to amend "An act concerning school bonds," approved January 29, 1872.

C. B. No. 25, for an act in relation to an adopted child of J. J. Minor.

C. B. No. 26, for an act to regulate the removal of county seats.

Mr. Rice introduced the following :

C. B. No. 27, for an act concerning the prosecution of crimes and misdemeanors not capital or infamous.

C. B. No. 28, for an act to repeal section one of article nine of chapter eighty-four of the Revised Statutes, entitled "Towns and Cities."

C. B. No. 27 was read a first time.

Council bills numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 21 were read a second time and referred to Committee on Printing.

A communication was received from Mrs. M. A. Maxwell, inviting the officers and members of the Council to visit her museum of birds, minerals, fossils, etc.

On motion of Mr. Salisbury, the invitation was accepted, and the thanks of this body voted in return therefor.

Mr. Hughes asked to be excused from further service with Committee on Printing.

There being no objection, the request was granted.

On motion of Mr. Hahn, the Council adjourned until tomorrow at 10 a. m.

EIGHTH DAY.

WEDNESDAY, January 12, 1876.

Council met at 10 a. m.

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Mr. Morrison.

Journal read and approved.

Committee on Printing reported back Council bills numbered 1, 2, 3, 5 and 6 correctly printed.

Mr. Wilson (A. D.) presented the following, which was adopted under suspension of the rules :

Resolved, That the Committee on Printing be and are hereby instructed to have 500 copies of the Governor's message printed in pamphlet form, for the use of the Council.

Mr. Wilson (A. D.) presented the following :

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

Under suspension of the rules, Mr. Hughes introduced C. B. No. 30, for an act in regard to ditch and canal companies uniting under one management.

It was read first time.

Mr. Stiles introduced C. B. No. 31, for an act to amend section three, chapter forty-four of the Revised Statutes, entitled "Interest."

It was read a first time, and the memorial that came therewith was read and referred to Committee on Judiciary.

Mr. Hummel presented the following :

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

The Trustees of the University of Colorado, at Boulder, respectfully invite your honorable body to visit the University of Colorado, and examine the institution, at such time as will suit the convenience of the respective legislative bodies.

EPHRAIM POUND,

President pro tem.

AMOS WIDNER,

Secretary.

IRA E. LEONARD,

Chairman Building Committee.

On motion of Mr. Hahn, the invitation was accepted and Saturday next, January 15, 1876, fixed as the date for said visit.

The Chair announced the following appointments:

To fill vacancy on Committee on Printing, Mr. Hummel.

To visit Territorial Penitentiary, Mr. Clelland.

To visit Deaf Mute Institute, Mr. Eaton.

To visit Colorado University, Mr. Hahn.

To visit School of Mines, Mr. Salisbury.

Mr. Salisbury introduced C. B. No. 32, for an act concerning costs in criminal cases.

It was read a first time.

Council bills numbered 22, 23, 24, 25, 26, 27, 28 and 29 were read second time, and all of them, except No. 29, were referred to Committee on Printing.

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

The Committee of the Whole rose and reported as follows:

Mr. President: The Committee of the Whole have considered the following:

C. B. No. 1, and recommend that it be referred to the Committee on Judiciary.

C. B. No. 2, and recommend that it be amended by inserting after the words "real estate," in the second line of section one, the words "or any mining claim or any interest therein." Also, after the words "real estate," in the fifth line of said section, the words "or mining claim or claims." And we further recommend that the bill as amended be referred to the Committee on Judiciary.

C. B. No. 3, and recommend that it be referred to Committee on Judiciary.

C. B. No. 5, and recommend that it be engrossed and read a third time.

B. H. EATON,
Chairman.

On motion of Mr. Hahn, the report was adopted.

On motion of Mr. Hughes, C. B. No. 5 was considered as engrossed and ordered to its third reading.

The bill was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Sauso, Wilson, Mr. President—12.

Noes—None.

Title agreed to.

On motion of Mr. Wilson, the Council adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock, the President in the chair.

Quorum present.

On motion of Mr. Rice, the rules were suspended and resolution in regard to referring the Governor's message taken from the table and passed.

Mr. Hahn was called to the chair.

Mr. Adair Wilson introduced the following:

C. B. No. 33, for an act to provide terms of court in the Third Judicial District.

C. B. No. 34, for an act to amend an act entitled "An act to provide for the selection of jurors to serve in the District Courts," approved February 13, 1874.

C. B. No. 35, for an act to change the name of John Stansbury to John Holt Rice.

Under suspension of the rules, the above bills were read a first and second time.

Mr. Adair Wilson presented the following, which was adopted:

Resolved, That the Committee on Finance, Ways and Means be instructed to inquire into and report what action, if any, it is expedient that this Legislative Assembly take in order to insure a proper representation of the resources of Colorado at the Centennial Exposition, to be held at Philadelphia.

Mr. Adair Wilson presented the following, which was adopted :

Resolved, That the Committee on Printing be instructed to have printed, in suitable form for the convenience of the Council, forty copies of the list of standing committees of the Council.

The President resumed the chair.

The Committee on Printing reported back Council bills numbered 4, 7, 8, 9, 10, 11, 13 and 14 correctly printed.

The Committee on Engrossed Bills reported C. B. No. 5 properly engrossed.

On motion of Mr. Rice, the joint rules of the Council and House of Representatives of the Tenth Legislative Assembly were adopted for the government of this Council.

Under the rules here noted, the President announced the following appointments :

Committee on Enrolled Bills—A. D. Wilson and Eaton.

On motion of Mr. Hummel, the Council adjourned.

NINTH DAY.

THURSDAY, January 13, 1876.

Council met at 10 a. m.

The President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Morrison and Stiles.

Journal read and approved.

A message was received from the House stating the concurrence of that body in Council resolution appointing

committees to visit Territorial institutions, and that the following appointments were made in accordance therewith :

To visit Colorado Penitentiary—Messrs. McShane and Rand.

To visit University of Colorado—Messrs. Marshall and Sheldon.

To visit Deaf Mute Institute—Messrs. Kruse and Nimrick.

To visit School of Mines—Messrs. McNutt and Yonley.
Mr. Rice presented the following, which was adopted under suspension of the rules :

Resolved by the Council, the House of Representatives concurring therein, That one thousand (1,000) copies each of the report of the Territorial Auditor, School Superintendent and Treasurer be printed for the use of this Legislature, and that the Committee on Printing of each House be authorized to have the same done without delay.

The Committee on Printing reported back Council bills numbered 12, 15, 16, 17, 27 and 28 as correctly printed, and C. B. No. 18 as correctly printed, except that in line three of section nine, the word "representation" should read "representative."

Mr. Stiles introduced C. B. No. 36, for an act to amend chapter fifty of the Revised Statutes, in relation to justices and constables.

The bill, under suspension of the rules, was read a first and second time and referred to Committee on Printing.

Mr. Clelland introduced C. B. No. 37, for an act to change the names of Julia Ann Garriott, Minnie Florence Bell and Evelina May Bell, all of Fremont county, Colorado Territory.

The bill was read a first time.

Mr. Suaso, under suspension of the rules, introduced C. B. No. 38, for an act to amend an act entitled "An act regulating the branding, herding and care of stock," approved February 9, 1872.

It was read a first time.

Council bills numbered 30, 31 and 32 were read a second time.

On motion of Mr. Stiles, Council bills numbered 20 and 29 were considered as engrossed and ordered to their third reading.

C. B. No. 20 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—None.

Title agreed to.

C. B. No. 29 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—None.

Title agreed to.

Council bills numbered 30, 31, 32, 33 and 34 were referred to Committee on Printing.

The Council went into Committee of the Whole on the general file, Mr. McBride in the chair.

The committee rose and, on motion of Mr. Hughes, the Council adjourned.

AFTERNOON SESSION.

The Council met at 2 o'clock.

The President in the chair.

Quorum present.

A communication was received from Hon. R. G. Buckingham, President of the Colorado Institute for Deaf Mutes, transmitting the printed report of said institution.

The Committee on Printing reported back Council Bills numbered 23, 24, 25 and 26 as correctly printed.

Mr. Stiles moved that the rules be so modified that any member may introduce a bill without having given previous notice, unless objection is made.

Under a suspension of the rules the motion was agreed to.

The Committee of the Whole reported as follows :

Mr. President :

The Committee of the Whole have considered Council bills numbered 6, 4, 7, 8, 9 and 10, and recommend that they be referred to the Committee on Judiciary.

C. B. No. 11, and recommend that it be amended by striking from section one the words, "or when by special agreement notice is dispensed with," and that it be engrossed and read a third time.

P. A. McBRIDE,
Chairman.

The Committee on Engrossed Bills reported C. B. No. 11 correctly engrossed.

C. B. No. 11 was read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—Mr. Hahn—1.

Title agreed to.

Mr. Salisbury moved that the Council do now proceed to elect a messenger.

A communication was received from J. M. Wilson, Esq., President of the Colorado Cattle Growers' Association, notifying the Council that said association would, on Friday evening, January 14th, 1876, hold its meeting in the Council Chamber, in accordance with invitation ; and the presence of members of the Council was requested at the meeting.

Mr. Hughes introduced the following :

C. B. No. 39, for an act to amend chapter eighteen of the Revised Statutes, entitled "Corporations."

C. B. No. 40, for an act in regard to chattel mortgages.

C. B. No. 41, for an act in regard to the adoption of children.

Under suspension of the rules, these bill were read a first and second time, and referred to the Committee on Printing.

On motion of Mr. McBride, the Council adjourned.

TENTH DAY.

FRIDAY, January 14, 1876.

Council met at 10 o'clock.

The President in the chair.

Prayer by the Chaplain.

Roll called.

Absent.—Mr. Morrison.

Journal read and approved.

Committee on Printing reported back Council bills numbered 19, 22, and 30 correctly printed, except in the sixteenth line of section five of bill nineteen, the word "sureties" should read "entries."

Mr. Rice introduced the following :

C. B. No. 42, for an act concerning roads and highways.

C. B. No. 43, for an act entitled an act for the better collection of the revenue.

Under suspension of the rules, these bills were read a first and second time and referred to Committee on Printing.

Mr. Salisbury introduced the following :

C. B. No. 44, for an act concerning costs in criminal cases.

C. B. No. 45, for an act concerning attachments and garnishments in justices' courts.

Under suspension of the rules, these bills were read a first and second time and referred to Committee on Printing.

Mr. Eaton introduced the following:

C. B. No. 46, for an act to promote better discipline and encourage reformation in the penitentiary.

C. B. No. 47, for an act to amend "An act to encourage agriculture in Weld county," approved February 9, 1874.

Under suspension of the rules, these bills were read a first and second time and referred to Committee on Printing.

Council bills numbered 37 and 38 were read a second time, and the latter was referred to Committee on Printing.

On motion of Mr. Clelland, and under suspension of the rules, C. B. No. 37 was considered as engrossed and ordered to its third reading.

It was read a third time, put upon its passage, and passed by the following vote:

Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

On motion of Mr. Hughes, C. B. No. 13 was referred to Committee on Judiciary.

Mr. Hughes introduced C. B. No. 48, for an act to amend an act entitled "An act concerning the library of the Supreme Court," approved February 14, 1874, and to repeal an act entitled "An act for the payment of rent of Supreme Court Clerk's office," approved February 9, 1872.

Under suspension of the rules, the bill was read a first and second time.

The Council went into Committee of the Whole, with Mr. Rice in the chair.

The Committee rose, whereupon the Committee on Printing reported back Council bills numbered 31, 32 and 34 correctly printed.

On motion of Mr. Hummel, the Council adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock.

President in the chair.

Quorum present.

The Committee of the Whole presented the following report:

Mr. President:

The Committee of the Whole have considered:

C. B. No. 14, and recommend that it be referred to Committee on Judiciary.

C. B. No. 12, and recommend that the title be amended by striking out the same and inserting instead thereof as follows: "A bill for an act to amend an act approved February 9, 1872, entitled an act to amend chapter nine of the Revised Statutes, and for other purposes." Also, by striking out the word "its," in the 5th line, and inserting the word "his" instead thereof; by inserting in the 9th line, after the word "therein," the words "in a sufficient amount," and that the bill as amended be referred to Committee on Judiciary.

Council bills numbered 15 and 16, and recommend that they be referred to Committee on Judiciary.

JAMES RICE,
Chairman.

The report was adopted.

Mr. Rice presented the following:

WHEREAS, a committee of members of the Constitutional Convention now in session, has been appointed to confer

with the Legislative Assembly in reference to matters affecting the interests of both bodies, therefore,

Resolved, by the Council, the House concurring, That a joint committee consisting of two members of the Council and three from the House be appointed to confer with the said committee from the Constitutional Convention with reference to the matters aforesaid, and to report to the respective bodies accordingly.

Under suspension of the rules the resolution was adopted.

Mr. Stiles introduced the following :

C. B. No. 49, for an act concerning actions on bills, bonds and promissory notes.

C. B. No. 50, for an act to amend section eighty of chapter ninety of the Revised Statutes, relating to settlement of estates.

These bills were read a first time.

Mr. Eaton introduced C. B. No. 51, for an act to change the name of Edwin Forde to that of Edwin Keady.

It was read a first time.

Mr. Salisbury introduced C. B. No. 52, for an act concerning practice in the district and probate courts.

Under suspension of the rules, it was read a first and second time and referred to Committee on Printing.

A message was received from the House, stating that said body had accepted the invitation to visit the University of Colorado at Boulder; that C. B. No. 5, had passed, and that the House had amended Council concurrent resolution relative to the printing of the reports of the Territorial Auditor, School Superintendent and Treasurer, to read two hundred and fifty (250) copies of each instead of one thousand (1,000).

The House amendment was concurred in.

Mr. Stiles moved that when the Council adjourn, it stand adjourned until 10 a. m. Monday.

Carried.

Mr. Salisbury moved that the Council employ an assistant fireman, at a compensation of \$3 per day.

Lost.

Mr. Hahn was called to the chair.

Mr. Adair Wilson introduced the following :

C. B. No. 53, for an act to amend an act entitled "An act to amend an act entitled an act to establish assay offices in Colorado Territory," approved February 10, 1874.

C. B. No. 54, for an act to amend an act entitled "An act concerning fences and enclosures in Conejos county, and in other counties under certain circumstances," approved February 12, 1874.

Under suspension of the rules, these bills were read a first and second time and referred to Committee on Printing.

The President resumed the chair, and, on motion of Mr. Hahn, the Council adjourned.

ELEVENTH DAY.

MONDAY, January 17, 1876.

Council met at 10 a. m.

The President in the chair.

Roll called.

Absent—Messrs. Clelland and Morrison.

Journal read and approved.

Mr. Hahn introduced C. B. No. 55, for an act to amend chapter seventy of the Revised Statutes, entitled "Practice."

Under suspension of the rules it was read a first and second time and referred to Committee on Printing.

Council bills numbered 49, 50 and 51 were read a second time, and C. B. No. 50 was referred to Committee on Printing.

The Committee on Printing reported Council bills numbered 21, 38, 42, 43, 44, 46, 47 and 53 correctly printed,

except No. 21, which should be corrected as follows: On page five, section twenty, line two, after "to-wit," insert "on." On page eight, section twenty-nine, line nineteen, change "practical" to "practicable." On page eight, section thirty-one, line two, insert the word "been" at the end of line.

A message was received from the House stating that said body had passed the following bills and joint memorials:

H. B. No. 1, for an act to establish the county of San Juan.

H. B. No. 15, for an act to change the name of Charles St. George Law.

H. J. M. No. 1, to the Senate and House of Representatives of the United States in Congress assembled, calling attention to the grievances of the Ute Indians.

H. J. M. No. 2, to the Senate and House of Representatives of the United States in Congress assembled, praying for the establishment of a military post in Southwestern Colorado, and for the construction of a military wagon road from some point upon the Rio Grande river across the main range to Fort Defiance.

H. B. No. 1 was read a first time.

Under suspension of the rules, H. B. No. 15 and House joint memorials numbered 1 and 2 were read a first and second time.

On motion of Mr. Stiles, the memorials were referred to Committee on Indian Affairs.

Mr. Wilson (A. D.) introduced C. B. No. 56, for an act in regard to change of names.

Under suspension of the rules, it was read a first and second time and referred to Committee on Judiciary.

Mr. Salisbury introduced C. B. No. 57, for an act concerning the transportation of nitro-glycerine and other combustible and explosive articles.

Under suspension of the rules, it was read a first and second time and referred to Committee on Printing.

On motion of Mr. Stiles, C. B. No. 35 was ordered to its third reading.

It was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

Mr. Hahn was called to the chair.

Under suspension of the rules, C. B. No. 25 was ordered to its third reading.

It was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, McBride, Rice, Salisbury, Suaso, Wilson, Mr. President—10.

Noes—Mr. Stiles—1.

Title agreed to.

C. B. No. 24 was ordered to its third reading.

It was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President

—11.

Noes—None.

Title agreed to.

Mr. Rice offered the following:

Resolved by the Council, the House of Representatives concurring, That no new bills for the changing of names be considered after January 7, 1876, during this session.

Under suspension of the rules the resolution was adopted. The President resumed the chair.

On motion of Mr. Hahn, the Council proceeded to elect an additional messenger.

Mr. Stiles nominated L. P. Marix, Mr. Salisbury nominated Francisco Torrez and Mr. Hughes nominated Moritz Koch.

Messrs. McBride and Hahn were appointed tellers.

The first ballot resulted as follows:

Total number of votes cast, 11. For Marix 1, blank 1, Torrez 4, Koch 5. No choice.

The second ballot resulted as follows:

Total number of votes cast, 11. For Marix 2, Torrez 4, Koch 5. No choice.

The third ballot resulted as follows:

Total number of votes cast, 11. For Torrez 7, Koch 4. So Torrez was declared elected.

On motion of Mr. Salisbury, the Council adjourned.

AFTERNOON SESSION.

Council met at 2 p. m.

The President in the chair.

Quorum present.

Mr. Hughes introduced C. B. No. 58, for an act in regard to district attorneys.

Under suspension of the rules, it was read a first and second time and referred to Committee on Printing.

The Council went into Committee of the Whole on the general file.

The committee rose and reported as follows:

Mr.° President:

The Committee of the Whole have considered C. B. No. 17, and recommend that it be amended as follows:

Strike out all of section three after number of the section and insert as follows: "All acts and parts of acts in conflict with this act are hereby repealed." Insert in the

third line of section two, between the words "of" and "commissioners," the word "county." Insert after the word "duties," in the third line of section two, the words, "under said appointment." Strike out of section two the words, "as clerk of said court." Strike out the word "or," in second line of first section, and insert in lieu thereof the words, "and take." Add the letter "s" to the words proof and acknowledgement in second line, section one, so that they will read "proofs and acknowledgements." Strike out all of section four, after the figure "4," and insert in lieu thereof: "The bond taken as required in the second section shall be filed with and recorded by the county clerk and recorder." And that it be engrossed and read a third time.

The committee have also considered Council bills numbered 18, 19 and 23, and recommend that they be referred to Committee on Judiciary.

Also, C. B. No. 21, and recommend that it be referred to Committee on Education.

Also, C. B. No. 26, and recommend that it be amended by adding to the first section: "*Provided*, that this act shall not apply to the county of Weld." By striking out the word "county" at the end of the seventh line, and inserting the word "general." By striking out from the ninth line the words, "any one place has," and inserting in the tenth line, after the word "polled," the words, "have been cast for any one place." By inserting after the word "commissioners," in the seventh line: "*Provided*, that no other petition of legal voters be presented in opposition to said first petition." And that the bill, as amended, be referred to Committee on Counties.

Also, C. B. No. 27, and recommend that it be made the special order for to-morrow at 2 o'clock p. m.

A. D. WILSON,
Chairman.

The report was adopted.

The Committee on Printing reported Council bills numbered 40, 41, 36, 39, 33, 45, 52 and 54 correctly printed, except the following omissions in No. 54: The word "any" before the word "county," in the third line of sec-

tion two, and the words "the same" before the words "is hereby," in the first line of section four.

Mr. Hahn moved to adjourn.

Motion lost.

Mr. Hughes introduced C. B. No. 59, for an act concerning the adoption of children.

Mr. McBride introduced C. B. No. 60, for an act to amend division six (6), chapter twenty (20) of the Revised Statutes, entitled "Criminal Code," approved February 11, 1874.

Under suspension of the rules, these bills were read a first and second time and referred to Committee on Printing.

The Council now adjourned.

TWELFTH DAY.

TUESDAY, January 18, 1876.

Council met at 10 a. m.

The President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs Clelland and Morrison.

Journal read and approved.

A message from the House was received, stating that said body had passed C. B. No. 20, and also the following resolution:

Be it resolved by the House, the Council concurring, That the joint rules of the Council and House of Representatives, as printed in the pamphlet of rules, be and the same are hereby adopted.

Under suspension of the rules, the resolution was considered and concurred in.

Committee on Engrossed Bills reported C. B. No. 17 correctly engrossed.

Mr. Stiles introduced C. B. No. 61, for an act in relation to commercial agents.

Under suspension of the rules, it was read a first and second time and referred to Committee on Federal Relations.

By unanimous consent, Mr. Suaso introduced a substitute for C. B. No. 22.

H. B. No. 1 was read a second time and referred to Committee on Counties.

C. B. No. 17 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, McBride, Rice, Salisbury, Suaso, Wilson, Mr. President—10.

Noes—Mr. Stiles—1.

Title agreed to.

A report from the Board of Trustees of the University of Colorado was read, and 200 copies of the same ordered in printed form.

In accordance with a resolution of the Council, the President announced the following distribution of the Governor's message:

The part which relates to Territorial finances, Treasurer's report, tax laws and Centennial, to Committee on Finance, Ways and Means.

The part which relates to Education and University of Colorado, to Committee on Education and Labor.

The part which relates to Deaf Mute Institute, to Committee on Benevolent Institutions.

The part which relates to penitentiary and to apprehension of fugitives from justice, to Committee on Penitentiary and Jails.

