

# Council Journal

—OF—

# The Fifth Legislative Assembly,

—OF THE—

## TERRITORY OF WYOMING,

CONVENED AT CHEYENNE, WYOMING, Nov. 7, 1877. - 500/1072

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1878.

# Council Journal

OF THE

FIFTH LEGISLATIVE ASSEMBLY

OF WYOMING.

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FIRST DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 6, 1877. }

The members elect of the Council were called to order by the Hon. G. W. French, Secretary of the Territory, pursuant to law. The following named members elect appeared as their names were called by the Secretary and took their seats in the Council, viz: Herman Haas, Tim Dyer, J. N. Keller, A. H. Swan, G. A. Draper, W. H. Holliday, L. D. Pease, S. W. Downey, Lawrence Hays, Homer Merrill, F. F. Cheney, E. L. Pease, Fred. Mertsheimer.

Hon. W. H. Holliday, upon motion, was chosen temporary chairman, and the Hon. F. Mertsheimer was chosen temporary secretary. Whereupon the following proceedings were had:

Upon motion, the chair appointed the Hons. Draper, Pease, of Albany county, and Hays, of Carbon county, a Committee on Credentials.

Hon. S. W. Downey moved to take a recess for fifteen minutes, to give time for the above named committee to report. Motion carried. At the expiration of which time the committee made the following report:

*To the President of the Council:*

SIR: Your Committee on Credentials would respectfully submit the following report: We find the following named gentlemen have certificates of election:

*Albany County*—W. H. Holliday, S. W. Downey, L. D. Pease.

*Carbon County*—Homer Merrill.

*Laramie County*—Herman Haas, T. Dyer, J. N. Keller, A. H. Swan, G. A. Draper.

*Sweetwater County*—F. F. Cheney.

*Uinta County*—E. L. Pease, Fred. Mertsheimer.

Your committee find no certificate of L. Hays, member-at-large from the counties of Carbon and Sweetwater, as read by the Secretary.

Respectfully submitted,

G. A. DRAPER, *Chairman.*

Hon. E. L. Pease moved that Mr. Hays' name be added to the list of members.

Mr. Downey offered the following:

*Resolved*, That the report of the committee be received, the committee discharged and the report be adopted, and all of the gentlemen named in the report as holding certificates of election, including L. Hays, be sworn in as members of the Council.

Mr. Swan seconded the resolution.

Hon. E. L. Pease, of Uinta, then moved an amendment, by striking out all the words of the resolution after the word "adopted."

Mr. Downey called for the ayes and noes, which were taken for the adoption of the amendment, with the following result:

*Ayes*—Haas, Keller, Draper, Dyer, Holliday, Pease, Hays, Mr. President—8.

*Noes*—Swan, Downey, Cheney, Mertsheimer—4.

So the amendment was adopted.

Motion carried, and Mr. Hays' name placed upon the list.

Upon motion, the report of the Committee on Credentials was adopted and the committee discharged.

The chair appointed a committee, consisting of the Hons. S. W. Downey and T. Dyer, to wait upon Chief Justice J. W. Fisher, inviting him to administer the oath of office to the members elect of the Council.

The committee retired and afterwards returned with Hon. J. W. Fisher, Chief Justice of Wyoming Territory, who then administered the oath prescribed by law to the following named members, respectively: Herman Haas, Tim Dyer, J. N. Keller, A. H. Swan, G. A. Draper, W. H. Holliday, S. W. Downey, L. D. Pease, Larry Hays, F. F. Cheney, E. L. Pease, Fred. Mertsheimer.

The seat of Homer Merrill being contested, he was not sworn.

On motion, the Council proceeded to the election of president. Hon. Herman Haas nominated the Hon. E. L. Pease permanent president. There being no other nomination, Mr. Pease was declared by the chair duly elected president of the Council.

The chair appointed Messrs. Keller and Cheney a committee to conduct the president elect to the chair.

The president elect was conducted to the chair by the above named committee and took the oath of office, administered by Hon. J. W. Fisher, Chief Justice.

On motion of Mr. Downey, the Council proceeded to the nomination and election of officers.