The part which relates to militia, to Committee on Military Affairs.

The part which relates to registration law, to Committee on Elections.

The part which relates to board of health, to Committee on Judiciary.

The Council went into Committee of the Whole, with Mr. Hummel in the chair.

A message from the House stated that said body had passed the resolution relative to the appointment of a committee to confer with committee from the Constitutional Convention in reference to matters affecting the interests of both bodies, and that they had appointed as such committee from the House, Messrs. Mills, Larned and Yonley.

The President appointed on the part of the Council, Messrs. McBride and Stiles.

A message from the House stated that said body had passed H. B. No. 27, for an act to change the name of Nebraska Holbrook.

H. B. No. 31, for an act in relation to the adopted child of A. H. Jarvis and wife.

H. B. No. 32, for an act in relation to the adopted child of David Heimberger.

Also, that they had passed C. B. No. 29.

Pending action upon C. B. No. 31, the Committee of the Whole rose, and the Council adjourned.

AFTERNOON SESSION.

Council met at 2 p. m.

The President in the chair.

Quorum present.

The Committee of the Whole presented the following report:

Mr. President:

The Committee of the Whole have considered C. B. No. 28, and recommend that it be referred to a special committee of three.

C. B. No. 30, and recommend that it be engrossed and read a third time.

C. B. No. 31, and recommend that the same be amended by adding to the first section as follows: "*Provided, however,* that this act shall not apply to judgments rendered on any such bond, bill, promissory note or other instrument of writing given or made prior to the passage of this act."

J. C. HUMMEL,
Chairman.

The report was adopted.

C. B. No. 28 was referred to a special committee consisting of Messrs. Rice, Stiles and Hummel.

Committee on engrossed bills reported C. B. No. 30 properly engrossed.

The special order for 2 o'clock, C. B. No. 27, was taken up for consideration.

On motion of Mr. Hughes, it was considered engrossed and ordered to its third reading.

It was read a third time, put upon its passage, and passed by the following vote:

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

A message was received from the House, stating that said body had passed H. B. No. 13, for an act concerning the probate court of Larimer county, and H. B. No. 23, for an act to change the name of Malcom C. Duncan.

Mr. Hughes moved to reconsider the vote by which C. B. No. 27 passed.

Mr. Stiles called for the ayes and noes, and the motion to reconsider was carried by the following vote:

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, McBride, Rice, Salisbury, Suaso, Wilson, Mr. President—10.

Noes—Mr. Stiles—1.

On motion of Mr. Salisbury, the bill was recommitted to the general file.

Mr. Hughes introduced C. B. No. 62, for an act to amend an act entitled "An act to secure liens to mechanics and others, and to repeal all other acts in relation thereto."

Mr. McBride introduced C. B. No. 63, for an act to repeal an act entitled "Flour Inspector," chapter thirty-four of Revised Statutes.

Under suspension of the rules, these bills were read a first and second time and referred to Committee on Printing.

C. B. No. 30 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

House bills numbered 13, 23, 27, 31 and 32 were read a first time.

Under suspension of the rules, House bills numbered 23, 27, 31 and 32 were read a second and third time.

H. B. No. 15 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

H. B. No. 23 was put upon its passage and passed by the following vote:

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

H. B. No. 27 was put upon its passage and passed by the following vote:

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

H. B. No. 31 was put upon its passage and passed by the following vote:

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

H. B. No. 32 was put upon its passage and passed by the following vote:

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

Mr. A. D. Wilson was called to the chair.

Mr. Adair Wilson introduced the following:

C. B. No. 64, for an act to amend an act entitled "An act concerning mines," approved February 13, 1874.

C. B. No. 65, for an act concerning appeals from justices of the peace.

Under suspension of the rules, these bills were read a first and second time and referred to Committee on Printing.

The Council went into Committee of the Whole, with Mr. Hummel in the chair.

The committee rose and reported as follows:

Mr. President:

The Committee of the Whole have considered C. B. No.

31, as amended, and recommend that it be indefinitely postponed.

C. B. No. 32, and recommend that it be referred to Committee on Judiciary.

Council bills numbered 33, 54, 34, 36, 38, and recommend they be engrossed and read a third time.

C. B. No. 39, and recommend that it be referred to Committee on Judiciary.

C. B. No. 40, and recommend that it be amended by inserting after the word "Territory," in the fourth line, third section. the words, "to take the acknowledgement of deeds," and that the bill, as amended, be engrossed and read a third time.

J. C. HUMMEL,
Chairman.

The report was adopted.

On motion of Mr. McBride, the Council adjourned.

THIRTEENTH DAY.

WEDNESDAY, January 19, 1876.

Council met at 10 a. m.

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Clelland.

Journal read and approved.

Committee on Printing reported Council bills numbered 50, 55, 57, 58, 59 and 60 correctly printed.

Committee on Indian Affairs presented the following report:

Mr. President:

Your Committee on Indian Affairs, to whom was referred House Joint Memorials No. 1 and No. 2, would report them

back to the Council with the recommendation that they do pass.

A. D. WILSON, *Chairman.*

Committee on Engrossed Bills reported Council bills numbered 34 and 36 properly engrossed.

The special committee of three, to whom was referred C. B. No. 28, reported it back with the recommendation that it be considered engrossed and read a third time.

Mr. Hughes introduced the following bills:

C. B. No. 66, for an act to amend an act entitled "An act to amend an act entitled an act to reduce the law incorporating the City of Denver and the several acts amendatory thereto, into one act, and to amend the same."

C. B. No. 67, for an act to repeal section two of an act entitled "An act concerning mines," approved February 13, 1874.

C. B. No. 68, for an act to repeal an act entitled "An act to amend chapter eighty-eight of the Revised Statutes, entitled "Venue," approved February 3, 1872.

Under suspension of the rules, these bills were read a first and second time and referred to Committee on Printing.

Mr. Eaton introduced C. B. No. 69, for an act for the relief of David Briggs, Sheriff of Weld County, Colorado Territory.

It was, under suspension of the rules, read a first and second time and referred to Committee on Finance, Ways and Means.

Mr. Wilson (A. D.) introduced C. B. No. 70, for an act for the destruction of wolves and coyotes and for the better protection of live stock.

Under suspension of the rules it was read a first and second time and referred to the Committee on Printing.

H. B. No. 13 was read a second time.

Council bills numbered 28, 34 and 36 were read a third time.

C. B. No. 34 was put upon its passage and passed by the following vote :

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, Morrison, McBridé, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

Mr. Morrison introduced C. B. No. 71, for an act concerning indictments.

Under suspension of the rules it was read a first and second time and referred to Committee on Printing.

C. B. No. 28 was put upon its passage and passed by the following vote :

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

C. B. No. 36 was put upon its passage and passed by the following vote :

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Sauso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

On motion of Mr. Wilson, House joint memorials numbered 1 and 2 were considered as engrossed, and ordered to their third reading.

They were read a third time.

H. J. M. No. 1 was put upon its passage and passed by the following vote :

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Sauso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

H. J. M. No. 2 was put upon its passage and passed by the following vote :

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

A message was received from the House, stating that said body had amended Council concurrent resolution relative to the consideration of no new bills for the changing of names after January 17, 1876, to read January 19, 1876.

Under suspension of the rules, the amendment was concurred in.

On motion of Mr. Stiles, C. B. No. 49 was taken from the general file, ordered engrossed and put upon its third reading.

Committee on Engrossed Bills reported C. B. No. 38 correctly engrossed.

It was read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

Committee on Engrossed Bills reported C. B. No. 33 correctly engrossed.

It was read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

A message from the House stated that said body had passed Council bills numbered 11, 35 and 37.

Committee on Engrossed Bills reported Council bills numbered 49 and 54 correctly engrossed.

They were read a third time.

C. B. No. 54 was put upon its passage and passed by the following vote :

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

C. B. No. 49 was put upon its passage and passed by the following vote :

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

On motion of Mr. Hughes the Council adjourned.

AFTERNOON SESSION.

The Council met at 2 o'clock.

The President in the chair.

Quorum present.

Committee on engrossed Bills reported C. B. No. 40 correctly engrossed.

It was read a third time and, on motion of Mr. Stiles, it was referred to a special committee of three.

The Chair appointed Messrs. Stiles, Hughes and Rice.

Mr. Wilson (A. D.) introduced C. B. No. 72, for an act to amend an act entitled "An act to amend an act entitled an act regulating the branding, herding and care of stock," approved February 9, 1872.

Mr. Morrison introduced the following bills :

C. B. No. 73, for an act to allow the assignment of claims for wages.

C. B. No. 74, for an act concerning the exemption of wages.

C. B. No. 75, for an act concerning the jurisdiction of justices of the peace.

Under suspension of the rules, Council bills numbered 72, 73, 74 and 75 were read a first and second time and referred to Committee on Printing.

The Council went into Committee of the Whole, with Mr. Hahn in the chair.

The committee rose and reported as follows:

Mr. President:

The Committee of the Whole have considered C. B. No. 22, and recommend that it be referred to the Committee on Judiciary.

C. B. No. 27, and recommend that it be amended by striking out all of section two, and inserting in lieu thereof the following: "And be it further enacted, that an act entitled an act concerning the prosecutions of misdemeanors or crimes not capital or infamous, approved January 29, 1872, be and the same is hereby repealed." And that the bill as amended be engrossed and read a third time.

C. B. No. 41, and recommend that it be indefinitely postponed.

C. B. No. 42, and recommend that it be amended by striking out from the seventh line of section one the word "of," and that the words "not to exceed" be inserted in lieu thereof. By striking out "forty," in the third line of section two, and inserting in lieu thereof "fifty." By inserting the words "or repair," after the word "construction," in the fourth line of section two. By striking out "said section," from the eighth line of section one, and inserting in place thereof the words "this act." By adding to the end of section one the words "nor to any inhabitant of any territory not included in any road district." By striking out the word "four," in the second line of section four, and inserting in place thereof the word "three." By adding "s" to the word "taxpayer," in the sixth line of section three. By inserting in the eighth line of section three, after the word "performed," the words "in an amount not to exceed two dollars per day for each day's labor of each

laborer." And that the bill, as amended, be referred to Committee on Roads and Bridges.

Council bills numbered 43, 44 and 45, and recommend they be referred to Committee on Judiciary.

C. B. No. 46, and recommend that it be amended by striking out "confinement" from the third line of section one, and inserting in place thereof "imprisonment." By striking out all of section two, after the number of the section, and inserting in lieu thereof as follows: "In case any convict shall be guilty of wilful violation of any of the rules or regulations of the Penitentiary, as above provided, and shall have become entitled to any deduction from the time of his or her sentence, by the provisions aforesaid, he or she shall forfeit, if entitled to so much, for the first offense two days; for the second offense, four days; and for each subsequent offense, four days; said forfeiture to be determined by the managers of the Penitentiary." By striking out all of section five. And that the bill, as amended, be referred to Committee on Penitentiary and Jails.

S. B. HAHN,
Chairman.

The report was adopted.

On motion of Mr. Stiles, the Council adjourned.

FOURTEENTH DAY.

THURSDAY, January 20, 1876.

Council met at 10 a. m.

The President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Morrison and Salisbury.

Journal read and approved.

Messrs. Morrison and Salisbury appeared and took their seats.

Mr. Salisbury presented a memorial from the mayor and city council of Central City, Colorado, praying the Legislative Assembly to pass a certain bill for the relief of the inhabitants of said city, in the matter of town-site entry.

The memorial was read and referred to a special committee of three.

The chair appointed as such committee Messrs. Salisbury, Hahn and McBride.

Mr. Hughes presented a memorial from certain citizens and tax-payers in the county of Saguache, praying for a division of said county.

It was referred to Committee on Counties.

The Committee on Printing reported back Council bills numbered 62, 63, 64 and 65 correctly printed, also the report of the Board of Trustees of the University of Colorado.

Mr. Suaso introduced C. B. No. 76, for an act to provide for the printing of the acts of the Eleventh Legislative Assembly of Colorado Territory in the Spanish language.

Under suspension of the rules it was read a first and second time and referred to the Committee on Printing.

A communication was received from Hon. R. G. Buckingham, President of the Deaf Mute Institute, inviting the officers and members of the Council to attend an exhibition by the pupils of said institute, to occur on this (Thursday) evening, at 7:30 o'clock.

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

Committee on Engrossed Bills reported C. B. No. 27 properly engrossed.

The bill was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Sauso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

The Council went into Committee of the Whole, with Mr. Salisbury in the chair.

The committee rose and presented the following report:

Mr. President :

The Committee of the Whole have considered C. B. No. 47, and recommend that it be amended by striking out from the fifth line of section three the word "eligible," and insert in lieu thereof the word "payable," and that the bill as amended be engrossed and read a third time.

C. B. No. 48, and recommend that it be referred to Committee on Territorial Library.

C. B. No. 50, and recommend that it be amended by striking out "at his option," in the third line of section one; by adding to the end of section one the following words, "under order of the court, as now provided by law for the distribution of estates;" and that the bill as amended be engrossed and read a third time.

C. B. No. 51, and recommend that it be engrossed and read a third time.

C. B. No. 52, and recommend that it be amended by adding to section one as follows: "*Provided*, That nothing in this act shall be construed to deprive any party to any suit, or any licensed attorney of the privilege of examining or inspecting any pleading or paper, or making a copy thereof, in the office of the clerk." By inserting in the fourth line of section two, after the word "paper," the words, "except depositions, exhibits and plats." By striking out from lines four and five of section four, the words, "a copy be applied for by such adverse party," and insert in lieu thereof the words, "he shall apply to said clerk therefor;" and that the bill as amended be engrossed and read a third time.

C. B. No. 53, and recommend that it be referred to Committee on Finance, Way and Means.

C. B. No. 57 and recommend that it be referred to Committee on Incorporations and Railroads.

C. B. No. 55, and recommend that it be referred to Committee on Judiciary.

EDW. L. SALISBURY,
Chairman.

Report adopted.

On motion of Mr. Rice, the Council adjourned until tomorrow, at 10 a. m.

FIFTEENTH DAY.

FRIDAY, January 21, 1876.

Council met at 10 o'clock.

The President in the chair.

Prayer by the Chaplain.

Roll called.

Absent.—Messrs. Eaton, Hummel, Morrison and Salisbury.

Journal read and approved.

Messrs. Hummel and Morrison appeared and took their seats.

Committee on Printing reported Council bills numbered 66, 67, 68, 70, 71, 72, 73, 74, 75 and 76 correctly printed, except that in the first line of section 3, bill 71, the word "statement" should read "complaint."

The Committee on Judiciary presented the following report:

To the Honorable the Council of Colorado Territory:

Your Committee on the Judiciary report to your honorable body upon bills referred to them, as follows:

Council bills numbered 6, 7, 15, 44 and 55, and recommend that they be engrossed, read a third time and put upon their passage.

That Council Bill No. 2, with its amendments, be engrossed, read a third time and put upon its passage.

That Council Bill No. 10, with its amendments, be engrossed, read a third time, and put upon its passage.

That Council Bill No. 13, with its amendments in the

Committee of the Whole and in this committee, be engrossed and read a third time.

C. B. No. 22 they report back to the Council with the recommendation that a substitute therefor be introduced to repeal an act entitled "An act to amend chapter 59 of the Revised Statutes of Colorado Territory, entitled 'Marriages,'" approved February 13, 1874.

And your committee ask to be discharged from further consideration of said bills.

B. M. HUGHES,
Chairman.

On motion of Mr. Rice, the report was received and the committee discharged from further consideration of the bills therein noted.

Committee on Engrossed Bills reported Council bills numbered 47, 50 and 51 correctly engrossed.

Committee on Territorial Library reported back C. B. No. 48 with a recommendation that it be engrossed and read a third time.

A message from the House stated that said body had passed H. B. No. 40, for an act to change the name of Keziah Wildeboor.

A message from the House stated that said body had passed H. B. No. 42, for an act to change the name of Joseph Johnson to Joseph Kavanaugh.

Also that the House had amended C. B. No. 24, by striking out the second section, and that the bill as amended was passed.

Also, that the House had amended C. B. No. 25, by adding to section two the words that follow: *Provided*, That the said James J. Minor and Ruth Minor shall, on or before the first day of May, A. D. 1876, execute and duly acknowledge before some officer authorized to take acknowledgments, and file in the office of the Probate Court of Fremont County their assent in writing to the provisions of this act; that then this act shall take effect from and after the filing of such assent." And that they had

further amended said bill by striking out section three, and passed the bill as amended.

A message was received from the House stating that said body had passed the following bills :

House Bill No. 18, for an act to amend section four (4) of an act entitled "An act concerning mines."

House Bill No. 19, for an act to amend section six (6) of on act entitled "An act concerning mines," approved February 13, 1874.

House Bill No. 21, for an act regulating the pay of road overseers in Saguache, Gilpin, Jefferson and Pueblo counties.

House Bill No. 29, for an act to authorize the county commissioners to regulate the rates of grist mills within the county of Las Animas.

House Bill No. 30, for an act to amend an act entitled "An act concerning school bonds," approved January 29, 1872.

Substitute for House Bill No. 4, for an act to amend section seven (7) of an act entitled "An act to provide for the assessment and collection of revenue," approved February 11, 1870.

Substitute for House Bill No. 3, for an act to amend chapter fifteen (15) of the Revised Statutes of the Territory of Colorado, concerning churches.

House Bill No. 26, for an act to amend an act entitled "An act for the support and better regulation of the public schools of the city of Denver," approved February 13, 1874.

House Bill No. 36, for an act concerning indigent defendants in criminal cases.

House Bill No. 35, for an act amending the Revised Statutes of Colorado, concerning descents, etc.

House Bill No. 33, for an act for the relief of Geo. H. Adams.

A message was received from his Excellency the Governor of the Territory, transmitting the biennial report of

the Board of Trustees of the Territorial School of Mines, and recommending favorable action thereon, on account of the intimate relation of the institution to the mining industry.

On motion of Mr. Rice, the report and message were ordered to be printed.

House bills numbered 18, 19, 21, 29, 30, 4, 3, 26, 36, 35, 33, were, under suspension of the rules, read a first and second time.

Council bills numbered 47, 50 and 51 were read a third time.

C. B. No. 47 was put upon its passage and passed by the following vote :

Ayes — Messrs. Clelland, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Suaso, Wilson, Mr. President.—11.

Noes—none.

Title agreed to.

C. B. No. 50 was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles. Suaso, Wilson. Mr. President.—11.

Noes—none.

C. B. No. 51 was put upon its passage and passed by the following vote :

Ayes — Messrs. Clelland, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

On motion of Mr. Hughes, C. B. No. 58 was considered engrossed and was read a third time.

It was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Suaso, Wilson, Mr. President.

—II.

Noes—none.

Title agreed to.

On motion of Mr. Stiles, the rules were suspended and House bills numbered 40 and 42 ordered to their third reading.

They were read a third time.

H. B. No. 40 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Suaso, Wilson, Mr. President

—II.

Noes—none.

Title agreed to.

H. B. No. 42 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Suaso, Wilson, Mr. President

—II.

Noes—none.

Title agreed to.

Mr. Morrison introduced the following:

C. B. No. 77, for an act concerning punishments.

C. B. No. 78, for an act concerning practice.

Under suspension of the rules, they were read a first and second time and referred to Committee on Printing.

Mr. McBride introduced substitute for C. B. 22, for an act to repeal an act entitled "An act to amend chapter fifty-nine of the Revised Statutes and for other purposes."

It was, under suspension of the rules, read a first and second time and referred to Committee on Printing.

On motion of Mr. Bride, C. B. No. 63 was taken from the general file and ordered to its third reading.

It was read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

The House amendments to Council bills numbered 24 and 25 were concurred in, and the Council adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock.

The President in the chair.

Quorum present.

The Council went into Committee of the Whole, with Mr. Clelland in the chair.

A message was received from the House, stating that said body had passed C. B. No. 58, and also the following :

H. B. No. 49, for an act for the relief of the inhabitants of the city of Central.

H. B. No. 43, for an act amendatory to section sixty-four of an act to provide for the assessment and collection of revenue, approved February 11, 1870.

Substitute for H. B. No. 14, for an act legalizing the acts of the county commissioners in El Paso county, making the property of incorporated towns and villages therein subject to road tax.

The committee rose and reported as follows :

Mr. President :

The Committee of the Whole have considered C. B. No. 59, and recommend that its third section be amended by inserting 'after the words "all such," in fourth line of said section, the word "other;" by inserting after the word "privileges" in said line the words, "including the right of

inheritance;" by inserting after the word adoption, in fifth line, the words, "as a child by law has against lawful parents;" and by striking out all after and including the word "this," in the fifth line; that its fifth section be amended by inserting "or guardian," in the first line thereof after the word "parents," and that the bill, as amended, be engrossed and read a third time.

C. B. No. 60, and recommend that it be referred to Committee on Agriculture and Stock Growing.

C. B. No. 62, and recommend that it be referred to a special committee.

C. B. No. 64, and recommend that it be amended by adding what follows at the end of section one; also, by striking out the word "herein," in the second line of section 15, and that the bill, as amended, be engrossed and read a third time.

C. B. No. 65, and recommend that its first section be amended to read as follows: No appeal from a judgment by default rendered by any justice of the peace shall be granted unless the party praying an appeal, or some person for him, shall file with the justice, from whose judgment an appeal is prayed, a written affidavit, setting forth that he has a meritorious defense to the action, or some part thereof, and shall pay all costs of suit which may have accrued, and also the costs of appeal, which costs such defendant shall recover if he finally prevail in his defense, the same to be taxed and recovered as other taxable costs in the case," and that the bill, as amended, be engrossed and read a third time.

C. B. No. 66, and recommend that it be referred to the members of the Council from Arapahoe county.

JAMES CLELLAND,

Chairman.

Report adopted.

Mr. Morrison introduced the following bills:

C. B. No. 79, for an act concerning acknowledgments.

C. B. No. 80, for an act concerning probate courts.

On motion of Mr. Stiles, the Council adjourned.

SIXTEENTH DAY.

SATURDAY, January 22, 1876.

Council met at 10 a. m.

The President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Eaton.

The Committee on Federal Relations presented the following report :

Mr. President :

Your Committee on Federal Relations, to whom was referred C. B. No. 61, entitled "An act in relation to commercial agents," have had the same under consideration, and beg leave to report the same back to the Council with the recommendation that it do not pass. It is the opinion of your committee that the passage of this bill would be an attempt on the part of the Legislature of Colorado to regulate commercial relations between the citizens of the Territory and other persons residing beyond the limits of the Territory, which is a power under our constitution belonging exclusively to the United States.

J. C. HUMMEL,
Chairman.

On motion of Mr. Hughes, the report was adopted and the further consideration of C. B. No. 61 indefinitely postponed.

Committee on Engrossed Bills reported Council bills numbered 2, 6, 7, 10, 13, 15, 44, 48, 52, 55 and 59 correctly engrossed.

Mr. Hahn introduced C. B. No. 81, for an act for the maintenance and support of illegitimate children.

Mr. Hummel introduced C. B. No. 82, for an act to amend an act entitled "An act prescribing the time of holding the district courts in the second judicial district," approved January 31, 1874.

Under suspension of the rules, these bills were read a first and second time and referred to Committee on Printing.

House bills numbered 14, 43 and 49 were read a first time.

Council bills numbered 2, 6, 7, 10, 13, 15, 44, 48, 52, 55, and 59, were read a third time.

C. B. No. 2 was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

C. B. No. 59 was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

Mr. Hummel moved that C. B. No. 44 be referred to a special committee of three.

The motion prevailed, whereupon the chair appointed Messrs. Salisbury, Hummel and Clelland as such committee.

C. B. No. 7 was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Hughes, Hummel, Morrison, McBride, Rice, Salisbury, Suaso, Wilson, Mr. President—10.

Noes—Messrs. Hahn and Stiles—2.

Title agreed to.

The Chair announced as the special committee on C. B. No. 62, Messrs. Hughes, Rice and Hahn.

C. B. No. 10 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

C. B. No. 6 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Hughes, McBride, Rice, Stiles, Salisbury, Suaso, Mr. President—8.

Noes—Messrs. Hummel, Morrison and Wilson—3.

Absent—Mr. Eaton—1.

Excused from voting—Mr. Hahn—1.

Title agreed to.

C. B. No. 52 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President.

Noes—none.

Title agreed to.

C. B. No. 15 was put upon its passage and passed by the following vote;

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

The Council now adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock.

The President in the chair.

Quorum present.

Committee on Engrossed Bills reported Council bills numbered 64 and 65 correctly engrossed.

These bills were read a third time.

C. B. No. 65 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Mr. President—11.

Noes—none.

Title agreed to.

C. B. No. 64 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—Mr. Stiles—1.

Title agreed to.

A message from the House stated that said body had passed substitute for House Joint Memorial No. 3, to the Senate and House of Representatives of the United States in Congress assembled, calling attention to the existing abuses in the disposal of public lands.

Also, Council bills numbered 28 and 30.

Also, C. B. No. 34, after amending the same by striking out section two.

Also, C. B. No. 36, after amending the same by striking out the word "section" and figure "2."

The Joint Committee on Enrolled Bills reported Council bills numbered 3, 11, 20, 24, 29, 25, 37, 55, 58, correctly enrolled, and that the same were presented to the Governor at 2:15 this (Saturday) afternoon for his action thereon.

On motion of Mr. Salisbury, House bills numbered 3 and 4 were made the special order for Tuesday next at 2 o'clock p. m.

A message from the Governor announced that he had approved C. B. 58.

On motion of Mr. Hahn, the Council adjourned until 2 o'clock p. m. on Monday next.

SEVENTEENTH DAY.

MONDAY, January 24, 1876.

Council met at 2 o'clock p. m.

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Eaton, Morrison and Salisbury.

Journal read and approved.

The Committee on Judiciary presented the following report:

To the Honorable the Council of Colorado Territory:

The Committee on the Judiciary beg leave to report that they have carefully examined Council Bill No. 4, and beg leave to offer herewith a substitute for the same, which they recommend be engrossed, read a third time and passed, as it is important that the law in regard to suits against corporations shall be made plain and the remedy given for the service of summons against them, and proceeding against them when summons cannot be served on any one, shall be extended and rendered effectual.

The committee also report that they have considered Council Bill No. 12, and herewith report a substitute for the same, including the amendments offered to the bill by the Committee of the Whole, which substitute they do recommend to be engrossed, read a third time and passed.

The committee, in reference to other bills, which they have considered, report and recommend as follows:

That Council Bill No. 8 be engrossed with the amendments offered by this committee, read a third time and passed.

That the substitute for Council Bill No. 18, offered by this committee, be adopted instead thereof—engrossed, read a third time and passed.

That Council Bill No. 56 be engrossed, read a third time and passed.

That Council Bill No. 23, with the amendments offered by this committee, be engrossed, read a third time and passed.

That Council Bill No. 14 be engrossed, read a third time and passed.

That Council Bill No. 9, with the amendments offered by the committee, be engrossed, read a third time and passed.

BELA M. HUGHES,
Chairman.

The report was adopted, and the committee discharged from further consideration of the bills therein named.

A message was received from the House, stating that said body had passed C. B. No. 63.

Also H. B. No. 9, for an act to change the name of Herman Brand.

Also H. B. No. 55, for an act to amend section two of chapter 49 of the Revised Statutes.

Also H. B. No. 50, for an act to amend an act relating to fees and salaries in Weld and Larimer counties.

Also that the House has indefinitely postponed further action on C. B. No. 38.

The message also stated that the House had passed C. B. No. 49, with the title amended to read as follows: "An act to repeal an act concerning actions on bonds, bills, notes and other instruments in writing, approved January 31, 1872."

The Committee on Roads and Bridges, to whom was referred C. B. No. 42, reported the same back to the Council with the recommendation that it do pass as amended in Committee of the Whole.

The report was adopted.

A message from His Excellency the Governor announced that he had approved Council bills numbered 5, 11, 20, 24, 25, 29, 35 and 37.

The Committee on Printing reported Council bills numbered 77, 78, 79, 80, 81, 82 and substitute for C. B. No. 22 correctly printed.

The special committee to whom was referred C. B. No. 62, reported the same back to the Council with certain amendments annexed thereto, and recommended that the bill as amended be engrossed, read a third time and passed.

The report was adopted.

The Committee on Education and Labor, to whom was referred C. B. No. 21, reported the same back to the Council, with certain amendments, and recommended that the bill, as amended, be engrossed, read a third time and passed.

Mr. Clelland, chairman of the joint committee appointed to visit and inspect the penitentiary at Cañon City, presented a report, which was read in full and ordered to be printed.

Mr. McBride introduced C. B. No. 83, for an act entitled an act to establish the rate of interest in the Territory of Colorado.

It was, under suspension of the rules, read a first and second time and referred to Committee on Printing.

Mr. Stiles introduced C. B. No. 84, for an act to amend an act entitled "An act concerning elections."

Under suspension of the rules, it was read a first and second time and ordered engrossed for its third reading.

Mr. Stiles also introduced C. B. No. 85, for an act to amend an act entitled "An act for the government and management of the penitentiary."

Under suspension of the rules, it was read a first and second time and referred to Committee on Printing.

Mr. Wilson (A. D.) introduced the following:

C. B. No. 86, for an act to amend an act to provide for the assessment and collecting of revenue, approved February 11, 1870.

C. B. No. 87, for an act to amend "An act in relation to the publishing of detailed statements by the county commissioners," approved February 6, 1872.

Mr. Hummel introduced C. B. No. 88, for an act to provide for the several expenses of the Territorial School of Mines for the years 1876 and 1877.

Under suspension of the rules, Council bills numbered 86, 87 and 88 were read a first and second time and referred to Committee on Printing.

H. J. M. No. 3 and House bills numbered 9, 50 and 55 were read a first time.

House bills numbered 14, 43 and 49 were read a second time.

Under suspension of the rules, H. B. No. 9 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Suaso, Wilson, Mr. President—10.

Noes—none.

Title agreed to.

On motion of Mr. Stiles, the Council concurred in House amendments to Council bills numbered 34 and 36.

C. B. No. 48 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Suaso, Wilson, Mr. President—10.

Noes—none.

Title agreed to.

C. B. No. 55 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Suaso, Wilson, Mr. President—10.

Noes—none.

Title agreed to.

The House amendment to the title of C. B. No. 49 was concurred in.

C. B. No. 13 was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Suaso, Wilson, Mr. President--10.

Noes--none.

Title agreed to.

On motion of Mr. Wilson, C. B. No. 72 was taken from the general file, read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, McBride, Rice, Suaso, Wilson, Mr. President--9.

Noes--none.

Title agreed to.

On motion of Mr. Stiles, the Council adjourned.

EIGHTEENTH DAY.

TUESDAY, January 25, 1876.

The Council met at 10 a. m.

The President in the chair.

Prayer by the Chaplain.

Roll called.

All present.

Journal read and approved.

Mr. Hughes presented a petition from Hon. John Evans, Bishop John F. Spalding, and other citizens resident in Colorado, praying the Legislative Assembly to so amend the general law on the subject of educational corporations, as to permit the proposed University of Denver to receive donations and otherwise acquire property for the erection,

endowment and maintenance of said institution free from taxation.

The petition was read in full and referred to Committee on Education.

The Committee on Judiciary presented the following report :

To the Honorable the Council of Colorado Territory :

The Committee on the Judiciary, to whom was referred Council Bill No. 19, report that they have considered the same, and do recommend that the same be engrossed with the amendments thereto made by this committee and annexed thereto, read a third time and passed.

Also Council Bill No. 39, and report that they have considered it carefully, and recommend that with the changes or amendments filed therewith, it be engrossed, read a third time and passed.

B. M. HUGHES,
Chairman.

Committee on Engrossed bills reported C. B. No. 3 correctly engrossed.

Committee on Printing reported that the biennial report of the Board of Trustees of the Territorial School of Mines was correctly printed.

Committee on Agriculture and Stock-growing, to whom was referred C. B. No. 60, reported the same back to the Council with certain amendments, and recommend that the bill as amended be engrossed and read a third time.

The special committee to whom was referred a memorial from the inhabitants of Central City, Colorado, in regard to town site, reported that they had examined the bill therein referred to, and recommend its passage.

Mr. Stiles introduced Council Bill No. 89, for an act to amend paragraph six of chapter 23 of the Revised Statutes, in relation to descents.

Under suspension of the rules it was read a first and second time and referred to the Committee on Printing.

H. J. M. No. 3 and House bills numbered 50 and 55 were read a second time.

The Committee on Incorporations and Railroads, to whom was referred C. B. No. 57, reported the same back to the Council with the recommendation that it pass.

On motion of Mr. Salisbury, the rules were suspended, and C. B. No. 57 was considered engrossed, read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

On motion of Mr. Hahn, H. B. No. 49^a was taken from the general file, read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

C. B. No. 3 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Hughes, Hummel, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—Messrs. Eaton and Hahn—2.

Title agreed to.

The Council now adjourned.

AFTERNOON SESSION.

The Council met at 2 o'clock.

The President in the chair.

All the members present.

The special order of the hour, the substitutes for House bills 3 and 4, were taken up for consideration.

Mr. Hughes moved that substitute for H. B. No. 3 be indefinitely postponed.

Mr. A. D. Wilson was called to the chair.

After remarks by Messrs. Hughes, Adair Wilson, Morrison, Rice, Stiles, Salisbury and Hahn, in support of the motion, the motion prevailed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Mr. Hahn moved that substitute for House Bill No. 4 be indefinitely postponed.

The motion prevailed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

A message from the House, transmitted H. J. R. No. 1, postponing certain cases in the District Court of Boulder county, and which had been passed by said body.

It was read a first time.

Under suspension of the rules it was read a second and third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Ayes—none.

Title agreed to.

The Committee on Counties presented the following report :

Mr. President:

Your Committee on Counties, to whom was referred C. B. No. 26, with amendments, beg leave to report the same

back with an amendment to the amendment, as follows: Insert after the word "Weld," the following named counties: Clear Creek, Summit, Grand, Elbert and Bent.

We recommend that the bill as amended be engrossed, read a third time and passed.

We have also considered H. B. No. 1, and return the same with the recommendation that it pass.

JAMES RICE,
Chairman.

The report was adopted.

The special committee to whom was referred C. B. No. 66, reported a substitute therefor.

Under suspension of the rules the substitute was read a first and second time and referred to the Committee on Printing.

On motion of Mr. Morrison, the Council proceeded to elect as assistant engrossing clerk.

Mr. Stiles nominated Hon. J. H. K. Uhlhorn.

Mr. Hughes nominated William B. Thomas.

The vote was taken *viva voce* and resulted as follows:

For Mr. Uhlhorn—4.

For Mr. Thomas—9.

Mr. Thomas was declared duly elected.

The Council adjourned.

NINETEENTH DAY.

WEDNESDAY, January 26, 1876.

Council met at 10 a. m.

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Morrison.

Journal read and approved.

A message was received from the House stating that said body had passed substitute for H. B. No. 48, for an act concerning the probate court in Saguache county.

Also, H. B. No. 62, for an act concerning costs in cases of change of venue.

Also, substitute for H. B. No. 28, for an act to regulate the practice of medicine in Las Animas county.

Also, H. B. No. 65, for an act relative to the adoption of Angeline Christman.

Also, H. B. No. 64, for an act in relation to an adopted child of Israel B. Hatch.

The message further stated that the House had passed Council bills numbered 27, 50, 51, and had amended C. B. No. 47, by striking out in line one of section 2, the word and figure 4, and inserting in place thereof the word and figure 3, and that the bill, as amended, had been passed.

Committee on Engrossed Bills reported Council bills numbered 4, 8, 9 and 21 correctly engrossed.

Committee on Printing reported Council bills numbered 83, 85, 86, 87, 88 and 89 correctly printed; also, the report of the special committee appointed to examine the penitentiary. As printed the report reads that "at a low estimate it will cost \$1,800 per annum." It should read \$18,000 per annum.

Mr. Hughes introduced C. B. No. 90, for an act to encourage the manufacture of sugar from beets in the Territory of Colorado.

Mr. Eaton introduced C. B. No. 91, for an act to amend chapter fifty-three of the Revised Statutes, concerning license.

Mr. Hummel introduced C. B. No. 92, for an act to provide for the publication of town ordinances in towns of less than 3,000 inhabitants.

Mr. McBride introduced C. B. No. 93, for an act to regulate sales of real estate on deeds of trust.

Under suspension of the rules, these bills were read a first and second time and referred to Committee on Printing.

Mr. Eaton presented a petition from citizens of Larimer county, Colorado, in regard to the Board of Trustees of the Agricultural College of Colorado.

It was read in full.

H. B. No. 1 and Council bills numbered 4, 8, 9 and 21 were read a third time.

C. B. No. 21 was taken up for consideration, pending action upon which the Council adjourned.

AFTERNOON SESSION.

Council met at 2 p. m.

The President in the chair.

Mr. McBride moved that C. B. No. 21 be made the special order for Friday next, at 2 o'clock p. m.

Mr. Wilson (A. D.) moved to amend the motion by striking out "Friday" and inserting "to-morrow" in lieu thereof.

Mr. Wilson's amendment was lost, whereupon Mr. McBride's motion prevailed.

Committee on Engrossed Bills reported Council bills numbered 12, 18 and 26 correctly engrossed.

Mr. McBride was called to the chair.

H. B. No. 1 was taken up for consideration, amended, put upon its passage and passed, as amended, by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—10.

Noes—none.

Excused from voting—Messrs. Hummel and Hahn—2.

Title agreed to.

A message from the House stated that said body had

passed H. B. No. 63, for an act to establish stock boards or exchanges.

Also, C. B. No. 59, with the following amendment: Insert in section 4, after the word "district," in second line thereof, the words "or probate."

Substitute for C. B. No. 4 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President
—12.

Noes—none.

Title agreed to.

C. B. No. 8 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson—11.

Noes—none.

Title agreed to.

C. B. No. 9 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson—11.

Noes—none.

Title agreed to.

C. B. No. 18 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President
—12.

Noes—none.

Title agreed to.

C. B. No. 26 was taken up for consideration, read a third time in full, and recommitted to Committee on Counties.

C. B. No. 12 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn,

McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President
—12.

Noes—none.

Title agreed to.

The Committee on Judiciary, to whom was referred Council bills numbered 1 and 32, reported same back to the Council with certain amendments to each, and recommended that said bills, as amended by the committee, be engrossed and read a third time.

The report was adopted and the Council adjourned.

TWENTIETH DAY.

THURSDAY, January 27, 1876.

Council met at 10 o'clock.

The President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Morrison.

Journal read and approved.

Committee on Engrossed Bills reported C. B. No. 60 correctly engrossed.

Mr. Eaton presented a petition from citizens resident in Colorado Territory, asking the passage of a certain bill which offers a premium of \$10,000 for the first fifty barrels of sugar manufactured from sugar beets, raised in Colorado.

The petition was read and referred to Committee on Agriculture and Stock-growing.

Committee on Printing reported substitute for C. B. No. 66 correctly printed; also Council bills numbered 90, 91, 92 and 93.

Mr. Rice introduced C. B. No. 94, for an act to provide

for defraying the expenses of the convention to frame a State constitution for Colorado.

Mr. Stiles introduced C. B. No. 95, for an act to amend an act entitled "An act to provide for the further execution of the trust relating to the town site of the City of Denver and to regulate the same," approved February 8, 1872.

Under suspension of the rules, these bills were read a first and second time and placed on general file.

House bills numbered 28, 48, 62, 63, 64 and 65 were read a first time.

Under suspension of the rules, these bills were read a second time.

C. B. No. 60 was read a third time, amended, put upon its passage and passed, as amended, by the following vote:

Ayers—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President
—12.

Noes--none.

Title agreed to.

On motion of Mr. Clelland the rules were suspended and H. B. No. 48 taken from the general file, read a third time and referred to Committee on Judiciary.

The Council concurred in House amendments to Council bills numbered 47 and 59.

Mr. Wilson (A. D.) introduced C. B. No. 96, for an act to attach Lake county to Park county for judicial purposes.

Under suspension of the rules, it was read a first and second time and referred to Committee on Printing.

The Council now adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock.

The President in the chair.

Quorum present.

A message was received from the House, stating that said body had passed the following bills:

H. B. No. 72, for an act for the relief of Keziah C. Wildeboor.

H. B. No. 57, for an act to amend an act regulating the branding, herding and care of stock, approved February 9, 1872.

H. B. No. 61, for an act to dissolve the bonds of matrimony between Thomas M. O'Brien and Linda O'Brien.

The message also stated that the House had passed C. B. No. 60 and had concurred in Council amendments to H. B. No. 1.

Mr. Hummel presented a petition from citizens resident in Summit county, Colorado, praying for the establishment of a territorial assay office at Montezuma, Summit county.

It was referred to Committee on Finance, Ways and Means.

Mr. Eaton introduced C. B. No. 97, for an act concerning the running at large of bulls.

Under suspension of the rules, it was read a first and second time and referred to Committee on Agriculture and Stock-growing.

Committee on Counties introduced substitute for C. B. No. 26, for an act to amend chapter twenty of the Revised Statutes.

It was read a first time.

Under suspension of the rules, it was read a second and third time, considered engrossed, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, McBride, Rice, Stiles, Suaso, Wilson, Mr. President—9.

Noes—Mr. Hummel—1.

Excused from voting—Mr. Hahn—1.

Title agreed to.

Committee on enrolled bills reported Council bills numbered 63, 34, 36, 28, 30 and 49 correctly enrolled, and that

the same had been presented to the Governor on this (Thursday) afternoon at 2 o'clock, for his action thereon.

The Council went into Committee of the Whole, with Mr. Rice in the chair.

The committee rose and reported as follows:

Mr. President:

The Committee of the Whole have considered C. B. No. 68 and recommend that it be referred to Committee on Judiciary.

C. B. No. 70, and recommend that it be engrossed and read a third time.

C. B. No. 76, and recommend that it be referred to Committee on Finance, Ways and Means.

H. B. No. 43, and recommend that it be amended as follows: Insert in the third line of section one, before the word "German," the words "Spanish or" and in the same line, after the word "language," the words "or both." Strike out the word "this," at beginning of line 5, and insert in place thereof the word "said;" insert in line 5, after the word "paper," the words "or papers;" insert in line 5, before the word "German," the words "Spanish or," and at the end of said line add the words "or both;" add the following words at the end of section one: *Provided*, that no such publication shall be made in more than one newspaper published in each of said languages in any one county; and that the bill, as amended, be put upon upon its passage.

H. B. No. 13, and recommend that it do pass.

H. B. No. 14, and recommend that it be referred to Committee on Roads and Bridges.

H. B. No. 18, and recommend that it do pass.

H. B. No. 19, and recommend that it be referred to Committee on Mines and Minerals.

H. B. No. 21, and recommend that it be laid upon the table.

H. B. No. 26, and recommend that it be referred to a special committee, to be composed of the members of the Council from Arapahoe county.

H. B. No. 29, and recommend that it be laid upon the table.

H. B. No. 30, and recommend that it be referred to Committee on Education and Labor.

H. B. No. 33, and recommend that it be laid upon the table.

JAMES RICE,
Chairman.

Report adopted.

On motion of Mr. McBride, C. B. No. 70 was considered engrossed, read a third time, put upon its passage, and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

H. B. No. 13 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

Committee on Engrossed Bills reported C. B. No. 32 correctly engrossed.

It was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Hughes, McBride, Rice, Salisbury, Suaso, Mr. President—7.

Noes—Messrs. Eaton, Hummel, Stiles, Wilson (A. D.)—4.

Title agreed to.

H. B. No. 18 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

H. B. No. 43 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

The Council now adjourned.

TWENTY-FIRST DAY.

FRIDAY, January 28, 1876.

Council met at 10 a. m.

The President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Morrison.