A. Goble was nominated by J. N. Keller, W. G. Provines, by F. F. Cheney, for secretary of the Council.

Mr. A. Goble declined the nomination, and C. W. Bramel was nominated by the Hon. Herman Haas.

There being no further nominations, the Council proceeded to the election of secretary.

W. G. Provine received four votes and C. W. Bramel received eight votes.

C. W. Bramel, having received the majority of all the votes cast, was declared by the chair duly elected.

On motion, the Council proceeded to the election of assistant secretary.

B. Southwick was nominated by the Hon. L. Hays.

There being no other nomination, the Council proceeded to the election of an assistant secretary.

The chair announced the election of B. Southwick as assistant secretary.

Miss Lizzie McNamara was placed in nomination for engrossing clerk, by the Hon. W. H. Holliday.

There being no further nomination, the council proceeded to the election of engrossing clerk.

The chair announced the election of Miss Lizzie McNamara to the position of engrossing clerk.

Mrs. Annie E. St. Clair and Mrs. R. E. Street were nominated for the position of enrolling clerk.

Mrs. St. Clair received nine votes and Mrs. Street received three votes.

It was decided by the chair that Mrs. St. Clair, having received a majority of the votes cast, was duly elected to the position of enrolling clerk.

Upon nomination and vote by the Council, Mr. E. Coyne was duly elected sergeant-at-arms.

Upon nomination and vote by the Council, W. S. Bramel was duly elected to the position of doorkeeper.

T. E. Caldwell was nominated by the Hon. L. D. Pease for the position of messenger.

Upon vote by the Council, T. E. Caldwell was announced duly elected to that position.

John McKay was nominated by Mr. Keller for the position of

watchman, and, after vote by the Council, the chair announced his election to the position of watchman.

Rev. W. E. Hamilton was nominated by Mr. Holliday for chaplain and, upon vote by the Council, the chair announced the election of the Rev. W. E. Hamilton to the position of chaplain.

Hon. T. Dyer nominated Gertrude Patterson for the position of page, and, after vote by the Council, she was declared duly elected.

On motion of Mr. Holliday, all officers elect, then present, came forward and were duly sworn, according to law, by Hon. J. W. Fisher, Chief Justice of the supreme court of the Territory of Wyoming, viz: C. W. Bramel, John McKay, T. E. Caldwell, B. Southwick, W. S. Bramel and A. Coyne.

On motion of Hon. Herman Haas, the Council then adjourned until to-morrow morning at ten o'clock.

C. W. BRAMEL,  
*Secretary.*

## SECOND DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 7, 1877. }

### MORNING SESSION.

Council met.

President in the chair.

Roll called.

Present—Haas, Dyer, Keller, Swan, Holliday, Pease, Downey, Cheney, Mertsheimer.

Absent—Draper and Hays.

Journal read, and after amendments, approved.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 7, 1877. }

*To the Hon. President of the Council:*

We have the honor to inform your honorable body that the House is now fully organized and ready to proceed to business. We have the honor to be very respectfully,

PETER McKAY,  
B. FRANK LOWE,  
*Committee.*

Mr. Holliday presented the following joint resolution:

## COUNCIL JOINT RESOLUTION NO. 1.

*Resolved by the Council and House of Representatives of the Territory of Wyoming,* That a joint committee, consisting of two members of the Council and three members of the House, be appointed to wait upon his excellency, the Governor, and inform him that the two houses are fully organized and ready to receive any communication he may have to make.

On motion, the rules were suspended and C. J. R. No. 1 passed the Council, and the chair appointed Messrs. Holliday and Mertsheimer a committee on behalf of the Council.

On motion of Mr. Holliday, the secretary was instructed to inform the honorable House of the organization of the Council, and to furnish that body with a list of the officers of the Council.

Mr. Mertsheimer offered the following: "I move that a committee of five be appointed to submit rules for the government of the Council, and that until the same shall be submitted, the rules of the last session be adopted." Carried, and the chair appointed Messrs. Haas, Holliday, Downey, Mertsheimer and Draper said committee.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Nov. 7, 1877. }

*Hon. President of the Council:*

SIR:—I am instructed and have the honor to inform you that the House is fully organized, and have elected the following officers, viz:

*Speaker*—N. L. Andrews.

*Chief Clerk*—H. W. Foglesong.

*Assistant Clerk*—Robert Smith.

*Enrolling Clerk*—W. B. Trufant.

*Engrossing Clerk*—Frank Loamsler.

*Sergeant-at-Arms*—Edward Martin.

*Doorkeeper*—T. D. Pearson.

*Messenger*—Fred. Nash.

*Page*—Edward Kerrigan.

*Chaplain*—Rev. Sanders.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

Hon. Herman Haas offered the following:

*Resolved by the Council of the Legislative Assembly of the Territory of Wyoming,* That the contested election case of John C. Friend against Homer Merrill, both claiming seats in the Council from the county of Carbon, be referred to a special committee of — members, to be

appointed by the president of the Council. That all the papers in the case be referred to the said committee. That said committee shall have power to send for persons and papers, to administer oaths, to issue process to compel the attendance of witnesses and all other powers necessary to investigate and determine the question as to the rights of said contestants. That said committee shall report at as early a day as practicable which of said parties is entitled to a seat in said body, and until such report be made that neither said John C. Friend nor Homer Merrill shall be entitled to a seat in this Council.

Hon. J. N. Keller moved that the rules be suspended, and for the adoption of the resolution.

Mr. Downey moved an amendment, by dividing the question, and the ayes and noes were then taken on the suspension of the rules, with the following result:

*Ayes*—Haas, Dyer, Keller, Draper, Holliday, Pease, Hays, Mr. President—8.

*Noes*—Swan, Downey, Cheney, Mertsheimer—4.

The president declared the rules suspended and the resolution of Mr. Haas adopted.

The chair appointed Messrs. Haas, Keller and Downey a special committee in the contested election case of John C. Friend and Homer Merrill, in conformity to the aforesaid resolution.

Hon. L. D. Pease offered the following:

JOINT RESOLUTION NO. 2.

*Resolved*, That a joint committee, consisting of two members of the Council and three members of the House, be appointed to report joint rules for the government of the two bodies.

On motion, the rule was suspended and the resolution adopted as read.

A committee, consisting of Messrs. Haas and Holliday, was appointed on behalf of the Council.

Mr. Downey moved that the election certificate of Homer Merrill be read for the information of the Council. Motion lost.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 7, 1877. }

*To the Hon. President of the Council:*

SIR:—The inclosed H. J. R. No. 1 has this day passed the House and herewith transmitted for the action and consideration of your honorable body.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

## HOUSE JOINT RESOLUTION NO. 1.

*Resolved by the Council and House of Representatives of the Territory of Wyoming, That the secretary of the Council and chief clerk of the House be respectfully instructed to procure and furnish to each member daily one copy of all the newspapers published in the Territory.*

The foregoing resolution was laid over under the rule.

Hon. S. W. Downey introduced the following resolution:

## COUNCIL JOINT RESOLUTION NO. 3.

Joint resolution in reference to a reporter:

*Be it Resolved by the Council and House of Representatives of the Territory of Wyoming, That William E. Wheeler be and is hereby employed to report the proceedings of both houses of the present Legislative Assembly for the session, for the sum of two hundred and fifty dollars, all the proceedings to be reported in full.*

Mr. Downey moved the suspension of the rule and the adoption of the resolution.

Mr. Holliday moved an amendment, that the question be divided and that the ayes and noes be taken, on the suspension of the rule. Ayes, nine; noes, two; so the motion was carried.

On motion of Mr. Keller, a call of the Council was ordered. All the members were found to be present but Mr. Haas.

The sergeant-at-arms was ordered to bring in Mr. Haas.

The sergeant-at-arms obeyed the order by producing the Hon. Herman Haas, who took his seat in the Council.

On motion of Mr. Holliday, the Council adjourned to two o'clock p. m.

## AFTERNOON SESSION.

Mr. President in the chair.

Roll called.