The chair presented a petition from citizens resident in the southern portion of Saguache county, Colorado, praying for the formation of a new county.

It was referred to Committee on Counties.

Mr. McBride introduced C. B. No. 98, for an act to incorporate the town of Trinidad.

Under suspension of the rules, it was read a first and second time and referred to Committee on Printing.

Mr. Rice introduced the following :

C. B. No. 99, for an act to amend an act entitled "An act concerning Libraries," approved February 8, 1872.

C. B. No. 100, for an act entitled an act to regulate the canceling of city and town warrants.

Under suspension of the rules, these bills were read a first and second time, and C. B. No. 100 was referred to Committee on Printing.

House bills numbered 57, 61 and 72 were read a first time.

Committee on Agriculture and Stock-growing reported back C. B. No. 97 without recommendation.

Council bills numbered 16 and 19 were read a third time.

A message from the Governor informed the Council that he had approved Council bills numbered 28, 30, 34, 36, 49 and 63.

A message from the House stated that said body had concurred in Council amendment to H. B. No. 43.

C. B. No. 19 was taken up for consideration, and, on motion of Mr. Hughes, its sixth section was amended by striking out wherever they occur, the words "obligor or obligors," and inserting in lieu thereof the words "principal or principals."

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

The motion prevailed, but as explanations were asked for in regard to certain portions of the bill, the motion to put it upon its passage was reconsidered, and the bill was laid upon the table.

The Council now adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock.

The President in the chair.

Quorum present.

Mr. Stiles, by general consent, introduced an amended substitute for C. B. No. 66, and recommended, on behalf of the members from Arapahoe county, that it be engrossed for a third reading.

It was so ordered by the Council.

Committee on Roads and Bridges reported back H. B. No. 14, with the recommendation that it pass.

The special order of the hour, C. B. No. 21, was taken up for consideration.

Mr. A. D. Wilson was called to the chair.

Mr. Adair Wilson moved to strike out the whole of title two, entitled "Territorial Board of Education."

The motion prevailed.

Mr. Adair Wilson moved to amend section three by striking out from the seventh and eighth lines thereof the words, "which shall have the same force and effect as though contained herein."

Carried.

Mr. Adair Wilson also moved to strike out from lines eleven and twelve of section three the words, "such other purposes as shall by him be deemed necessary," and insert in place thereof, "superintendent's reports."

Carried.

Mr. Adair Wilson also moved to strike out sections numbered eighty-four and eighty-five in regard to teachers' institutes.

Carried.

Section fourteen was amended to read as follows :

SECTION 14. Should the Superintendent elect fail to qualify as aforesaid, or should there occur a vacancy in said office, the board of county commissioners shall, at their next meeting after such vacancy or failure to qualify occurs, appoint an eligible and suitable person, who shall qualify within ten days after his appointment, and who shall continue in office until the time prescribed for filling said office by election, as provided in section thirteen. Should such appointee fail to qualify as aforesaid, another appointment shall be made in the same manner. If the county commissioners fail to fill such vacancy at their next meeting after its occurrence, the Superintendent of Public Instruction shall, upon receiving notice thereof, from the county clerk of such county, appoint a suitable person to said office, who shall qualify as aforesaid.

Mr. Adair Wilson moved to so amend section eighteen that the board of directors of each district should furnish the necessary blanks and blank books to district officers

and teachers, instead of having them furnished by the county superintendent.

The motion was lost by a vote of five for to six against.

Mr. McBride moved to amend section seven by striking out from the first line thereof the words "two thousand," and inserting in lieu of said words the words "fifteen hundred," so that the salary of the Superintendent of Public Instruction shall be \$1,500 per annum instead of \$2,000.

The motion prevailed by a vote of six for to five against.

Committee on Enrolled bills reported Council bills numbered 27, 47, 50, 51, 59 and 60 correctly enrolled, and that the same had been presented to the Governor this (Friday) afternoon at 2:15 o'clock for his action thereon.

A message from the Governor announced that he had approved Council bills numbered 47, 50, 51, 59 and 60.

On motion of Mr. Stiles, the Council adjourned.

TWENTY-SECOND DAY.

SATURDAY, January 29, 1876.

Council met at 10 a. m.

The President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Morrison.

Committee on Judiciary reported back a substitute for C. B. No. 68, and recommended that H. B. No. 48 be put upon its passage.

The report was adopted.

Committee on Mines and Minerals reported back H. B. No. 19, with the recommendation that it pass.

Report adopted.

The Committee on Printing reported Council bills numbered 96, 98 and 100 correctly printed, except the number of bill 96, which is printed 76.

Committee on Engrossed Bills reported Council bills numbered 1, 14, 23, 39, 42, 62 and 84 correctly engrossed.

The joint committee appointed to visit the Territorial School of Mines presented the following report:

Mr. President :

Your joint committee on Territorial School of Mines would report that they visited the same, found the title to the same good, the property, both real and personal, in good order, and apparently well cared for, and would recommend that the sum of three thousand five hundred dollars be appropriated to be expended in some additional fixtures, employing teachers, and current expenses for the next two years.

E. L. SALISBURY,
Council.

J. H. YONLEY,
R. J. McNUTT,
House.

The report was received.

The special committee to whom was referred H. B. No. 26, reported the same back to the Council with the recommendation that it pass.

Report adopted.

Committee on Agriculture and Stock Growing, to whom was referred a certain petition in regard to the manufacture of sugar from beets, reported the same back to the Council with the recommendation that it be considered in Committee of the Whole.

Report adopted.

Mr. Hummel presented the following, which was adopted under suspension of the rules :

Resolved, That on and after Monday next, night sessions

of the Council shall be held, commencing at 7 o'clock of each day.

Mr. Clelland introduced C. B. No. 101, for an act to amend an act to establish a school for deaf mutes in Colorado Territory, approved February 13, 1874.

Mr. Suaso introduced C. B. No. 102, for an act to prevent the use of water in meadow lands in the county of Huerfano, in certain months.

Mr. Salisbury introduced C. B. No. 103, for an act to provide for the representation of the Territory of Colorado at the Centennial exhibition.

Under suspension of the rules, these bills were read a first and second time and referred to Committee on Printing.

Mr. Stiles presented the following, which was adopted under suspension of the rules:

Resolved, That no bill, except for revenue and appropriation, shall be introduced in this Council on and after the 5th day of February, A. D. 1876.

Substitute for C. B. No. 68 was read a first time.

House bills numbered 57, 61 and 72, and substitute for C. B. No. 68 were read a second time.

A message from the House stated that said body had passed Council bills numbered 10, 55, 48, 3 and 72.

Also, C. B. No. 52, amended by inserting after the word "words," in the seventh line of section three, the words, "if said certificate;" and that it was further amended by striking out section seven.

Also, C. B. No. 2, with the following amendment: In the first line of section one, after the word "chancery," insert the words "which may be hereafter brought."

The message further stated that the House had indefinitely postponed action on Council bills numbered 6 and 7.

And the message further stated that the House had passed the following:

H. B. No. 10, for an act for the protection of fish in Colorado.

H. B. No. 20, for an act to cover the deficit in the expenditures for the penitentiary for the year ending December 31, 1875.

H. B. No 75, for an act to establish a fence law in Saguache county.

H. B. No. 80, for an act to change the time of election in the town of Montezuma, Colorado.

H. B. No. 66, for an act concerning the settlement of partnership estates, upon the death of a partner.

House bills numbered 14, 19, 26 and 48, and Council bills numbered 1, 14, 23, 39, 42, 62 and 84 were read a third time.

H. B. No. 33 was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, McBride, Rice, Stiles, Salisbury, Mr. President--9.

Noes—Messrs. Hal n and Wilson—2.

Title agreed to.

C. B. No. 1 was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

H. B. No. 26 was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

The Council now adjourned.

AFTERNOON SESSION.

The Council met at 2 o'clock.

The President in the chair.

Quorum present.

Mr. McBride moved that C. B. No. 98 be considered engrossed and ordered to its third reading.

The motion prevailed and the bill was read a third time.

It was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President
—12.

Noes—none.

Title agreed to.

Mr. Salisbury presented the annual report of G. H. Gray, Territorial Assayer for the county of Gilpin, and moved that 500 copies thereof be printed.

The motion prevailed.

Committee on Penitentiary and Jails reported back C. B. No. 46 with the recommendation that it pass.

The report was adopted.

Committee on Engrossed Bills reported substitute for C. B. No. 66 and C. B. No. 56 correctly engrossed.

The House amendment to C. B. No. 2 was concurred in.

The House amendment to C. B. No. 52, striking out section seven thereof, was concurred in.

On motion of Mr. Hughes, the House amendment to section three of C. B. No. 52, was amended as follows :

By striking out the words "seventh line," and inserting "eighth line" in place thereof.

The Council went into Committee of the Whole, with Mr. Hummel in the chair.

A message was received from the House stating that said body had passed the following bills :

House Bill No. 87, a bill for an act to establish a term of the District Court in the county of Grand.

Also, substitute for House Bill No. 44, for an act to relieve counties of the burden of unavailable taxes.

Also, substitute for H. B. No. 5, for an act to amend chapter eighteen (18) of the Revised Statutes of Colorado Territory.

Also, substitute for C. B. No. 17, for an act to amend an act entitled "An act to provide for the assessment and collection of revenue," approved February 11, 1870.

A message from the Governor announced that he had approved C. B. 27.

The Committee of the Whole made the following report:

Mr. President:

The Committee of the Whole have considered C. B. No. 21, and recommend that it be amended as follows: Add at the end of section 66 the following: "*Provided*, That the county assessor shall list all property both real and personal in the school district in which the same may be at the time any school tax may be levied."

Strike out all of section five after the number of the section and to include the word "education," in the fourth line, and add the remainder of section five at end of section four.

After the words "officers," in second line of section eighty-six, insert "three times" in place of the word "once," and in the same line, after the the word "term," insert "one in each judicial district, to be held in vacation if practicable."

After the word "exceeding," in the fourth line of section eighty-six, insert the words "four hundred and fifty dollars," and strike out the words "three hundred dollars."

Strike out the last sentence of section eighty-six, and insert in place thereof the words, "the warrant shall be drawn at each term for an amount not exceeding one-third of the four hundred and fifty dollars mentioned herein."

Add at the end of section eighty-six the following: "Whenever any such institute is in session, the boards of directors of such schools as may be in session at the time,

may close the schools during its session, if they deem it advisable, and permit the teachers thereof to attend such institute; and may make such provision relative to the continuance of the teachers' pay for said time as they may deem proper."

Strike out from section forty-six, in lines six and seven, the words, "but no election shall be illegal for want of such notice," and insert in place thereof the following: "If the secretary fail to give such notice, then any two legal voters residing in the district may give such notice over their own names, and such election may be held after the day fixed by this act for such election."

Strike out from the first line of section one the words, "every regular," and insert in place thereof the words, "the present."

Strike out from the fourth line of section one the words, "appointed, confirmed," and insert the word "elected."

Add the following at the end of section one: "At the general election to be held in 1877, and every two years thereafter, a Territorial Superintendent of Public Instruction shall be elected by the people of the Territory."

J. C. HUMMEL,
Chairman.

The report was adopted.

Mr. Stiles moved that the amended substitute for C. B. No. 66, be read a third time.

The motion prevailed, and the bill was read a third time.

On motion of Mr. Hughes, section two of the bill was stricken out, and the following inserted in lieu thereof:

SEC. 2. That article three be amended by adding the following section: All ordinances and every resolution passed by the City Council, which appropriates exceeding three hundred dollars, before either shall take effect, shall, within twenty-four hours after its passage, be presented to the mayor for his approbation. If he approve it, he shall sign it. If not, he shall return it with his objections in writing to the city clerk, who shall present the same at the next meeting of the City Council, who shall enter said objection on their record; and if the council be of the opinion the ordinance or resolution ought to pass, may proceed to reconsider the

same; and if after such reconsideration two-thirds of the aldermen elect shall agree and pass the same, said ordinance or resolution shall take effect the same as if the mayor had signed it. If the mayor shall not return the resolution or ordinance within five days, it shall take effect in the same manner as if he had signed it.

Mr. Hughes moved to amend section four by adding at the end thereof the following words, "and until a mayor is elected and qualified."

Carried.

Mr. Hughes moved to amend section eleven by striking out the word "city," in the eighth line thereof, and by inserting in said line, after the word "him," the words, "in this county and territory;" also, by striking out from the ninth line of said section the word "eight," and inserting in place thereof the word "five."

Carried.

The bill as amended was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

The Council now adjourned until Monday morning next at 10 o'clock.

TWENTY-THIRD DAY.

MONDAY, January 31, 1876.

Council met at 10 a. m.

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Morrison.

Journal read and approved.

Committee on Printing reported Council bills numbered 101, 102 and 103 correctly printed.

Committee on Finance, Ways and Means, to whom was referred C. B. No. 76, reported the same back to the Council with the recommendation that it pass.

Mr. Eaton introduced C. B. No. 104, for an act to amend an act entitled "An act concerning elections," approved February 13, 1874.

Mr. Rice introduced the following :

C. B. No. 105, for an act providing for the election of Territorial officers.

C. B. No. 106, for an act to amend section fifteen of chapter eighteen of the Revised Statutes, concerning corporations.

Mr. Salisbury introduced the following :

C. B. No. 107, for an act to amend the charter of the city of Central.

C. B. No. 108, for an act to amend an act to provide for the assessment and collection of revenue, approved February 11, 1870.

Under suspension of the rules, Council bills numbered 104, 105, 106, 107 and 108 were read a first and second time and referred to Committee on Printing.

House bills numbered 5, 10, 17, 20, 44, 66, 75 and 80 were read a first time.

C. B. No. 14 was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President
—12.

Noes—none.

Title agreed to.

C. B. No. 16 was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President

—12.

Noes—none.

Title agreed to.

C. B. No. 23 was taken up for consideration and was, on motion of Mr. Hahn, amended by striking out from the end of section three the following words: "and such condonation shall be disregarded in the trial of all causes for divorce."

The bill, as amended, was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, M. President

—12.

Noes—none.

Title agreed to.

C. B. No. 42 was recommitted to Committee on Roads and Bridges.

C. B. No. 56 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President

—12.

Noes—none.

Title agreed to.

C. B. No. 84 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President

—12.

Noes—none.

Title agreed to.

H. B. No. 19 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President

—12.

Noes—none.

Title agreed to.

H. B. No. 48 was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—Mr. Stiles—1.

Title agreed to.

Substitute for H. B. No. 14 was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson—11.

Noes—Mr. President—1.

Mr. Hughes moved to reconsider the vote by which substitute for H. B. No. 14 was put upon its passage.

Carried.

After an explanation of certain portions of the bill it was again put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson—11.

Noes—Mr. President—1.

Title agreed to.

C. B. No. 62 was taken up for consideration and was, on motion of Mr. Hughes, amended by adding at the end of section one, to form part of the final sentence of said section one, the following: "Not exceeding the sum stated in such notice and due to him, and every such notice shall have endorsed upon it the affidavit of the person giving such notice, that he claims such lien in good faith."

The bill, as amended, was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—none.

Excused—Mr. Hahn—1.

Title agreed to.

The Council now adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock.

The President in the chair.

Quorum present.

A message from the House, stated that said body had concurred in Council amendment to House amendments to Council Bill No. 52.

Also, that the House had passed C. B. No. 98.

Also, House Joint Memorial No. 4, a memorial to the Senate and House of Representatives of the United States to amend the Mining Laws.

Mr. Hummel introduced C. B. No. 109, for an act to amend an act entitled an act concerning elections, approved February 13, 1874.

Under suspension of the rules, it was read a first and second time and referred to Committee on Printing.

Mr. Salisbury presented a memorial from the Board of Commissioners of Gilpin county, Colorado, citing that considerable difficulty is and has been met with in the collection of taxes due on personal property, and asking that the revenue act of 1870 be so amended as to make section fifty-seven of said act apply to the disposal of such property by sale or otherwise, and section ninety-seven of said act to apply to and include in its provisions personal property as well as real estate.

The memorial was read in full and referred to Committee on Finance, Ways and Means.

The Council went into Committee of the Whole, with Mr. Eaton in the chair.

Pending the consideration of C. B. No. 81, the committee rose and reported as follows:

Mr. President:

The Committee of the Whole have considered H. B. No. 35, and recommend that it be laid upon the table.

H. B. No. 36, and recommend that it be referred to Committee on Judiciary.

Substitute for C. B. No. 22, and recommend that it do pass.

H. B. No. 55, and recommend that it do pass.

H. B. No. 50, and recommend that it be laid upon the table.

H. B. No. 57, and recommend that it be referred to the Committee on Agriculture and Stock-growing.

Substitute for H. J. M. No. 3, and recommend that it do pass.

H. B. No. 61, and recommend that it be laid upon the table.

H. B. No. 72, and recommend that it be amended by inserting in the first line of section one, after the word "Keziah," the words "Cook, formerly Keziah," and that the bill, as amended, be put upon its passage.

C. B. No. 67, and recommend that it be referred to Committee on Judiciary.

B. H. EATON,
Chairman.

On motion of Mr. McBride, the Council adjourned until 10 a. m. to-morrow.

TWENTY-FOURTH DAY.

TUESDAY, February 1, 1876.

The Council met at 10 a. m.

The President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Hughes, Morrison and Salisbury.

Journal read and approved.

Messrs. Hughes and Salisbury appeared and took their seats.

A message from the House stated that said body had passed:

House Bill No. 22, for an act concerning the probate court of the county of Lake.

House Bill No. 68, for an act for the relief of the city of Black Hawk.

Substitute for House Bill No. 71, for an act to abolish the offices of Territorial assayers, and to repeal the laws appertaining thereto.

Council Bill No. 13, with the following amendments: By striking out the words, "or a general agent," in the third line of section two, and the words, "or shall have been without the Territory during any past term of court."

Substitute for Council Bill No. 18, with the following amendment: By striking out in lines one and two, of section two, the words, "which shall be a special *feri facias*."

On motion of Mr. Stiles, H. B. No. 63 was taken from the general file, read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Mr. President—11.

Noes—Mr. A. D. Wilson—1.

Title agreed to.

Committee on Printing reported Council bills numbered 104, 105, 106, 107, 108 and 109 correctly printed.

Committee on Judiciary presented the following report:

To the Honorable the Council of Colorado Territory:

The Committee on the Judiciary, to whom was referred C. B. No. 45, beg leave to report the same back to the Council without recommendation, as they have not had a full meeting of the members of the committee and have a division of opinion in regard to the same.

B. M. HUGHES,
Chairman.

On motion of Mr. Salisbury the report was received, and

the committee discharged from the further consideration of said bill.

Mr. McBride introduced C. B. No. 110, for an act to dissolve the bonds of matrimony between George Boyles and Clara I. Boyles.

Under suspension of the rules, it was read a first and second time.

Mr. Wilson introduced C. B. No. 111, for an act to enable county commissioners to correct false returns and statements of property for taxation.

Under suspension of the rules it was read a first and second time and referred to the Committee on Printing.

H. J. M. No. 4 was read a first time.

House bills numbered 66, 87, 80, 75, 20 and 10, and substitutes for House bills numbered 44, 5 and 17 were read a second time.

Mr. Salisbury was excused.

Under suspension of the rules, H. J. M. No. 3 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

H. B. No. 55 was read a third time.

On motion of Mr. Clelland, it was amended by adding at the end of section one the following words, "when employed as such."

The bill, as amended, was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

H. B. No. 72 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Suaso, Wilson, Mr. President—10.

Noes—Mr. Stiles—1.

By general consent, the title of the bill was amended by striking out therefrom the letter "C" and word "Wildeboor," and inserting in lieu thereof the word "Cook."

Mr. Salisbury returned from leave of absence.

The Council concurred in House amendments to C. B. No. 13, and substitute for C. B. No. 18.

C. B. No. 19 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—Mr. Stiles—1.

Title agreed to.

On motion of Mr. McBride, C. B. No. 110 was taken from the general file and read a third time.

Mr. A. D. Wilson moved to lay the bill upon the table.

Carried.

Mr. Rice moved to reconsider the vote by which C. B. No. 110 was laid upon the table, and also to take up H. B. No. 61 for consideration.

Carried.

H. B. No. 61 was read a third time, put upon its passage and lost by the following vote:

Ayes—Messrs. Clelland, Hughes, McBride, Rice, Suaso and Mr. President—6.

Noes—Messrs. Eaton, Hummel, Hahn, Stiles, Salisbury and A. D. Wilson—6.

C. B. No. 110 was put upon its passage and lost by the following vote:

Ayes—Messrs. Clelland, Hughes, McBride, Rice, Suaso and Mr. President—6.

Noes—Messrs. Eaton, Hummel, Hahn, Stiles, Salisbury and A. D. Wilson—6.

On motion of Mr. Rice, C. B. No. 99 was taken from the

general file, read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

Pending the consideration of C. B. No. 39, the Council adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock.

The President in the chair.

Quorum present.

The Council resumed the consideration of C. B. No. 39, and, on motion of Mr. Hughes, it was laid upon the table.

C. B. No. 45 was taken from the general file, read a third time, put upon its passage and lost by the following vote:

Ayes—Messrs. Hahn, Stiles and Salisbury—3.

Noes—Messrs. Clelland, Eaton, Hughes, Hummel, McBride, Rice, Suaso and Mr. President—8.

Excused from voting—Mr. A. D. Wilson—1.

A message from the House stated that said body had passed H. B. No. 81, for an act to amend section three of chapter sixty-five of the Revised Statutes of Colorado.

Also, C. B. No. 56.

Also, that the House had indefinitely postponed further action on Council bills numbered 8 and 17.

Also, that the House had refused to pass C. B. No. 9.

Also, that the House had passed C. B. No. 33, amended as follows: By striking out in line seventeen of section one the words "La Plata," and inserting in lieu thereof the words "San Juan;" by inserting after the word "courts," in second line of third section, the words "upon change of venue or otherwise;" by inserting in line three of section four, after the word "issued," the words "or publication

had;" by adding at the end of section four the following: "And this act shall apply to recognizances taken in all criminal cases pending on change of venue or otherwise."