All the members present.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, NOV. 7, 1877. }

To the Hon. President of the Council:

SIR:—The enclosed H. J. R. No. 2 has this day passed the House. The chair has appointed as committee on the part of the House, Messrs. Hamma, Congdon and Hoy.

The concurrence of your honorable body is respectfully requested.

Respectfully,

H. W. FOGLESONG,

Chief Clerk.

## HOUSE JOINT RESOLUTION NO. 2.

*Resolved*, That a committee of three of the House and two of the Council wait upon his excellency, the Governor, and inform him that both houses are organized and ready to receive any communication he may wish to make, and ascertain from him at what time it will suit his convenience to meet both houses in joint session.

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 7, 1877. }

*To the Hon. President of the Council:*

SIR:—The enclosed H. J. R. No. 3 has this day passed the House. The speaker has appointed as committee on the part of the House Messrs. McKay, Homer and McGlinchey.

I am instructed to ask the concurrence of your honorable body.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

## HOUSE JOINT RESOLUTION NO. 3.

*Resolved by the House of Representatives, the Council concurring therein*, That a committee of three members of the House be appointed to confer with a like committee from the Council to draft and report a code of joint rules for the government of both bodies in their intercourse with each other.

On motion of Mr. Holliday, the rule was suspended and H. J. R. Nos. 2 and 3 passed the Council.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 7, 1877. }

*To the Hon. President of the Council:*

SIR:—I am instructed and have the honor to invite the honorable Council to meet the House in joint session, in the hall of the House, at such time to-day as may be determined upon, to receive the message of the Governor.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

Mr. Pease, of Albany, moved that the Council accept the invitation of the honorable House, and that the secretary be instructed to so inform the House. Carried.

Mr. Haas offered the following:

*Resolved*, That the Secretary of the Territory be requested to furnish each member of the Council one copy of the compiled laws

of Wyoming and one copy of the Council journal of 1875, and a sufficient amount of such stationery as may be required; also one clock for the use of the Council.

On motion of Mr. Pease, of Albany, the resolution was adopted.

On motion of the Hon. Herman Haas, the vote on H. J. R. No. 3 was reconsidered in so far as it appertained to the appointment of a committee, by unanimous concurrence of the Council.

Mr. Holliday introduced the following report:

*Mr. President:*

Your committee, in conjunction with a like committee from the House, appointed to wait upon his excellency, the Governor, and inform him that the two houses are permanently organized and ready to receive any communication he may have to make, beg leave to report they have performed said duty, and that his excellency will meet the two houses in joint convention so soon as convenient and communicate to them.

W. H. HOLLIDAY,  
F. MERTSHEIMER,

*Committee on the part of the Council.*

The report, on motion of Mr. Downey, was adopted and committee discharged.

The following message was received from the honorable House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, NOV. 7, 1877. }

*To the Hon. President of the Council:*

SIR:—I am instructed and have the honor to inform your honorable body that the House will meet the honorable Council in joint session in five minutes.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

On motion of Hon. S. W. Downey, the Council adjourned to the hall of the House, for the purpose of hearing the Governor's fifth biennial message.

JOINT SESSION.

At half past two o'clock, the members of the Council were received in the hall of the House.

The president of the Council in the chair, was introduced by the speaker to the joint convention as presiding officer of the joint session.

Mr. Holliday moved that a joint committee, composed of one member of the Council and two members of the House, be appointed

by the president to wait upon his excellency, Gov. J. M. Thayer, and inform him that both houses of the fifth legislative assembly of Wyoming Territory are now in joint session in the hall of the House, and ready to receive any communication he may have to make. Carried, and the president appointed as such committee Messrs. Holiday, of the Council, and Hamma and McGlinchey, of the House.

The committee reported, announcing the arrival of the Governor.

The president introduced his excellency to the joint-convention.

His excellency, the Governor, thereupon delivered his biennial message, as follows:

*Gentlemen of the Legislative Assembly:*

During the two years intervening since the adjournment of the last legislature, the affairs of the Territory have generally been in a prosperous condition. Business has enlarged; branches of industry have increased, and additional capital has found investment in different sections. The depression which has weighed so heavily upon the country at large, has not been felt by our people. The administration of justice has been efficient, and successful, and the laws have been faithfully executed, with one exception upon our extreme northern border.

The present year has been a marked one in some respects. During the past summer, most serious difficulties arose between several corporations and their employes, bringing on a conflict between the civil power and elements of lawlessness and disorder, which proved disastrous for a time to business interests, and destructive to human life. The lessons to be drawn from these events should be impressed upon the people of the whole country.

Labor is entitled to its full reward. Such compensation should be given as will enable the working man not only to support his family, but to lay aside something at the end of each year as a little sinking fund against future needs, for it is the moral right and duty of every one to improve his condition if he can. Every legitimate means should be used to elevate the condition and advance the interests of the working classes. Corporations and their employes should be brought into nearer relationship with each other, and be led more fully to appreciate the fact that the interests of each are the interests of the other.

While this is so, it is equally true, that the remedy for wrongs is in the law, and in the formation of enlightened public opinion. No combinations of men can be permitted to accomplish their purposes by unlawful means. Resistance to the civil power can remove no wrong; violations of law can work no remedies; acts of disorder can improve no one's condition. On the contrary, the cause which resorts to such agencies works an irreparable injury to itself. The law must be maintained under all circumstances, for in this rests the security of society and the maintenance of government.

## REPORTS.

The auditor and treasurer are required to make their reports to your honorable body. They will be submitted in due time.

The reports of the superintendent of public instruction, and the Territorial librarian are herewith transmitted. Your attention is respectfully invited to the suggestions and recommendations contained in these several reports.

## FINANCES.

The auditor has furnished me with the following abridged statement as to our financial affairs:

On hand at the beginning of his term.....	\$ 8,792.37	
Receipts for the last two years.....	43,698.49	\$52,490.86
Disbursements.....		<u>50,635.34</u>
Balance on hand.....		1,844.52

The bills, amounting to about four thousand eight hundred dollars, for keeping the convicts during the months of August, September and October, have not been settled. After paying out the amount in the treasury, it leaves a deficiency of two thousand nine hundred and fifty-five dollars. This fact is explained by the increase in the number of prisoners, and by the payment of \$7,911.37 for the compilation and publication of the laws.

The total valuation of property as assessed for the year 1877 is \$9,275,811. The rate of assessment for Territorial purposes is three mills on the dollar. The amount of tax levied for this year is \$27,837. This amount will, in my judgment, be sufficient to meet all expenses, if certain recommendations herewith submitted are carried into effect.

## KEEPING OF PRISONERS.

At the last legislative session an act was passed creating a commission composed of Herman Haas, James France, W. H. Holliday and the Governor, whose duty was to investigate the relative cost of transporting to and keeping prisoners in the penitentiary at Laramie and other penitentiaries beyond the limits of the Territory; and if their keeping could be secured in the latter, at less expense, it was authorized to make the change. Their report will be submitted. I will, however, briefly state, that the cost of maintaining prisoners in the House of Correction, at Detroit, was found to be far less than at Laramie; but the commission met with an unexpected difficulty. It was found that the tariff of charges allowed to sheriffs for transportation of prisoners was so large that the

greater portion of the appropriation for their subsistence would be exhausted in their transfer to Detroit. To take six prisoners there would cost nearly two thousand dollars. It was therefore deemed best to postpone any action in the premises till the next legislature should have an opportunity to reduce the charges down to the expenses actually incurred in their transportation, which is earnestly recommended.

There are now sixty-seven Territorial prisoners in the United States penitentiary at Laramie at a cost of one dollar per day per man, which is the contract price with the government. It will thus be seen, the Territory is paying sixty-seven dollars a day for their keeping. I have had a correspondence with the Attorney General of the United States at different times, claiming a reduction, but without success. A portion of the prisoners have been hired out to labor during parts of the last two seasons. I have claimed credit to the Territory for their labor, but it has been refused. The last appropriation on account of prisoners was twenty thousand dollars, which was to cover the succeeding two years, to the present time. Owing to the increase of convicts, that amount was exhausted on the last, consequently the auditor declined to draw any more warrants on penitentiary account. The United States marshal then applied to the District Court of the Third Judicial District for a peremptory mandamus upon the auditor to audit the accounts and draw warrants accordingly. Upon the hearing of the case, the Court issued the peremptory mandamus applied for, and under it, the auditor has audited and paid out eight thousand five hundred and ninety-eight dollars; and on the first of the present month there was due four thousand eight hundred dollars, to which reference has been made.