Committee on Enrolled Bills reported Council bills numbered 2, 3, 10, 48, 72 and 98 correctly enrolled, and that the same had been presented to the Governor on this (Friday) afternoon, at 2:30 o'clock, for his action thereon.

On motion of Mr. A. D. Wilson, C. B. No. 87 was taken from the general file, considered engrossed, read a third time, put upon its passage, and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

Committee on Engrossed Bills reported substitute for C. B. No. 22 correctly engrossed.

C. B. No. 89 was taken from the general file, read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Hughes, McBride, Rice, Stiles, Salisbury and Suaso—7.

Noes—Messrs. Eaton, Hummel, Hahn, Wilson and Mr. President—5.

Title agreed to.

C. B. No. 82 was taken from the general file, read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

Substitute for C. B. No. 22 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, McBride, Rice, Stiles, Salisbury, Suaso, Mr. President—10.

Excused from voting—Messrs. Hahn and Wilson—2.
 Title agreed to.
 The Council now adjourned.

EVENING SESSION.

Council met at 7 o'clock.
 The President in the chair.
 Quorum present.

Mr. Salisbury, who had voted with the prevailing side, moved to reconsider the votes by which H. B. No. 61 and C. B. No. 110 were lost at the morning session.

Mr. Hahn raised a point of order that there having been no majority upon the votes originally taken, or either of them, no one can move a reconsideration.

The chair decided that the point of order could not be sustained, as under the rules of the Council the prevailing vote in any case is deemed to be a majority vote.

The question was now put upon the motion to reconsider, which prevailed by the following vote, the "ayes" and "noes" having been called for by Mr. Hahn:

Ayes—Messrs. Clelland, Hughes, McBride, Rice, Salisbury, Suaso and Mr. President—7.

Noes—Messrs. Eaton, Hummel, Hahn and Stiles—4.

Excused from voting—Mr. A. D. Wilson—1.

H. B. No. 61 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Hughes, McBride, Rice, Salisbury, Suaso and Mr. President—7.

Noes—Messrs. Eaton, Hummel, Hahn, Stiles and A. D. Wilson—5.

C. B. No. 110 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Hughes, McBride, Rice, Salisbury, Suaso and Mr. President—7.

Noes—Messrs. Eaton, Hummel, Hahn, Stiles and A. D. Wilson—5.

Mr. Rice presented the following resolution, which was adopted under suspension of the rules:

Resolved, That no bills granting divorce be received during this session after this date, February 1, 1876.

The Council adjourned.

TWENTY-FIFTH DAY.

WEDNESDAY, February 2, 1876.

Council met at 10 a. m.

President in the chair.

Prayer by the Chaplain.

Roll called.

All the members present.

Journal read and approved.

The Committee on Judiciary presented the following report:

To the Council of Colorado :

The Judiciary Committee, to whom was referred House Bill No. 36, report the same back with an amendment, and recommend that the same, with the amendment, be read a third time and passed.

Also, C. B. No 43, and recommend that it be laid upon the table.

BELA M. HUGHES,
Chairman.

The report was adopted and the committee discharged from further consideration of said bills.

Committee on Engrossed Bills reported Council bills numbered 21, 46 and 76 correctly engrossed.

Committee on Printing reported C. B. No. 111 correctly printed.

Committee on Agriculture and Stock-growing, to whom was referred H. B. No. 57, reported the same back to the Council with an amendment, and recommended that the bill, as amended, be read a third time and passed.

Report adopted.

Mr. Hummel introduced C. B. No. 112, for an act concerning the town of Golden, in Jefferson county.

Mr. Rice introduced C. B. No. 113, for an act to establish the County of Wilson.

Under suspension of the rules, these bills were read a first and second time and referred to Committee on Printing.

Substitute for H. B. No. 71 and House bills numbered 22, 68 and 81 were read a first time.

H. J. M. No. 4 was read a second time.

Council bills numbered 46 and 76 were read a third time.

C. B. No. 21 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

C. B. No. 76 was taken up for consideration and was, by general consent, amended by striking out the word "twenty," after "Saguache county," in line six, and inserting in lieu thereof the word "ten;" and by inserting in said line six, after the word "copies," where said word first occurs, the words "to Rio Grande county ten copies."

C. B. No. 76, as amended, was put upon its passage and passed by the following vote:

Ayers—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

C. B. No. 46 was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

Mr. Salisbury was excused.

On motion of Mr. McBride, C. B. No. 111 was taken from the general file, read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, McBride, Rice, Stiles, Suaso, Wilson, Mr. President—10.

Noes—Messrs. Hahn and Morrison---2.

Title agreed to.

A message from the Governor announced his approval of Council bills numbered 2, 3, 10, 48, 55, 72 and 98.

House amendments to C. B. 33 were concurred in.

The consideration of C. B. No. 39 was resumed.

On motion of Mr. Hummel, C. B. No. 109 was taken from the general file, read a third time, put upon its passage, and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

On motion of Mr. Rice, C. B. No. 100 was taken from the general file, read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

The Council now adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock.

The President in the chair.

Quorum present.

Mr. Hughes introduced C. B. No. 114, for an act to amend an act entitled "An act to establish assay offices in Colorado Territory," approved February 10, 1874.

Under suspension of the rules, the bill was read a first and second time and referred to Committee on Finance, Ways and Means.

C. B. No. 39 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

The Committee on Finance, Ways and Means, to whom was referred a certain petition asking relief for David Briggs, late Sheriff of Weld county, reported back a bill—C. B. No. 115—for an act for the relief of David Briggs.

The bill was read a first time.

The special committee to whom was referred C. B. No. 40, reported the same back to the Council without recommendation.

C. B. No. 75 was taken from the general file, read a third time, put upon its passage and passed by the following vote:

Ayes---Messrs. Clelland, Eaton, Hughes, Hummel, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President ---12.

Noes—none.

Excused from voting—Mr. Hahn—1.

Title agreed to.

C. B. No. 73 was taken from the general file, read a third time, put upon its passage and passed by the following vote:

Ayes---Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President
---12.

Noes---none.

Title agreed to.

A message from the House stated that said body had concurred in Council amendments to House bills numbered 55 and 72.

That the House had passed H. B. No. 95, for an act authorizing the county commissioners of the County of Huerfano to levy a special tax to build a court house.

That the House had passed C. B. No. 99, with the following amendments: By inserting in the 5th line after the enacting clause, after the word "council," the words "or board of trustees," and in the sixth line, after the word "city," the words "or town," and in the seventh line, after the word "authorized," the words "if they shall see fit," and in the thirteenth line, after the word "council," the words "or board of trustees."

That the House had passed substitute for C. B. No. 26, with the following amendments: By inserting the words "San Juan, La Plata," after the word "Grand," in last line of section one.

That the House had passed Council bills numbered 1, 64 and 12, and had refused to pass C. B. No. 70.

That the House had passed C. B. No. 15, with the following amendments: By adding to section one the following—"Provided, that the time during which any debtor shall be absent from the Territory of Colorado shall not be included in the time limited for the commencement of actions in sections 1, 2, 3, 4, 5, 6, 7 and 8 of the act to which this is amendatory;" also, by striking out the words "without condition" in the eighth and ninth lines of section one.

The Council concurred in House amendments to Council bills numbered 15 and 99.

The Council now went into Committee of the Whole, with Mr. Salisbury in the chair.

The committee rose and reported as follows:

Mr. President :

The Committee of the Whole have considered C. B. No. 81, and recommend that it do pass.

EDW. L. SALISBURY,
Chairman.

Report adopted.

A message from the House stated that said body had passed H. B. No. 38, for an act to provide for the relief of the Institute for Deaf Mutes.

Also, C. B. No. 14.

Also, that it had refused to pass Council bills numbered 4 and 23.

And that it had passed C. B. No. 32, with the following amendment: By striking out in section two, in lines two and three, the word "sufficient," and inserting in lieu thereof "probably."

The Council now adjourned.

EVENING SESSION.

Council met at 7 o'clock.

The President in the chair.

Quorum present.

Mr. Rice introduced C. B. No. 116, for an act concerning roads and highways in Pueblo county.

Under suspension of the rules, it was read a first and second time, considered engrossed and read a third time, put upon its passage and passed by the following vote:

Ayes---Messrs. Clelland, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President---11.

Noes---none.

Title agreed to.

C. B. No. 14, returned from the House, amended, was laid upon the table.

On motion of Mr. Salisbury, House amendment to C. B. No. 32 was concurred in.

On motion of Mr. Hummel, C. B. No. 92 was considered engrossed, read a third time, put upon its passage and passed by the following vote :

Ayes---Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President

—12.

Noes—none.

Title agreed to.

A message was received from the House, stating that said body had passed the following bills:

House Bill No. 89, for an act to enable certain counties to build public wagon-roads and to issue bonds for such purpose.

That the House had reconsidered its action in refusing to pass Council Bill No. 70 and had amended the same as follows: By striking out all after the number of the section in section one, and substituting in lieu thereof the following: "That the county commissioners of the different counties in this Territory may offer and pay out of the county treasury a reward to any person who shall kill any wolf or coyote or any number of wolves or coyotes, such reward not to exceed one dollar for each coyote so killed.

Also, in section four, by striking therefrom the word "Territorial," in the fifth line, and inserting in lieu thereof the word "County."

Also, in section five, by striking out all after the word "proven," in the fifth line of said section.

The Council now adjourned.

TWENTY-SIXTH DAY.

THURSDAY, February 3, 1876.

Council met at 10 a. m.
 The President in the chair.
 Prayer by the Chaplain.
 Roll called.

All the members present.
 Journal read and approved.

The Committee on Printing reported Council bills numbered 112 and 113 correctly printed.

The joint committee of the Council and House appointed to confer with a committee from the convention to frame a constitution for Colorado, presented the following report :

To the Honorable President of the Council :

We, your committee appointed to confer with a committee from the Constitutional Convention, and also the committee from the House of Representatives in joint committee assembled, beg leave to say that in our opinion they should receive the same pay as the members of the Legislative Assembly, and their officers the same pay as like officers in said assembly, for a session or term of fifty days; and to pay such salaries and the necessary expenses of said convention, your committee would recommend an appropriation not to exceed \$20,000.

All of which is respectfully submitted.

P. A. McBRIDE,
Chairman.

House bills numbered 38, 89 and 95 were read a first time.

C. B. No. 115, substitute for H. B. No. 71, and House bills numbered 22, 68 and 81 were read a second time.

H. B. No. 36 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn,

Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

H. B. No. 57 was read a third time, put upon its passage and passed, as amended by the Committee on Judiciary, by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

House amendment to C. B. No. 14 was taken up for consideration.

Mr. Hahn moved to amend said amendment by inserting in line four, after the word "filed," where it first occurs, the words, "and the sureties on the bond."

The motion prevailed.

On motion of Mr. A. D. Wilson, the Council refused to concur in House amendments to C. B. No. 70.

Mr. Clelland introduced C. B. No. 117, for an act for the pardon of insane criminals.

Under suspension of the rules, it was read a first and second time and referred to Committee on Printing.

On motion of Mr. Hughes, substitute for H. B. No. 71 was referred to Committee on Mines and Minerals.

C. B. No. 78 was taken from the general file, read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

C. B. No. 85 was taken from the general file and read a third time.

On motion of Mr. Hahn, the word "ten" was stricken

out from the third line of section eight and the word "fifteen" inserted in lieu thereof.

The bill, as amended, was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

Mr. Eaton introduced a substitute for H. B. No. 50, for an act to amend an act entitled "An act relating to fees and salaries in Weld and Larimer counties," approved February 13, 1874.

Under suspension of the rules, it was read a first and second time.

It was also read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

Mr. Hummel introduced a substitute for C. B. No. 112, for an act to amend chapter eighteen of the Revised Statutes.

Under suspension of the rules, it was read a first and second time.

It was also read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs, Clelland, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President

Noes—Mr. Eaton—1.

Title agreed to.

The Council now adjourned.

AFTERNOON SESSION.

Council met at 2 p. m.

The President in the chair.

Quorum present.

Mr. A. D. Wilson introduced C. B. No. 118, for an act to amend an act entitled "An act to amend an act regulating the branding, herding and care of stock," approved February 9, 1872.

Mr. Morrison introduced C. B. No. 119, for an act concerning replevin.

Under suspension of the rules these bills were read a first and second time and referred to Committee on Printing.

The Council went into Committee of the Whole, with Mr. Clelland in the chair.

A message from the House stated that said body had passed H. B. No. 76, for an act concerning the penitentiary at Cañon City.

Also, H. B. No. 53, for an act to authorize the county commissioners of Fremont county to levy a special tax.

Also, substitute for H. B. No. No. 51, for an act to provide a fund for the support and completion of the University of Colorado, and the management of the same.

The Committee of the Whole rose and reported as follows:

Mr. President:

The Committee of the Whole have considered substitute for C. B. No. 68, and recommend that it be read a third time and passed.

C. B. No. 88, and recommend that it be amended by adding at the end of section two the following: *Provided*, that the professor in charge of said School of Mines shall perform the duties of a Territorial Assayer, as specified in section three of an act to amend an act entitled "An act to establish assay offices in Colorado Territory," approved

February 10, 1874, and in sections six, seven and eight of "An act to establish assay offices in Colorado Territory," approved February 8, 1872, but shall not be entitled to receive for making assays or furnishing abstracts of the same, any sum of money other than that specified by the Board of Trustees of said School of Mines, and such sum or sums of money, so received, shall form part of the receipts of said School of Mines, to be accounted for as such; and that the bill, as amended, be referred to Committee on Finance, Ways and Means.

C. B. No. 86, and recommend that it be engrossed and read a third time.

C. B. No. 71, and recommend that it be referred to Committee on Judiciary.

C. B. No. 74, and recommend that it be engrossed and read a third time.

C. B. No. 90, and recommend that it be laid upon the table.

JAMES CLELLAND,
Chairman.

The report was adopted.

A message from the House stated that said body had passed the following bills:

Substitute for H. B. No. 86, for an act to provide for the further execution of the trust relating to the town site of the town of Idaho Springs, and to regulate the same.

Council Bill No. 16.

Council Bill No. 62, amended as follows: In section eight by inserting after the word "owner," in the ninth line thereof, the words "or his agent," and in the ninth and tenth lines thereof, by striking out the words "or his agent," after the word "affected."

The message also stated that the House had reconsidered its vote upon substitute for Council Bill No. 4, and passed the same with the following amendments: In line seven of section one, by inserting the words "or stockholder," after the word "superintendent," and by adding to the section the following: "*Provided*, that the plaintiff

may in all cases bring his action in the county where the cause of action accrued."

Mr. Stiles introduced C. B. No. 120, for an act to amend an act entitled "An act to establish a school for deaf mutes in Colorado Territory."

It was read a first time.

Mr. Morrison introduced C. B. No. 121, for an act concerning ejectments.

Mr. Clelland introduced C. B. No. 122, for an act to protect stakes, monuments and land-marks on mining and lode claims.

Under suspension of the rules, these bills were read a first and second time and referred to Committee on Printing.

Mr. Eaton introduced C. B. No. 123, for an act to amend an act entitled "An act relating to fees and salaries in Weld and Larimer counties," approved February 13, 1874.

Under suspension of the rules, this bill was read a first and second time.

Mr. Hughes introduced C. B. No. 124, for an act to amend section three of article two of chapter eighteen of the Revised Statutes.

Under suspension of the rules, it was read a first and second time and referred to Committee on Printing.

On motion of Mr. Stiles, the Council adjourned until 10 a. m. to-morrow.

TWENTY-SEVENTH DAY.

FRIDAY, February 4, 1876.

Council met at 10 a. m.

The President in the chair.

Prayer by Rt. Rev. John F. Spalding D. D.

Roll called.

All the members present.

Journal read and approved.

The Committee on Education, to whom was referred H. B. No. 30, reported the same back to the Council with the recommendation that it be indefinitely postponed.

Adopted.

The special committee to whom was referred C. B. No. 44, reported the same back to the Council with the recommendation that it pass.

Mr. Hummel, a member of said committee, dissented from this report.

The report was adopted.

Committee on Engrossed Bills reported Council bills numbered 74 and 81 correctly engrossed.

Substitutes for House bills numbered 51 and 86 and House bills numbered 53 and 76 were read a first time.

C. B. No. 120 and House bills numbered 38, 89 and 95 were read a second time.

On motion of Mr. Salisbury, and under suspension of the rules, substitute for H. B. No. 86 was read a second time.

It was also read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

Substitute for C. B. No. 68 was read a third time, put upon its passage, and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none

Title agreed to.

Mr. Morrison introduced the following :

C. B. No. 125, for an act to amend chapter forty-three of the Revised Statutes, entitled "Injunctions."

C. B. No. 126, for an act concerning the estates of non-resident infants.

Under suspension of the rules, these bills were read a first and second time and referred to Committee on Printing.

Council bills numbered 74 and 81 were read a third time.

The Committee on Mines and Minerals, to whom was referred substitute for H. B. No. 71, reported the same back to the Council with the recommendation that the further consideration of said bill be indefinitely postponed.

Report adopted.

Mr. Morrison moved to put C. B. No. 74 upon its passage.

The motion prevailed by a vote of seven for to six against, and the bill was put upon its passage and passed by the following vote :

Ayes—Messrs Clelland, Hughes, Morrison, McBride, Rice, Stiles, Suaso and Mr. President—8.

Noes—Messrs. Eaton, Hummel, Hahn, Salisbury and A. D. Wilson—5.

Title agreed to.

Under suspension of the rules, C. B. No. 120 was taken from the general file, read a third time and referred to Committee on Judiciary.

C. B. No. 107 was taken from the general file, read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

H. B. No. 20 was taken from the general file, read a third

time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

Mr. Salisbury introduced C. B. No. 127, for an act to establish a Territorial road in Gilpin county.

Under suspension of the rules, it was read a first and second time.

On motion of Mr. Hahn, it was read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Eaton, Hughes, Hummel, Hahn, Morrison, Rice, Stiles, Salisbury, Wilson—9.

Noes—Messrs. Clelland, McBride and Mr. President--3.

Title agreed to.

House amendments to substitute for C. B. No. 4 and House amendment to C. B. No. 62 were concurred in.

Mr. McBride was called to the chair.

Mr. Adair Wilson moved a suspension of the rules, and that H. B. No. 89 be put upon its third reading.

It was read a third time, whereupon Mr. Adair Wilson moved to amend as follows: By inserting in fourth line of section one, after the word "counties," the word "respectively;" in thirteenth line of section two, by inserting after the word "counties," the words "mentioned in this act;" in second line of section three, by striking out "required" and inserting "authorized" in lieu thereof; and by inserting in third line of said section, after the word "county," where it first occurs, the words "authorized to be."

The bill, as amended, was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn,

Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

The Council now adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock.

The President in the chair.

Quorum present.

Committee on Enrolled Bills reported Council bills numbered 1, 13, 15, 18, 52, 56, 64 and 99 correctly enrolled, and that the same were presented to the Governor on this (Friday) afternoon, at 2 o'clock, for his action thereon.

Mr. Stiles introduced the following:

C. B. No. 128, for an act to amend "An act regulating and fixing the salaries of Territorial officers, private secretary of the Governor, and fixing contingent expenses of said offices," approved February 9, 1872.

C. B. No. 129, for an act to defray the expenses of the Convention which met in Denver on the 20th day of December, 1875, to frame a constitution for the State of Colorado.

Under suspension of the rules, these bills were read a first and second time and referred to Committee on Printing.

Committee on Judiciary reported back C. B. No. 120, with the recommendation that it do pass.

The report was adopted and the bill was, on motion of Mr. Hughes, referred to Committee on Printing.

Mr. Morrison introduced C. B. No. 130, for an act concerning the printing of the acts of the eleventh session of the Legislative Assembly.

Under suspension of the rules it was read a first and second time and referred to Committee on Printing.

Committee on Engrossed Bills reported C. B. No. 86 correctly engrossed.

It was read a third time, put upon its passage and passed by the following vote:

Ayes---Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President---13.

Noes---none.

Title agreed to.

The Council went into Committee of the Whole, with Mr. McBride in the chair.

A message from the House stated that said body had passed Council bills numbered 19, 87 and 110, and also the following bills.

House Bill No. 46, for an act to amend an act entitled "An act to incorporate the City of Black Hawk," approved March 11, 1864.

House Bill No. 56, for an act to compel children to attend school.

House Bill No. 100, for an act to amend section one of article three of chapter fifty-four of the Revised Statutes of Colorado Territory, entitled "Liens."

A message from the House stated that said body had concurred in Council amendment to House amendment to C. B. No. 14, and also in Council amendment to H. B. No. 36, and had refused to concur in Council amendments to H. B. No. 57.

Also, that the House had indefinitely postponed further action on C. B. No 54, and had passed C. B No. 46.

Also, that the House had passed H. B. No. 69, for an act to establish a Territorial Board of Health.

The Committee of the Whole rose and presented the following report:

Mr. President:

The Committee of the Whole have considered C. B. No. 77 and recommend that it be put upon its passage.

C. B. No. 79, and recommend that it be made the special order for Wednesday next, at 2 o'clock.

C. B. No. 80, and recommend that it be laid upon the table.

C. B. No. 40, and recommend that it be laid upon the table.

H. B. No. 10, and recommend that it be referred to a special committee.

P. A. McBRIDE,
Chairman.

The report was adopted.

Mr. Morrison introduced the following:

C. B. No. 131, for an act concerning criminal punishment.

C. B. No. 132, for an act to amend chapter seventeen of the Revised Statutes, concerning conveyance.

Mr. Adair Wilson introduced C. B. No. 133, for an act to change and define the boundaries of Rio Grande county.

Under suspension of the rules, these bills were read a first and second time and referred to the Committee on Printing.

On motion of Mr. Hahn, the Council adjourned until 10 a. m. to-morrow.

TWENTY-EIGHTH DAY.

SATURDAY, February 5, 1876.

Council met at 10 a. m.

President in the chair.

Prayer by the Chaplain.

Roll called.

All the members present.

Journal read and approved.

Committee on Printing reported Council bills numbered 117, 118, 119, 121, 122 and 124 correctly printed.

Mr. Rice moved that the Secretary be authorized to employ necessary clerical assistants for the enrolling clerk.

Carried.

Mr. Eaton introduced C. B. No. 134, for an act to prevent the waste of water during the irrigating season.

Mr. Salisbury introduced C. B. 135, for an act to authorize the county commissioners of Gilpin county to borrow money to erect county buildings.

Mr. Rice introduced C. B. No. 136, for an act to regulate the election of officers of district school boards.

Mr. Hughes introduced C. B. No. 137, for an act to amend section two of article two of chapter eighteen of the Revised Statutes.

Under suspension of the rules, these bills were read a first and second time and referred to Committee on Printing.

House bills numbered 46, 56, 69 and 100 were read a first time, and, under suspension of the rules, these bills were read a second time.

Substitute for H. B. No. 51 and House bills numbered 53 and 76 were read a second time.

C. B. No. 77 was read a third time, put upon its passage and lost by the following vote :

Ayes—Messrs. Clelland, Hughes, Morrison, McBride, Suaso, and Mr. President—6.

Noes—Messrs. Eaton, Hummel, Hahn, Rice, Stiles, Salisbury and A. D. Wilson—7.

C. B. No. 44 was taken up for consideration.

Mr. Salisbury moved to amend by adding at end of section one the following: "This act shall apply only to such costs as may be made in the prosecution of criminal causes in the supreme and district courts of this Territory."

The amendment was agreed to, whereupon the bill was put upon its passage and passed by the following vote:

Ayes—Messrs. Hughes, Hummel, Hahn, Morrison, McBride, Rice, Salisbury, Suaso, Wilson, Mr. President—10.

Noes—Messrs. Clelland, Eaton and Stiles—3.

Title agreed to.

A message from the Governor stated that he had approved Council bills numbered 1, 13, 15, 18, 52, 56, 64 and 99.

The chair appointed as the special committee on H. B. No. 10, Messrs. McBride, Salisbury and Clelland.

H. B. No. 21 was taken from the table, and was, by general consent, amended by striking out the word "Pueblo" wherever it occurs in said bill, and by inserting in first line thereof, after the word Douglas, the words "Elbert, Weld, Larimer, Fremont, Las Animas, Huerfano." And the title was amended by striking out therefrom all after the word "Douglas," and by inserting in lieu of the words stricken out, the words "and other counties."

The bill, as amended, was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—Messrs. Hummel and Morrison—2.

Title agreed to.

A message from the House stated that said body had concurred in Council amendments to H. B. No. 89.

Also, that the House had receded from its amendments to C. B. No. 70.

Also, that the House had passed C. B. No. 127, and Council substitute for H. B. No. 50.

C. B. No. 117 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Morrison, McBride, Rice, Stiles, Salisbury, Suaso—9.

Noes—Messrs. Hummel, Hahn, A. D. Wilson and Mr. President—4.

Title agreed to.

C. B. No. 118 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

C. B. No. 122 was taken up for consideration.

Mr. Salisbury moved to amend by adding at end of section one the following: *Provided*, that this act shall not apply to abandoned property.

The amendment was adopted, and the bill, as amended, was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

A message from the House transmitted the following:

Resolved by the House of Representatives of Colorado Territory, the Council concurring, That the Chief Clerk of the House and the Secretary of the Council, respectively, are hereby directed to strike out from the respective journals of both Houses all notices for the introduction of bills given in either House during the eleventh session of the Legislative Assembly, and the words, "previous notice having been given," wherever they appear in said journals.

The resolution was concurred in.

H. B. No. 100 was read a third time, put upon its passage, and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Morrison, McBride, Rice, Salisbury, Suaso, Wilson—9.

Noes—Messrs. Hahn, Stiles and Mr. President—3.

Title agreed to.

The Council now adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock.

The President in the chair.

Quorum present.

Mr. A. D. Wilson was called to the chair.

C. B. No. 81 was taken up for consideration.

Mr. Adair Wilson moved to refer the bill to a select committee.

Motion lost by a vote of 5 for to 6 against.

Mr. Adair Wilson moved to add the following:

SECTION 11. That this act shall apply to and be in force within the counties of Arapahoe and Gilpin, and none other.

Lost by a vote of 6 for to 7 against.

Mr. Suaso moved to amend the bill by exempting Huerfano county from the provisions thereof.

Lost by a vote of 6 for to 7 against.

Mr. Adair Wilson moved to add the following:

SECTION 11. That the counties of Conejos, Costilla, San Juan, La Plata, Hinsdale, Rio Grande and Las Animas be and the same are hereby exempted from the provisions of this act.

The motion was lost by a vote of 6 for to 6 against.

Mr. Hughes moved to amend by striking out the words "justice" and "justice of the peace," wherever they occur in said bill, and to insert in place thereof the words "judge" and "probate judge." Also, to strike out the words "coroner or constable" in the fifth line of section one. Also, to strike out the word "supreme" in the sixth section.

Mr. Adair Wilson moved that the amendment offered by Mr. Hughes, together with the bill, be referred to Committee on Judiciary.

Motion lost by a vote of 5 for to 7 against.

The question was now put upon the amendment offered by Mr. Hughes, and it was adopted by a vote of 6 for to 5 against.

Mr. Adair Wilson moved to exempt Conejos and Costilla counties from the provisions of the bill.

Lost by a vote of 5 for to 7 against.

Mr. Hahn moved that the bill, as amended, be considered engrossed and put upon its passage.

Mr. McBride moved to adjourn.

The latter motion was lost by a vote of 4 for to 6 against.

The bill was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, Rice, Stiles, Salisbury, Wilson—10.

Noes—Messrs. McBride, Suaso, Mr. President—3.

Title agreed to.

Mr. Adair Wilson introduced C. B. No. 138, for an act concerning examinations on criminal charges before justices of the peace.

Under suspension of the rules, it was read a first and second time and referred to Committee on Printing.

A message from the House stated that said body had passed Council Bill No. 89 with the following amendments:

The title, by striking out the word "thirty" and inserting the word "twenty" in lieu thereof.

By striking out the whole section, and inserting in lieu thereof after the enacting clause the following:

Sec. 1. The sixth paragraph of section one of chapter twenty-three is hereby amended so as to read as follows: Second, if there be no children nor their descendants, then to his father; if there be no father then to his mother; if there be no mother, then to the brothers and sisters, and to the descendants of brothers and sisters who are dead, the descendants collectively taking the share of their immediate ancestors in equal parts.

Also, that the House had passed C. B. No. 100, with the

following amendment: In second line of section one, insert after the word "collector," the words "and there is no money in the treasury to pay the same."

The message also stated that the House had passed the following:

Council bills numbered 112 and 116.

House Bill No. 108, for an act concerning the probate courts of Jefferson, Boulder and Park counties.

H. B. No. 83, for an act to provide for the assessment and collection of revenue of the moneys and credits of non-residents.

H. B. No. 78, for an act to amend chapter eighteen of the Revised Statutes, entitled "Corporations."

Substitute for House Bill No. 82, for an act to amend an act entitled "An act to amend sections twenty-seven and thirty of chapter seventy-six of the Revised Statutes of Colorado," approved February 6, 1872.

Substitute for H. B. No. 98, for an act concerning the Probate Court of Park county,

And that the House had indefinitely postponed further action on C. B. No. 92.

Under suspension of the rules H. B. No. 69 was read a third time and made the special order for Tuesday next at 2 o'clock.

C. B. No. 91 was read a third time, and the further consideration thereof was, on motion of Mr. Adair Wilson, indefinitely postponed.

On motion of Mr. Hahn, the Council adjourned until 10 a. m. on Monday next.

TWENTY-NINTH DAY.

MONDAY, February 7, 1876.

The Council met at 10 a. m.

The President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Eaton.

Journal read and approved.

The Committee on Finance, Ways and Means presented the following report:

Mr. President:

Your committee, to whom was referred C. B. No. 53 and C. B. No. 114, beg leave to report that they have had the same under consideration and report the same back with the recommendation that they do pass, with the following amendment to the latter:

Sec. 2. Section two of the act of which this is amendatory is hereby amended by striking out the words "five hundred (\$500)" in the sixth line thereof, and inserting in lieu thereof the words "three hundred," and by striking out the words "one hundred and twenty-five (\$125)" wherever they occur in said section, and inserting in lieu thereof the words "seventy-five."

P. A. McBRIDE,
Chairman.

Committee on Printing reported Council bills numbered 120, 125, 126, 128, 129, 130, 131, 132 and 133 correctly printed.

Mr. McBride introduced the following, which was adopted under suspension of the rules:

Resolved, That the Committee on Military Affairs be instructed to report the number of arms belonging to this Territory, and the condition thereof; the expense of storage thereof, and the necessity for an office for the Adjutant General.

House bills numbered 78, 83 and 108, and substitutes for House bills numbered 82 and 98 were read a first time.

The Council concurred in House amendments to Council bills numbered 89 and 100.

Substitute for C. B. No. 26 was made the special order for this evening, at 7:30 o'clock.

A message from the House requested the return thereto of C. B. No. 127, as a motion to reconsider the vote by which said bill was passed had been made.

The request was complied with.

A communication was received from the Colorado Stock Board and Exchange, requesting favorable action on C. B. No. 103.

The communication was read and referred to Committee on Finance, Ways and Means.

H. B. No. 68 was read a third time.

Mr. Hahn moved to amend by adding to section four the following:

Nor shall anything in this act delay or defeat the granting of title by said city or mayor thereof to any party who shall have, before the passage of this act, made application to said city or to the mayor thereof for title to any lot or lots or land within said city. *Provided*, such party making claim to any such lot or lots or lands shall have possessory or legal title thereto.

The motion prevailed and the bill, as amended, was put upon its passage, and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

On motion of Mr. Suaso, the rules were suspended and C. B. No. 102 was taken from the general file, read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Mr. President—12.

Noes—A. D. Wilson—1.

Title agreed to.

H. B. No. 95 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

C. B. No. 105 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

Mr. Hughes presented the following, which was adopted under suspension of the rules:

Be it resolved by the Council and House of Representatives of Colorado Territory:

That immediately after the adjournment of the present session of the Legislative Assembly, the Secretary of the Territory is hereby instructed to furnish the Territorial Auditor with certified copies of all laws passed during the session, appropriating moneys out of the Territorial treasury.

2. That the Territorial Auditor is hereby authorized and instructed to draw his warrant on the Territorial Treasurer in an amount sufficient to pay the Secretary for the clerical labor necessary in furnishing the copies of laws as aforesaid.

H. J. M. No. 4 was read a third time and on motion of Mr. Morrison further action thereon was indefinitely postponed.

Substitute for H. B. No. 17 was read a third time and, on motion of Mr. A. D. Wilson, it was laid on the table.

H. B. No. 22 was read a third time, put upon its passage and passed by the following vote :

Ayes---Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President---13.

Noes---none.

Title agreed to.

C. B. No. 95 was read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

H. B. No. 75 was read a third time.

The Council now adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock.

The President in the chair.

Quorum present.

Committee on Printing reported Council bills numbered 134, 135, 136, 137 and 138 correctly printed.

Committee on Engrossed Bills reported Council bills numbered 53 and 114 correctly engrossed.

Committee on Finance, Ways and Means, to whom was referred C. B. No. 88, reported the same back to the Council with the recommendation that it be amended as follows:

By striking out the words "five thousand dollars," where they occur in said bill, and inserting instead thereof the words "three thousand five hundred dollars."

The report was received and the committee discharged from the further consideration of said bill.

Committee on Enrolled Bills reported Council bills numbered 87, 33, 110, 70, 12, 16, 32, 50, 14, 19, 112, 46, 62, 116 and 4 correctly enrolled, and that the same had been presented to the Governor on this (Monday) afternoon, at 2:15, for his action thereon.

C. B. No. 134 was read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

Mr. Salisbury moved that C. B. No. 135 be read a third time and put upon its passage.

It was read a third time, but further action thereon was postponed.

A message was received from the House stating that said body had refused to concur in Council amendment to H. B. No. 57, and asking the Council to recede therefrom.

On motion of Mr. A. D. Wilson, the Council receded from its amendment to H. B. No. 57.

Substitute for H. B. No. 44 was read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Hughes, Hummel, Morrison, Rice, Salisbury, Suaso, Wilson, Mr. President—9.

Noes—Messrs. Eaton and Stiles—2.

Title agreed to.

C. B. No. 138 was read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—Messrs. Hummel and Hahn—2.

Title agreed to.

C. B. No. 120 was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

C. B. No. 121 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

H. B. No. 38 and Council bills numbered 129, 119, 128 and 122 were read a third time.

C. B. No. 126 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

C. B. No. 119 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—Mr. Rice—1.

Title agreed to.

A message from the House stated that said body had passed substitute for C. B. No. 66, with the following amendements:

In section four, eleventh line, by inserting after the word "elect," the words "one of their number," and by striking out the word "a" before the word "mayor" in the same line.

By striking out section six.

In section ten (10) by adding thereto the following:

“And by adding to said section twenty-three the following words: And no warrant shall be drawn upon the city treasury at any time unless there be funds in such treasury for the payment thereof, and if any warrant shall be drawn upon the city treasury when there are no funds in such treasury subject to the payment thereof, such warrant shall be invalid and of no effect against the city of Denver, and the drawer thereof shall be personally liable thereon.”

By striking out sections eleven (11) and thirteen (13).

By striking out section fourteen and inserting in lieu thereof the following: That section three (3) of article seven (7) of the act to which this act is amendatory be hereby amended by striking out from the twelfth (12) line the words, “from the passage of this act.”

Section eighteen (18) by striking out the word “unanimous,” where it appears in said section, and inserting in lieu thereof the words “a three-fourths.”

By striking out section twenty.

Section twenty-one (21) by adding thereto the following words: “*Provided*, that the regular policemen in service at the time of the passage of this act shall be held to be the regular police force, holding their positions under the provisions of this act.

A message from the Governor stated that he had approved Council bills numbered 12, 16, 32, 46, 50, 70, 87, 110, 112 and 116.

Mr. Hummel was called to the chair.

Mr. Adair Wilson introduced, by unanimous consent, substitute for C. B. No. 67, for an act to repeal section two of an act entitled “An act concerning mines.”

The bill was read a first and second time and referred to Committee on Printing.

The Council now adjourned.

EVENING SESSION.

Council met at 7 o'clock.

The President in the chair.

Quorum present.

A message from the House stated that said body had passed H. B. No. 106, for an act entitled "An act to amend sections twenty-seven and thirty of chapter seventy-six of the Revised Statutes of Colorado.

H. B. No. 60, for an act concerning costs in certain cases.

H. B. No. 105, for an act to amend section thirty-seven of chapter seventy-six of the Revised Statutes.

C. B. No. 104 was read a third time.

The Council concurred in House amendment to substitute for C. B. No. 26.

Substitute for H. B. No. 98 was, under suspension of the rules, read a second and third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Mr. President—11.

Noes—none.

Title agreed to.

A message from the House stated that said body had passed C. B. No. 21, with the following amendments:

In section one by striking out in the last line thereof the word "people," and inserting instead the words "qualified voters."

In section two, line three, by inserting the words "people of the" before the word "Territory."

By striking out the words "one thousand," in sixth line of section six, and inserting "five hundred" in lieu thereof.

In section seventeen by striking out all after the word "act," in the third line thereof, and inserting in lieu thereof the following: "He shall, upon information from the Superintendent of Public Instruction, or after being personally

served by the board of county commissioners, with a written notice to report within ten days, and having failed to do so, forfeit the sum of one hundred dollars, which sum the board of county commissioners may deduct from any money due him. Said forfeit may, however, in all cases be recovered by suit upon his official bond."

In section sixty-two by inserting in the eighth line thereof, after the words "per cent.," the words, "and no more."

In section sixty-three by inserting in the third line thereof, after the word "district," the words "of the first class and the school boards of the districts of the second class that may have voted to lay a special tax."

In section sixty-six by striking out the word "of," and inserting the word "after" in lieu thereof.

By adding to the bill as follows:

SECTION 82. Every citizen of the United States twenty-one (21) years of age, who shall have resided in the Territory of Colorado six (6) months and within the school district thirty days immediately preceding the day of election, shall be deemed a qualified elector, and eligible to fill any office under the provisions of this act.

A message also stated that the House had passed House Joint Memorial No. 5, to the Senate and House of Representatives of the United States in Congress assembled.

Also, substitute for C. B. No. 22 and C. B. No. 78.

Also, C. B. No. 76, with the following amendments:

In section one by inserting before the word "acts," in third line, the word "general," and after the word "assembly" the following words: "And those having specific application to the counties of Costilla, Conejos, Las Animas, Huerfano and Saguache."

In section two, by giving to Costilla and Conejos counties forty (40) copies, respectively, and to the county of Huerfano fifty (50) copies.

In section three, by so amending that the section may

read twelve hundred dollars (\$1200), instead of fifteen hundred dollars (\$1500).

Also, that the House has indefinitely postponed further action on C. B. No. 39.

The Council concurred in House amendment to C. B. No. 76.

Mr. Hummel was called to the chair.

C. B. No. 53 was read a third time.

On motion of Mr. Adair Wilson, it was amended by striking out the word "ten," in fourth line of section one, and inserting in place thereof the word "eleven," and by inserting in the seventh line of said section, after the word "words," the following: "One at Montezuma, in Summit county."

The Adair Wilson also moved to strike out all of section two.

The motion prevailed, and the bill, as amended, was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Mr. President—10.

Noes—Mr. Hummel—1.

Title agreed to.

C. B. No. 21 was made the special order for to-morrow at 11 a. m.

Mr. Salisbury, by unanimous consent, introduced C. B. No. 139, for an act changing certain portions of boundary lines of Gilpin county.

It was read a first and second time and referred to Committee on Printing.

The Council now adjourned.

THIRTIETH DAY.

TUESDAY, February 8, 1876.

Council met at 10 a. m.

President in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Morrison.

Journal read and approved.

Mr. Salisbury presented a memorial from the Board of Commissioners of Gilpin county, asking the passage of C. B. No. 135.

It was read in full and referred to Committee on Finance, Ways and Means.

Mr. Salisbury also presented two petitions from citizens resident in Clear Creek county, asking a favorable consideration of C. B. No. 139.

The petitions were read and referred to Committee on Counties.

Committee on Printing reported substitute for C. B. No. 67 correctly printed.

Under suspension of the rules, H. J. M. No. 5 was read a first and second time.

It was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Mr. President—11.

Noes—Mr. A. D. Wilson—1.

Title agreed to.

House bills numbered 60, 105 and 106 were read a first time.

Under suspension of the rules, they were also read a second time.

House bills numbered 78, 83 and 108 and substitute for H. B. No. 82 were read a second time.

C. B. No. 88 was read a third time.

On motion of Mr. Hummel, it was amended by striking out from the 5th line of section one, the words "five thousand dollars," and inserting in lieu thereof "three thousand five hundred dollars."

The bill, as amended, was put upon its passage and passed by the following vote:

Ayes—Messrs, Clelland, Eaton Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President
—12.

Noes—none.

Title agreed to.

H. B. No. 38 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President
—12.

Noes—none.

Title agreed to.

The Council concurred in all of the House amendments to C. B. No. 21, except in the additional section numbered 82.

C. B. No. 135 was made the special order for this evening at 7 o'clock.

C. B. No. 96 was read a third time, and on motion of Mr. Clelland, the further consideration of said bill was indefinitely postponed.

C. B. No. 103 was taken up for consideration.

Mr. Rice moved to amend by inserting in fifth line of section four, after the word "Denver," the words "or city of Pueblo."

Carried.

Mr. Hahn moved to amend by inserting the word "sworn" before the word "vouchers," in 15th line of section three.

Carried.

Mr. Hughes moved to amend as follows: By striking

out the word "ten," in fourth line of section two, and by inserting in lieu thereof the word "six;" by striking out the words "ten thousand dollars," from end of section three, and inserting "six thousand dollars" in lieu thereof; by inserting in last line of section seven, before the word "not," the words "per month and," and by adding to said bill the following:

Section 8. If the fund provided for in this act shall not be exhausted by the commissioners, the residue shall be transferred from the same to the several appropriations made at the present session of the Legislative Assembly, in proportion to their respective amounts.

The motion carried.

Mr. Salisbury moved to amend the 7th line of section six, by striking out the words "ten thousand dollars," and inserting "six thousand dollars."

Carried.

The bill, as amended, was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

H. B. No. 51 was read a third time and made the special order for this evening at 7:30 o'clock.

A message from the House stated that said body had passed C. B. No. 122, amended as follows:

Title amended by striking out all after the word "protect," and by inserting the word "Land-marks" in lieu thereof.

In section one, 4th line, by inserting, after the word "monument," the words "or any other legal land boundary monument in this Territory."

By inserting after the word "dollars," in the 12th line of

section one, the words "or imprisoned not more than one year, at the discretion of the court."

Also, H. B. No. 119, for an act in relation to road law in Lake and Saguache counties.

Also, H. B. No. 97, for an act providing for the fencing of lands where grass is cut and put in stacks, in Las Animas county.

The message also stated that the House had passed Council bills numbered 117 and 118, and had refused to pass C. B. No. 95.

Also, that the House had concurred in Council amendments to House bills numbered 21 and 68 and in the Council resolution concerning copies of appropriation laws.

Also, that the House had passed C. B. No. 105, amended as follows: By striking out in the 2d and 3d lines of section one, the words "on the first day of September," and inserting the word "in" in lieu thereof.

Mr. Stiles moved that the Council concur in House amendments to substitute for C. B. No. 66, except the amendments to sections numbered 10 and 20, and respectfully ask the House to recede from its amendments to the two sections last named.

The motion prevailed.

Substitute for C. B. No. 67 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

The Council now adjourned.

AFTERNOON SESSION.

The Council met at 2 o'clock.

The President in the chair.

Quorum present.

Mr. Salisbury was called to the chair.

H. B. No. 69, the special order of the hour, was taken up for consideration.

Mr. Adair Wilson moved to amend by striking out sections nine and ten and by adding at the end of section eight the following: "*Provided*, such expenses shall not exceed the total sum of five hundred dollars."

Carried.

Mr. Hughes moved to amend by striking out from line three, section one, the word "seven," and inserting "nine" in lieu thereof; by striking out from line four of section one the word "five," and inserting "seven" in lieu thereof.

Carried.

Mr. Morrison moved to amend by inserting in third line of section six, after the word "city," the words, "and the regular physician of each public institution."

Carried.

The bill as amended was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Salisbury, Wilson, Mr. President--10.

Noes—Messrs. Rice, Stiles and Suaso—3.

Title agreed to.

Committee on Printing reported C. B. No. 139 correctly printed.

C. B. No. 129 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

C. B. No. 129 was made the special order for to-morrow at 2:30 p. m.

On motion of Mr. Morrison, C. B. No. 132 was indefinitely postponed.

H. B. No. 64 was read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

C. B. No. 137 was read a third time.

Mr. Adair Wilson moved to amend by striking out the words "race or color" from the end of section three.

Mr. Morrison moved to amend the amendment by striking out the whole of section three.

Mr. Stiles called for the "ayes" and "noes," and section three was stricken out by the following vote :

Ayes—Messrs. Hughes, Hummel, Hahn, Morrison, McBride, Wilson and Mr. President—7.

Noes—Messrs. Clelland, Eaton, Rice, Stiles, Salisbury and Suaso—6.

The bill, as amended, was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

A message from the House stated that said body had refused to pass Council bill No. 75, and had passed Council bill No. 73, amended by adding the following section :

SECTION 2. Where any such creditor may have the right to claim a lien for the account so assigned, the assignee of such claim or claims may, after the assignment, file a lien in his own name, and in his notice of lien shall state by whom the work was done or the materials furnished, and the fact of the assignment.

Also, C. B. No. 86, amended as follows : In section two, line ten, by inserting after the word "sold," the words

“with interest thereon at the rate of twenty-five per cent. per annum from the date of sale.”

H. B. No. 76 was read a third time.

Mr. Adair Wilson moved to amend by adding at the end of section one the following: “And the said sum shall be paid out upon warrants issued by the Territorial Auditor, and such warrants shall be issued upon the certificates of the board of managers of the penitentiary, signed by their president and attested by their secretary.”

Carried.

The bill, as amended, was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none

Title agreed to.

The Council concurred in House amendments to Council bills numbered 73 and 86.

The Council now adjourned.

EVENING SESSION.

Council met at 7 o'clock.

The President in the chair.

Quorum present.

C. B. No. 135, the special order for the hour, was taken up.

On motion of Mr. Stiles, a call of the Council was made, and the sergeant-at-arms dispatched after the absentees.

Messrs. Hughes, Salisbury and Wilson appeared and took their seats and further proceedings under the call were dispensed with.

Mr. Hahn moved that the further consideration of C. B. No. 135 be indefinitely postponed.

The motion was lost.

Substitute for H. B. No. 51 was taken up for consideration.

Mr. Hahn moved to amend as follows: By substituting the words "fifteen thousand" for the words "seven thousand five hundred" wherever they occur in the first section; by striking out sections two, three and five; by striking out the words "so created," in the first line of section four, and by striking out section eight and substituting therefor the following:

SECTION 8. The said sum of \$15,000 hereby appropriated shall be paid as follows: \$3,500 April 1, 1876, \$4,000 July 1, 1876, \$3,500 January 1, 1877, and the remaining \$4,000 July 1, 1877.

The motion prevailed.

Mr. Hughes moved to amend by inserting at the end of the first line of section four the words, "as aforesaid and."

Carried, and the bill, as amended, was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

The consideration of C. B. No. 135 was resumed.

Mr. Hahn offered the following amendment: "Strike out all of section eight and substitute therefor the following:

SECTION 8. Before proceeding under any of the provisions of this act, the board of county commissioners, upon receiving a petition signed by a majority of the tax-paying legal voters of the county, requesting them so to do, may submit at the then next general election to be held in the county, the question to the legal voters of the county whether such bonds shall be issued or not; if at such election two-thirds of the legal voters, voting at such election, shall have voted in favor of the issue of such bonds, then,

and not otherwise, the commissioners of said county may proceed to issue such bonds for the purposes named in this act.

After some debate, the question was put upon the amendment, when five members voted therefor and three against, but as all the members did not vote, the result was not declared.

A message from the House stated that said body had passed C. B. No. 85, and the following House bills:

Substitute for House Bill No. 84, for an act concerning railroads.

H. B. No. 114, for an act to legalize roads and highways in Saguache county.

H. B. No. 116, for an act to provide for the several expenses of the Territory for the years 1876 and 1877, and for outstanding bills against the Territory on December 31, 1875.

Pending the consideration of C. B. No. 135, the Council adjourned.

THIRTY-FIRST DAY.

WEDNESDAY, February 9, 1876.

Council met at 10 a. m.

The President in the chair.

Prayer by the Chaplain.

Roll called.

All the members present.

Journal read and approved.

House bills numbered 97, 114, 116, 119, and substitute for H. B. No. 84 were read a first time.

Under suspension of the rules, these bills were read a second time.

The Council concurred in House amendments to Council bills numbered 105 and 122.

H. B. No. 97 was read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

C. B. No. 115 was read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

C. B. No. 123 was read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

A message from the House stated that said body had receded from its amendment to section ten of substitute for C. B. 66, but respectfully insisted upon its amendments to section twenty of said bill.

The Council, on motion of Mr. Stiles, again decided not to concur in House amendments to section twenty of substitute for C. B. No. 66, and appointed Messrs. Stiles and Hughes a committee of conference to act with like committee on the part of the House in reference to said amendments.

C. B. No. 135 was taken up for consideration.

Mr. A. D. Wilson offered the following substitute for Mr. Hahn's substitute for section eight of the bill:

"SEC. 8. Before proceeding under any of the provisions of this act, the board of county commissioners, upon receiving a petition signed by two hundred of the legal voters of the county, requesting them so to do, shall order an election at which the question of issuing bonds shall be submitted, or may submit such question, if they deem proper, at any general election, or at the election to be held for the adoption or rejection of the constitution; if at such an election two-thirds of the legal voters (voting at such election) shall have voted in favor of the issue of such bonds, then the commissioners of said county shall proceed to issue such bonds for the purpose named in this act.

This was adopted, and the bill, as amended, was, on motion of Mr. Hahn, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

C. B. No. 133 was taken up and read a third time.

Mr. McBride offered the following amendment: Strike out all of line four, all of line five and all of line six, except the last word, and insert: "South line of township forty (40) north; thence west along said township line to the Rio Grande Del Norte; thence up said river along the north bank thereof to the east line of range five (5) east; thence north along said range line to the tenth correction line north; thence west along said correction line to the west line of range five (5) east; thence north along said range line to the north line of township forty-one north; thence west along said township line to the New Mexico principal meridian.

The amendment was adopted, whereupon the bill was put upon its passage and passed by the following vote :

Ayes---Messrs. Clelland, Eaton, Hughes, Hummel, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President ---12.

Noes---none.

Excused from voting---Mr. Hahn---1.

Title agreed to.

C. B. No. 139 was made the special order for to-morrow at 10 a. m.

Mr. Hummel, from the Committee on Military Affairs, presented the following report:

Mr. President:

Your Committee on Military Affairs would beg leave to make the following report in reference to the office of Adjutant General. Your committee have had an interview with the Adjutant General, and learn from him the expenses of the office to be as follows :

Office rent per month	\$15 00
Storage of arms, etc.	15 00
Fuel, lights, stationery, etc.	11 25
	<hr/>
Total per month	\$41 25

And that the number of arms and accoutrements in the hands of the Adjutant General is shown by the schedule hereto attached as a part of this report :

SERVICEABLE ARMS AND SUPPLIES.

Spencer carbines	48
Spencer rifles	2
Sabres, cavalry	37
Sabre belts and plates	48

UNSERVICEABLE ARMS AND SUPPLIES.

Springfield rifles, muzzle-loading	169
Carbines	31
Sabres, cavalry	17
Carbine sling belts	704
Carbine cartridge belts	874
Swivels	475
Thong and brush wipers	340

Wiping rods	30
Screw drivers	440
Sword bayonets	4
Sword bayonet scabbards	301
Bayonets, infantry	116
Waist belts	641
Cartridge boxes	15
Cap pouches	301
Waist belt plates	825
Sword bayonet scabbards	63
Metallic ball cartridges for Spencer carbines	700

The report was received.

H. B. No. 116 was referred to Committee on Finance, Ways and Means.

On motion of Mr. Clelland, the further consideration of H. B. No. 75 was indefinitely postponed.

Mr. Hughes, by unanimous consent, introduced C. B. No. 140, for an act to amend section nineteen of chapter seventeen of the Revised Statutes, concerning conveyances.

The Council now adjourned.

AFTERNOON SESSION.

Council met at 2 p. m.

The President in the chair.

Quorum present.

C. B. No. 79, the special order for the hour, was taken up.

It was put upon its passage and lost by the following vote :

Ayes—Messrs Morrison and Stiles—2.

Noes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Rice, Salisbury, Suaso, Wilson, Mr. President—10.

C. B. No. 128, the special order for 2:30 o'clock, was taken up for consideration.

Mr. Stiles moved to amend by striking out from the last line of section three, the word "three," and to insert in place thereof the word "five."

Carried.

Mr. Hughes moved to amend by striking out from the fifth line of section one, the word "twelve," and inserting in place thereof the word "sixteen."

Mr. Stiles called for the ayes and noes, and the amendment was adopted by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Morrison, McBride, Salisbury and Mr. President—7.

Noes—Messrs. Hummel, Hahn, Rice, Stiles and A. D. Wilson—5.

Mr. Hughes moved to amend section one by inserting in fifth line, after the word fees, the following: "and his fee for registering and certifying bonds under the act of January 10, 1868, shall hereafter be fifty cents for each bond so registered and certified.

Mr. Stiles moved to amend the amendment by striking out the word "fifty," before the word "cents," and inserting in place thereof the word "twenty-five."

Mr. Stiles called for the ayes and noes, and his amendment to the amendment was lost by the following vote :

Ayes—Messrs. Eaton, Hummel, Hahn, Rice, Stiles and Suaso--6.

Noes—Messrs. Clelland, Hughes, Morrison, McBride, Salisbury, Wilson and Mr. President—7.

The question was now put upon the amendment offered by Mr. Hughes, Mr. Stiles calling for the ayes and noes, and the amendment was lost by the following vote :

Ayes—Messrs. Clelland, Hughes, Morrison, McBride, Salisbury and Mr. President—6.

Noes—Messrs. Eaton, Hummel, Hahn, Rice, Stiles, Suaso and A. D. Wilson---7.

The Joint Committee on Enrolled Bills presented the following report:

Mr. President :

Your Joint Committee on Enrollment beg leave to report

that they have examined Council bills numbered 78, 76, 85, 122, 117, 86, 73, 26, 118, 22, 100, 89 and House bills numbered 57, 44, 21, 22, 95, 68, 100, and find them correctly enrolled; and further report that the same were delivered to his Excellency the Governor at 2:15 p. m., February 9, 1876, for his approval.

A. D. WILSON,
Chairman.

A message from the Governor announced his approval of Council bills numbered 4, 14, 19, 33, 62, 76, 78, 89 and 118.

The Chair announced the reception of a communication from his Excellency the Governor, upon executive business.

On motion of Mr. Hahn, the hour of 8 o'clock this evening was set apart for the consideration of said business.

A message from the House stated that said body had receded from its amendment to C. B. No. 21, known as section 82, and that it had passed the following:

House substitute for C. B. No. 127, for an act to establish a county road and for other purposes.

H. B. No. 120, for an act amending section thirty-eight of chapter fifty of the Revised Statutes.

H. B. No. 54, for an act to amend an act entitled "An act for the government and management of the Penitentiary."

H. B. No. 104, for an act relating to bonds, bills and promissory notes.

The message also stated that the House had refused to pass C. B. No. 81; that it had passed Council bills numbered 102 and 138, and had reconsidered the vote by which it refused to pass C. B. No. 95, and had passed the same.

The message further stated that the House had passed C. B. No. 44, amended as follows: By inserting after the word "county," in 4th line of section one, the words "in which the offense was committed;" also by striking out all after the word "them," in the 5th line, and inserting in lieu thereof the following: "and the county commissioners of any county may in their discretion pay the costs of prelim-

inary examinations, except in cases of preliminary examinations in which the prosecutor shall have been adjudged liable to pay the costs."

The Council now adjourned.

EVENING SESSION.

Council met at 8 o'clock.

The President in the chair.

All the members present.

On motion of Mr. Stiles, the Council went into executive session for the purpose of considering certain communications from his Excellency the Governor.

After some time, the secret session was dissolved, and the sergeant-at-arms directed to open the doors, whereupon the Council adjourned.

THIRTY-SECOND DAY.

THURSDAY, February 10, 1876.

Council met at 10 a. m.

The President in the chair.

Prayer by the Chaplain.

Roll called.

All the members present.

Journal read and approved.

A message from the House stated that said body had passed House substitute for Council Bill No. 68, for an act to amend an act entitled an act to amend chapter eighty-eight of the Revised Statutes of Colorado, entitled "Venue," approved February 3, 1872.

Also, that the House had concurred in Council amendments to substitute for H. B. 51.

Committee on Finance, Ways and Means asked further time on the general appropriation bill.

Granted.

The special committee to whom was referred H. B. No. 10, concerning the protection of fish, reported the same back to the Council with the recommendation that its further consideration be indefinitely postponed.

The report was adopted.

The committee appointed to confer with like committee from the House in regard to substitute for C. B. No. 66, presented the following report:

To the Honorable the Council of Colorado :

The committee of conference appointed by the Council to meet and confer with the House conference committee on substitute for House Bill No. 66, report that the joint committee could not agree.

B. M. HUGHES,
B. B. STILES.

The report was received.

C. B. No. 140, House bills numbered 104, 54 and 120, and House substitutes for Council bills numbered 68 and 127, were read a first time.

Under suspension of the rules, these bills were read a second time.

C. B. No. 139, the special order of the hour, was taken up for consideration.

Mr. Salisbury read a petition from citizens resident in York gulch and Fall river precinct, Clear Creek county, asking for the passage of the bill.

Mr. Salisbury moved that the bill be put upon its passage, and also offered the following amendment :

SECTION 4. Provided that the act shall not take effect until a majority of the voters residing in the territory to be

detached from Clear Creek county shall express their assent to such change: and the county commissioners of Gilpin county shall, within thirty days after the passage of this bill, appoint an election to be held in said district, at some convenient place therein to be by them designated, for the purpose of determining whether said portion of Clear Creek county shall be detached, and if a majority of all the voters voting at said election shall vote in favor of such change, this act shall be from thence forth in full force and effect. Said election shall be conducted and the returns thereof made and canvassed to the board of county commissioners of Gilpin county in the same manner as now provided by law for general elections. The expenses of said election shall be paid by the county of Gilpin.

The amendment was lost.

The bill was now put upon its passage and lost by the following vote:

Ayes---Messrs. Hahn and Salisbury---2.

Noes---Messrs. Clelland, Eaton, Hughes, Hummel, Morrison, McBride, Rice, Stiles, Suaso, Wilson, Mr. President---11.

Mr. McBride was called to the chair.

H. B. No. 60 was read a third time.

A message from the House stated that said body had passed Council bills numbered 115 and 123.

Also, C. B. 111, amended as follows: By adding the words "her or their," after the word "his," in the fifth line of section one.

Also, C. B. No. 88, amended as follows: By adding to section one the following: "*Provided*, that tuition in said School of Mines shall be free to all *bona fide* residents of Colorado."

Also, substitute for H. B. No. 34, for an act to amend an act of the Legislative Assembly of Colorado Territory, entitled "An act relating to fees and salaries in Arapahoe county," approved February 13, 1874.

The Council concurred in House amendments to Council

bills numbered 44, 88 and 111, and also in House amendment to section twenty of substitute for C. B. No. 66.

Mr. Adair Wilson offered the following :

Resolved, That hereafter no member shall be allowed to speak more than once on any motion or question pending, and then not for a greater length of time than five minutes, unless this rule be suspended by unanimous consent.

Carried.

Mr. Morrison offered the following amendment to H. B. No. 60.

SECTION 2. In all actions of ejectment hereafter brought to prevent the entry of mining property under the Revised Statutes of the United States concerning mineral lands, the amendments thereto, if the identity of the vein or veins in controversy shall become material to the decision of the issue, the burden of proof shall be upon the defendant to establish such identity. In all cases to which either section of this act shall apply, the plaintiff shall state in his declaration, and shall have leave to amend his declaration to such effect if necessary, that his suit is brought in support of an adverse claim in the United States Land Office.

The amendment was adopted, and the bill, as amended, was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

Substitute for H. B. No. 82 was read a third time, and the further consideration thereof indefinitely postponed.

The consideration of C. B. No. 113 was postponed until 8 o'clock in the evening.

H. B. No. 83 was read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

H. B. No. 120 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

C. B. No. No. 106 was read a third time and laid upon the table.

C. B. 104 was taken from the table and, on motion of Mr. Adair Wilson, its further consideration was indefinitely postponed.

House substitute for C. B. No. 127 was read a third time.

Mr. Hahn moved to strike out "county," from last line of section one, and insert "territorial" in lieu thereof.

Lost.

The bill was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Salisbury, Suaso, Wilson.—11.

Noes—Mr. President—1.

Excused—Mr. Stiles—1.

Title agreed to.

A message from the Governor announced his approval of Council bills numbered 22, 26, 73, 85, 86, 100, 117 and 122.

The Council now adjourned.

AFTERNOON SESSION.

Council met at 2 o'clock.

The President in the chair.

Quorum present.

House substitute for Council Bill No. 68 was read a third time.

Mr. Morrison moved to strike out from first and second lines of section 4, the words, "has hitherto been, or."

Carried.

The bill, as amended, was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Morrison, McBride, Rice, Stiles, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

The Joint Committee on Enrolled Bills presented the following report:

Mr. President:

Your Committee on Enrolled Bills beg leave to report that they have examined Council bills numbered 95, 138, 102, 105, and House bills numbered 38, 97, 69, and H. J. M. No. 5, and find the same correctly enrolled; and further report that the same were delivered to His Excellency the Governor at 2:15 o'clock p. m., February 10th, 1876, for his approval.

All of which is respectfully submitted.

A. D. WILSON,
Chairman.

Substitute for H. B. No. 34 was read a first and second time.

It was also read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

H. B. No. 78 was read a third time.

Mr. Hughes moved to amend as follows: By striking out in first line of section one, the word "hereafter," and inserting in place thereof the word "that;" by inserting in first line of said section after the word "companies," the word "hereafter;" and by inserting in twenty-third line of section seven, after the word "company," the words, "further assess the capital stock of said company."

Carried.

Mr. Morrison moved to amend by adding the section that follows:

SEC. 14. This act shall not apply to any corporation heretofore organized, unless they file an amended certificate of incorporation under the provisions of this act.

On motion of Mr. Salisbury a call of the house was made, and Mr. Hahn found absent.

The sergeant-at-arms was directed to bring in the absentee.

Mr. Hahn appeared and took his seat, and on motion of Mr. Hughes, further proceedings under the call were dispensed with.

H. B. No. 78 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

H. B. No. 87 was read a third time.

H. B. No. 80 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

C. B. No. 128 was taken up.

Mr. Stiles moved to amend by striking out from fifth and sixth lines of section one all after the word "dollars," and inserting in place thereof the following: "and shall receive fifty cents for the registry and certificate of each bond by him so registered.

Carried.

The Council went into Committee of the Whole, with Mr. Rice in the chair.

A message from the House stated that said body had passed Council Bill No. 129, with the following amendments:

By striking from third line of section three the word "fifty," and inserting in lieu thereof the word "sixty-five."

By striking from the thirteenth line of section four the words "payable on the fifteenth day of February, A. D. 1876."

In section five, lines six and seven, by striking out the words "for the year A. D. 1877." Also by striking out the words and figures "twenty thousand (\$20,000)" in the 7th line, and inserting in lieu thereof the words and figures "twenty-six thousand (\$26,000.)" Also, in lines 12 and 13, by striking out these words: "on or before the time mentioned in this act." Also, by striking out all of said section five, after the word "convention, in the 14th and 15th lines, and inserting in lieu thereof the following: "The same shall be applied to reimburse the Territory for the money so appropriated as provided in this act."

A message from the Governor stated that he had approved Council bills numbered 102, 105 and 138.

The Committee of the Whole rose and reported as follows:

Mr. President:

The Committee of the Whole have considered C. B. No. 128, and recommend that it be amended by striking out from the 4th clause of section one, the words: "in lieu of

all other fees;" by striking out from the last line of clause one, section one, the word "fees," and inserting "compensation;" by striking out from the last line of clause 5, section one, the word "fees," and inserting "compensation." And that the bill as amended be put upon its passage.

JAMES RICE,
Chairman.

The report was adopted.

C. B. No. 128 was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

H. B. No. 104 was read a third time, put upon its passage and passed by the following vote :

Ayes---Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President---13.

Noes---none.

Title agreed to.

Substitute for H. B. No. 5 was read a third time.

Mr. Salisbury moved to amend by adding the section that follows :

SECTION 4. This act shall not apply to bonds heretofore voted, nor to bonds authorized to be voted by special law.

Carried.

The bill, as amended, was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

The Council now adjourned.

EVENING SESSION.

Council met at 7 o'clock.

The President in the chair.

Quorum present.

H. B. No. 46 was read a third time, put upon its passage and passed by the following vote:

Ayes---Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President---13.

Noes---none.

Title agreed to.

The Council went into Committee of the Whole, with Mr. Clelland in the chair.

A message from the House stated that said body had passed the following bills:

H. B. No. 113, for an act entitled an act to provide for the assessment and collection of revenue.

H. B. No. 117, for an act to amend chapter eighteen of the Revised Statutes of Colorado Territory, entitled "corporations."

H. B. No. 115, for an act to provide for the levy and assessment of taxes for the fiscal years 1876 and 1877.

C. B. No. 82, amended so that the second paragraph of section one shall read as follows: "In the county of Grand on the first Tuesday of July in each year; in the county of Boulder on the first Monday after the first Tuesday of July and the third Monday of January in each year; in the county of Larimer on the first Monday of September in each year."

Also, substitute for C. B. No. 67 and C. B. No. 135.

The Committee of the Whole rose and presented the following report:

Mr. President:

The Committee of the Whole have considered Council

bills numbered 108, 93, 131 and 83, and recommend that their further consideration be indefinitely postponed.

Council bills numbered 124, 136 and 94, and recommend that they be laid upon the table.

C. B. No. 97, and recommend that it be referred to Committee on Education and Labor.

C. B. No. 101, and recommend that it do pass.

C. B. No. 130 and recommend that it be amended as follows: By inserting in second line of section one, after the word "regarded," the words "except that the enacting clause shall be printed;" and by inserting in third line of said section, after the word "for," the words "correction and," and that the bill, as amended, be put upon its passage.

C. B. No. 140, and recommend that it do pass.

House bills numbered 54 and 53, and recommend that they be laid upon the table.

House Bill No. 56, and recommend that its further consideration be indefinitely postponed.

JAMES CLELLAND,
Chairman.

The report was adopted.

On motion of Mr. Hummel, the Council concurred in House amendments to C. B. No. 82.

C. B. No. 113 was read a third time, put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Hughes, Hummel, Morrison, McBride, Salisbury, Suaso, Wilson, Mr. President—9.

Noes—Messrs. Eaton, Hahn, Rice, and Stiles—4.

Title agreed to.

The Council now adjourned.

THIRTY-THIRD DAY.

FRIDAY, February 11, 1876.

The Council met at 10 a. m.

The President in the chair.

Prayer by the Chaplain.

Roll called.

All the members present.

On motion of Mr. McBride, the reading of the journal was dispensed with.

A message from the House stated that said body had passed the following bills:

C. B. No. 134, amended as follows: By striking out section two and inserting the following in lieu thereof:

SECTION 2. During the summer season it shall not be lawful for any person or persons to run through his or their irrigating ditch any greater quantity of water than is absolutely necessary for irrigating his or their said land and for domestic and stock purposes, it being the intent and meaning of this section to prevent the wasting and useless discharge and running away of water.

Also, that the House has concurred in Council amendments to H. B. No. 60, H. B. No. 78 and House substitute for substitute for C. B. No. 68.

The message also stated that the House had passed the following:

C. B. No. 53, amended as follows, by adding an additional section:

SECTION 2. That section two of said act be and the same is hereby amended by striking out the words and figures five hundred (500) wherever they occur in said section and inserting in lieu thereof the words and figures three hundred (300.)

C. B. No. 57, amended by adding to section one the following: "*Provided*, that an ordinary freight train with a caboose, or passenger car used as a caboose, shall not be construed as a train of cars used in transporting passengers within the meaning of this act." House further amends same bill by striking out sections three, four and five.

House concurs in Council amendments to Substitute for H. B. No. 5, and in Council amendments to H. B. No. 76.

Also, that the House has passed H. B. No. 121, for an

act to amend an act entitled "An act to incorporate the Denver, Bradford and Blue River Road Company."

The message further stated that the House had passed C. B. No. 103, amended as follows :

In section two by striking out the words "six," in the third line, and inserting in lieu thereof the word "ten."

In section three by striking out the words "a commissioner," in the second line, and inserting in lieu thereof "two commissioners." Also, changing the word "commissioner" to "commissioners" wherever it occurs in the bill. Also, changing the word "he" or "his," wherever they refer to the commissioners in the bill, to the words "they" or "theirs." Also, in line five of section three by inserting after the word "required" the following: "They shall have charge of and be accountable for all articles or products donated to this Territory for exhibition at the Centennial Exhibition."

Also, by adding to section three the following: "*Provided*, that one of the commissioners shall be chosen from some place north of the Divide and the other from some place south of the Divide, said Divide being known as the Divide between northern and southern Colorado."

In line thirteen by striking out the words and figures "six thousand" (\$6,000), and inserting "ten thousand" (\$10,000).

In section four, by adding to said section the following: "*Provided*, That neither the Territory nor the Commissioners shall be responsible to the owners thereof for the safe transportation or custody of any said articles."

By inserting in first line of section six, after the word "shall," the word "each." By striking out figures "\$6,000," and inserting "\$10,000," in fifth line of section six.

In section seven, line five, by striking out the word "or," after the word "Commissioner."

And the message further stated that the House had passed C. B. No. 39, amended as follows :

In section one, fourth line, by inserting after the word "mechanical," the word "agricultural;" also by inserting after the word "country," in the seventh line, the following, "or to establish and maintain colleges, seminaries, musical or scientific associations." By striking out section three, and changing the numbers of other sections to correspond with the amendment.

In section five, in lines 15, 24, 37, 50, 77, 79, 128, 135, 137, 142, 144, 147, and 149, by striking out the word "judge," and inserting in lieu thereof the word "court." In section five, fifteenth line, by inserting after the words "shall be," the following, "at a regular term thereof." By striking out the word "him," in the 39th line of section 5, and inserting in lieu thereof the words, "said court." In 40th line of section 5, by striking out the word "he," and inserting the word "it" in lieu thereof. In section five, by striking out all after the word "same," in the 61st line, to the words "the appraisers," in the 76th line. In the 76th line of section five, by striking out the word "with," and inserting the word "in." By striking out all between the words "the same," in the 79th line of section five, and the words "and stating," in the 82d line of said section. In the 85th line of section 5, by striking out the word "said," and inserting the words "the Probate." In line 98, section five, by striking out the words "shall become seized in fee and." In line 128, section five, by striking out the word "him," and inserting "it" in lieu thereof, and by inserting after the word "made," the following, "at any regular term thereof." In line 132, section five, by striking out the word "he," and inserting the words "the said court" in lieu thereof; also in line 135, by inserting after the word "shall," the following: "Before such order of the Probate court first." In line 147, section five, by inserting after the word "provided" the following: "At any regular term thereof." Also, by striking out in the 149th line the word "by," and inserting the words "in the" in lieu thereof.

Also, by striking out the remainder of section five after the words "Probate Judge" in said line. In section seven by striking out all after the word "labor," in the third line of said section. In section eleven by striking out the word "Judge" and inserting in lieu thereof the word "Court" in the second and third lines of said section. Also, by adding the following additional sections :

SECTION 16. All associations or corporations formed or organized and doing business in this Territory under the provisions of the law to which this is amendatory, where there has been in such formation or organization a substantial compliance with said law, shall be held and deemed to be corporations, and shall be liable to all penalties and forfeitures, and also shall be entitled to all the benefits and advantages of this act as fully as though organized under the provisions hereof.

SECTION 17. That any religious, educational, musical, library or other incorporation intended for the benefit of all persons who will avail themselves of the privilege thereof, and any person who is the trustee for any fund designed to aid and benefit any of the purposes before mentioned, may receive gifts, grants, devises and bequests of either real or personal property, for such use or purpose.

And that the House has passed C. B. No. 126.

The Council concurred in House amendment to C. B. No. 134.

Mr. A. D. Wilson was called to the chair.

On motion of Mr. Adair Wilson, the Council refused to concur in House amendments to C. B. No. 53, and requested the House to recede therefrom.

H. B. No. 117, under suspension of the rules, was read a first, second and third time and put upon its passage. It was passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

A message from the House stated that said body had receded from its amendments to C. B. No. 53.

C. B. No. 106 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

A message from the House stated that said body had passed Council Bill No. 128, amended as follows: In section one, by striking out the words and figures "five hundred dollars (\$500)" in the 2d line, and inserting the words and figures "two hundred dollars (\$200)" in lieu thereof.

Section 7, by striking out after the words "section 6," and inserting in lieu thereof the following: "The Territorial Board of Managers of the Penitentiary shall receive an annual salary of six hundred dollars each."

Section 9, by striking out, in line 2 in said section, the words and figures "Twenty-five hundred dollars (\$2500)" and inserting the words and figures "Two thousand dollars (\$2,000)" in lieu thereof.

Also, H. B. No. 109, for an act to provide for the trial of certain causes in the district and probate courts.

The Council concurred in House amendments to C. B. No. 57 and C. B. No. 39, but refused to concur in House amendments to C. B. No. 103.

C. B. No. 140 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

Substitute for H. B. No. 121, and House bills numbered 113 and 115 were read a first and second time.

Substitute for H. B. No. 28 was read a third time, put upon its passage, and lost by the following vote:

Ayes—Messrs. Morrison, McBride, Rice, Stiles, Salisbury, Suaso—6.

Noes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Wilson, Mr. President—7.

C. B. No. 130 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

C. B. No. 101 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

The following bills were read a third time:

House bills numbered 62, 65, 66, 81, 105, 106, 108, 114, 119, 113 and 115.

Substitute for H. B. No. 84 was read a third time and referred to Committee on Incorporations and Railroads.

A message from the House stated that said body insists on its amendments to C. B. No. 103, and has appointed a committee of conference, consisting of Messrs. Duhme, Bingham and Sheldon, to confer with a similar committee from the Council, which the House requests the Council to appoint.

The Chair appointed Messrs Stiles, Salisbury and Hahn as such committee.

The Council concurred in House amendments to C. B. No. 128, except the amendments affecting section nine, in

which it did not concur, and requested the House to recede from the latter amendment.

H. B. No. 62 was laid upon the table.

H. B. No. 105 was put upon its passage and passed by the following vote :

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

H. B. No. 119 was put upon its passage and passed by the following vote :

Ayes---Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

Mr. Stiles introduced Council substitute for H. B. No. 116.

It was read a first and second time and made the special order for 2:30 p. m.

Substitute for H. B. No. 121 was read a third time and its further consideration indefinitely postponed.

The Council now adjourned.

AFTERNOON SESSION.

The Council met at 2 o'clock.

The President in the chair.

All the members present.

The President stated that he had received a communication from his Excellency the Governor, upon executive business.

On motion of Mr. Hughes the Council went into executive session.

After some time the secret session was dissolved, and the sergeant-at-arms was directed to open the doors.

The Committee on Enrolled Bills reported Council bills numbered 44, 66, 67, 82, 88, 111, 115 and 123 correctly enrolled, and that the same had been presented to the Governor at 3:15 o'clock this (Friday) afternoon, for his action thereon.

On motion of Mr. Stiles, the Council reconsidered the vote by which it concurred in House amendment to section seven of C. B. No. 128, and the Council refused to concur in said amendment.

Council substitute for H. B. No. 116 was taken up for consideration.

A message from the House stated that said body had passed the following bills.

H. B. 110, for an act to amend chapter thirty of the Revised Statutes, entitled "Evidence and Depositions."

H. B. No. 111, for an act concerning ditches in Las Animas county.

H. B. No. 101, for an act for the elevation and improvement of the horse in Colorado.

The message further stated that the House had receded from its amendment to C. B. No. 103, requiring the appointment of one commissioner from the north of the Divide, and the other from the south side of the Divide.

That it had indefinitely postponed further action on C. B. No. 127, and had passed C. B. No. 107, amended as follows:

Section 6, by striking out the words "by the City Council as shall be provided by ordinance," and inserting in lieu thereof "as now provided by law." In line 3 of section six, by inserting "for cause" after the word "removal."

Also, C. B. No. 125, amended in second line of section two, by striking out the word "respectfully," and inserting the word "respectively" in lieu thereof.

Also, C. B. No. 120, with the following amendment: In

section one, by striking out from line 4 the words "Auditor of the Territory," and inserting in lieu thereof the words "Board of Trustees of said Deaf Mute Institute;" also, in line 8 of section one, by striking out, after the word "quarter," all the words down to and including the word "certificate, in line 11 of said section. In section three, by inserting in line 5, after the word "lowest," the words "best and responsible," and by adding to said section three, at the end thereof, the following words: *Provided*, that said board may reject any and all bids, when in their judgment it may be for the best interest of the institution to do so. By striking out from line 3 of section seven the words and figures "Ten thousand dollars, (\$10,000)" and inserting in lieu thereof the words and figures "Forty thousand dollars (\$40,000.)"

Also, C. B. No. 137, amended in line 6 of section three, by striking out all after the word "applying."

A message from the House stated that said body still insists upon its amendments to C. B. No. 128, and has appointed a committee of conference in regard thereto, consisting of Messrs. Pisco, Everett and Marshall.

The message further stated that the House had passed Council bills numbered 140 and 106.

H. B. No. 110 was read a first, second and third time and put upon its passage. It passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, Rice, Salisbury, Suaso, Wilson, Mr. President—11.

Noes—none.

Title agreed to.

Mr. Hahn moved to reconsider the vote by which substitute for H. B. No. 82 was indefinitely postponed.

As the time had passed in which a reconsideration could have been moved under the rules, the chair decided the motion out of order.

The chair appointed Messrs. Rice, Salisbury and A. D. Wilson as a committee of conference in reference to House amendments to C. B. No. 128.

H. B. No. 109 was read a first, second and third time and put upon its passage. It passed by the following vote:

Ayes—Messrs. Clelland, Hughes, Hummel, Hahn, McBride, Rice, Salisbury, Suaso, Wilson—9.

Noes—Messrs. Eaton, Morrison and Mr. President—3.

Title agreed to.

The Council now adjourned. •

EVENING SESSION.

Council met at 7 o'clock.

The President in the chair.

All the members present.

A message from the House stated that said body had amended C. B. No. 130 by inserting after the word "amendments," in section one, line eight, the words "and the declaration of independence."

Also, had passed Council bills numbered 119, 121 and 101.

The Council concurred in House amendments to C. B. No. 130.

The committee of conference in regard to C. B. No. 128 presented the following report :

Mr. President:

Your committee of conference appointed to act with like committee of the House upon C. B. No. 128, beg leave to report that the committee of the House agree to recommend to the House to recede from its amendment to section nine, and also from the amendment to section seven, and to amend section seven by striking out the words and figures "one thousand" (\$1,000), and insert in place thereof "nine hundred."

J. RICE,
Chairman.

The report was received.

H. B. No. 108 was read a third time, put upon its passage and lost by the following vote:

Ayes—Messrs. Hummel and Hahn—2.

Noes—Messrs. Clelland, Eaton, Hughes, Morrison, McBride, Rice, Stiles Salisbury, Suaso, Wilson, Mr. President—11.

A message from the House requested the return to that body of C. B. No. 128 for further consideration.

The request was granted.

A message from the House stated that said body had receded from its amendments to sections nine and seven of C. B. No. 128, and had amended section seven by striking out the words and figures "one thousand" (1,000) and inserting "nine hundred" (900) in place thereof.

The House amendment to section seven was concurred in.

H. B. No. 111 was read a first, second and third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Mr. President—12.

Noes—none.

Title agreed to.

The Council concurred in House amendment to C. B. No. 107.

A message from the Governor announced his approval of Council bills numbered 44, 66, 88, 95, 115 and 123.

Council substitute for H. B. No. 116 was read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

The committee of conference in reference to C. B. No. 103, recommended that the Council concur in all of the House amendments to said bill, but amend section three of

said bill as follows: By adding at the end of section three the following: "Said warrants to be drawn on any funds in the treasury not otherwise appropriated by any of the acts of the Eleventh Legislative Assembly of Colorado Territory, and the Auditor of the Territory is authorized and requested to write across the face of said warrants the words "Centennial Exposition."

The recommendation was adopted.

The Council concurred in House amendments to C. B. No. 125.

On motion of Mr. Stiles, the Council concurred in all of the House amendments to C. B. 120, except the first amendment to section one of said bill, and in this the Council did not concur.

H. B. No. 65 was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—12.

Noes—none.

Title agreed to.

The future consideration of H. B. No. 81 was indefinitely postponed.

H. B. No. 115 was read a third time.

Mr. Hughes moved to amend by striking out the words "two and one-half mills," in third line of section one, and inserting "one and one-half mills" instead thereof; and by striking out the word "two," in last line of said section, and inserting instead thereof "one and one-half."

The bill as amended was put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Mr. President—12.

Noes—none.

Title agreed to.

The committee of conference in regard to House amendment to C. B. No. 129, recommended that the Council concur in House amendments to sections 3, 4 and 5 of said bill; and amend section 5, as amended, by adding to end of said section, "said warrants to be drawn on the treasury and paid out of any funds not otherwise appropriated by any act of the Eleventh Legislative Assembly of Colorado Territory, and to be by the Auditor endorsed across the face of said warrants, 'Constitutional Convention.'"

The recommendation was adopted.

The Committee on Enrolled Bills reported Council Bills numbered 53, 57, 106, 126, 134, 135 and 140 correctly enrolled, and that the same had been presented to the Governor at 8:15 o'clock this (Friday) evening, for his action thereon.

H. B. No. 113 was laid on the table, and the further consideration of H. B. No. 101 was indefinitely postponed.

H. B. No. 106 was put upon its passage, but before the roll was called, the vote by which said bill was put upon its passage was reconsidered, and further action on the bill was indefinitely postponed.

A message was received from the House stating that said body "still insists on its amendment to C. B. No. 103, and has appointed Messrs. Sheldon, Bingham and Yonley as a conference committee, and respectfully requests that the Council appoint a committee to confer with House Committee."

Messrs. Hahn, Salisbury and A. D. Wilson were appointed a committee of conference on the part of the Council.

A message from the House stated that said body had concurred in Council amendment to C. B. No. 129; and also in Council amendment to C. B. No. 103.

A message from the House stated that said body had refused to concur in Council amendment to H. B. No. 115, and respectfully requests the Council to recede therefrom.

The Council decided not to recede.

A message from the House stated that said body "insists on House amendments to C. B. No. 120, and have appointed Messrs. Mills, Marshall and Kruse as a conference committee, and requests that a like committee be appointed by the Council."

The Council appointed Messrs. Hahn, Stiles and Hummel as a committee of conference in regard to C. B. No. 120, and this committee, after a meeting with the committee appointed by the House, recommended that the Council continue to refuse to concur in House amendments to said bill.

The recommendation was adopted.

A message from the Governor stated that he had approved Council Bills numbered 53, 57, 67, 82, 106, 126, 134, 135 and 140.

The chair announced a communication from His Excellency the Governor on executive business.

The Council went into executive session.

After a short time the executive session was dissolved.

The House returned Council substitute for H. B. No. 116 with certain amendments attached in regard to the pay of officers and clerks for extra services.

The amendments were concurred in.

Mr. Salisbury introduced the following :

Resolved, That the thanks of this Council are due and are hereby tendered to the Hon. Adair Wilson, for the impartial manner in which he has performed the arduous duties of presiding officer of this body; and the thanks of this body are also hereby tendered to all the officers of the Council for their prompt and efficient services.

Under suspension of the rules this resolution was unanimously adopted.

Mr. Hughes, by unanimous consent, introduced C. B. No. 141, for an act in regard to evidence.

Under suspension of the rules, it was read a first and second time.

It was also read a third time, put upon its passage and passed by the following vote:

Ayes—Messrs. Clelland, Eaton, Hughes, Hummel, Hahn, Morrison, McBride, Rice, Stiles, Salisbury, Suaso, Wilson, Mr. President—13.

Noes—none.

Title agreed to.

A message from the House stated that said body “still insists upon its amendments to C. B. No. 115, and have appointed Messrs. Sheldon, Pisco and Peyton a committee of conference.”

The Council appointed Messrs. Hughes, Eaton and Clelland a committee to confer with the committee appointed by the House.

A message from the House stated that said body had passed C. B. No. 141, and had concurred in Council amendments to H. B. No. 115.

Committee on Enrolled Bills reported Council bills numbered 21, 107, 119, 121 and 130 correctly enrolled, and that the same had been presented to the Governor at 11 o'clock this (Friday) evening for his action thereon.

A committee from the House notified the Council that the House was ready to adjourn *sine die*.

A message from the House stated that said body “has again refused to recede from its amendments to C. B. No. 120, and respectfully asks that your honorable body will reconsider its action thereon.”

The Council again decided not to concur in said amendments, and notified the House to this effect.

A message from the Governor stated that he had approved Council bills numbered 21, 107, 119, 121 and 130.

The chair announced a communication from His Excellency, the Governor, on executive business.

The Council went into executive session.

After a short time the executive session was closed.

A message from the House stated that said body had indefinitely postponed further action on C. B. No. 120.

Committee on Enrolled Bills reported Council bills numbered 39, 103, 125, 128, 129, 141, and Council substitute for H. B. No. 116 correctly enrolled, and that the same had been presented to the Governor at 11:59 o'clock this (Friday) evening for his action thereon.

A message from the Governor stated that he had approved Council bills numbered 39, 103, 128, 129, 141, and Council substitute for H. B. No. 116.

The following communication was received from His Excellency, the Governor :

TERRITORY OF COLORADO,
EXECUTIVE DEPARTMENT,
DENVER, February 11, 1876. }

Hon. Adair Wilson, President of Council:

SIR—I have the honor to state that I have no further communications to make to your honorable body.

Thanking you for your uniform courtesy to myself, and congratulating you upon the successful and harmonious issue of the eleventh session,

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN L. ROUTH,

Governor.

The Chair appointed Messrs. Rice and A. D. Wilson to wait upon the House and inform that honorable body that the Council was now ready to adjourn *sine die*, and also to wait upon His Excellency the Governor to inform him that the Council had nothing further to transmit.

The committee, after a short absence, announced the performance of the duties assigned them, and that the House had fixed upon this as the hour for adjournment.

After some remarks of a personal and congratulatory nature, the Chair pronounced the Council of the Eleventh

Legislative Assembly of Colorado Territory adjourned
sine die.

JAMES T. SMITH,
Secretary.

ADAIR WILSON,
President.





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