This large and increasing expense must, and can be, reduced. After careful consideration of the subject, I am clearly of the opinion that this result can be reached by sending convicts with more than two years to serve, to Detroit. The cost of keeping them there is \$1.25 a week per prisoner.

#### REDUCTION OF COUNTY EXPENSES

Is a subject which demands consideration and action at your hands. I believe the people expect it from you, for it has received considerable attention from them. The charging of fees as compensation to incumbents of office is, in my judgment, unwise. Under this system the emoluments of some of the county offices have grown to be very large, far beyond any proportion to the amount of time and labor involved. Full and just compensation should be paid for all labor performed; but exorbitant allowances should cease. I therefore recommend that fees be abolished, and that fixed, reasonable

salaries be established for the county offices. I also recommend that the collection of taxes be vested in the county treasurer, and the percentage on collections be abolished or greatly reduced. There is no necessity for an intermediary officer between the treasurer and the people. By adopting this course a large saving can be secured.

#### AMENDMENT OF STATUTES.

Experience and practice have demonstrated the advisability of certain modifications of several laws now in force. Chief Justice Fisher has, in response to my request, favored me with some proposed changes, which, his observations have convinced him, would prove beneficial to the administration of justice. His long experience upon the bench entitles them to your consideration. They seem to be based upon sound law, equity, and common sense.

*First*—Subdivision 10, Section 187, Compiled Laws of Wyoming, relating to attachments, discriminates harshly against the interests of poor men and small dealers. In case of a debt of two hundred and fifty dollars and less, an attachment may issue in ten days from maturity of the obligation. Above that sum, it cannot. An alteration of this provision of the civil code in the interest of equity, is certainly to be desired. Laws should bear with equal force upon all alike.

#### CHANGE OF VENUE.

*Second*—There is in reality now no restriction in regard to the application for a change of venue, in both civil and criminal cases. An unscrupulous person may make oath either that the judge is biased against him, or that he thinks the people of the county will not do him justice, and the court has no discretion; the order for a change of venue must issue, regardless of the expense to which the people are subjected in the transportation of witnesses to the new place of trial. The court should be invested with some discretion in the matter.

#### PENALTIES.

*Third*—In case of a person convicted, say, of grand larceny to the amount of twenty-five dollars, the law provides that he must be imprisoned in the penitentiary *not less than one year*. To any who have been familiar with the administration of criminal justice, it must be evident that in some cases, one year is too long a term of imprisonment for a crime of that grade. I would therefore change this by abolishing the minimum of punishment, leaving the maximum to stand, and entrust the determining the length of imprisonment to the judgment of the court. And in this connec-

tion I submit the opinion that justice will be more impartially administered by relieving the jury in all cases of the duty of fixing the penalty and leaving it in the hands of the courts, who are better qualified for an intelligent discharge of such a duty than juries can be.

#### WITNESSES.

Under our laws, there is no provision for paying mileage to witnesses. This, in many cases, works great hardship; for, oftentimes, witnesses are summoned from distant points, and their expenses are considerable. A witness called in from the street, and detained half an hour, is entitled to three dollars, while one who is forced to come one hundred miles or more, is only entitled to the same amount. If mileage is allowed them, then it may be suggested whether three dollars per day to witnesses and jurors may not be reduced.

#### SERVICE ON JURIES.

It seems to me that the classes of persons exempt from serving on juries, and the facilities for evading such service, should be diminished. Any person who will state that his serving on a jury will interfere with his business, can demand his discharge. As a consequence, the benefit of having good, substantial citizens, the business men of the county, in the jury-box, is lost, and the officer is obliged, oftentimes, to call in to fill their places, professional jurors who hang around the courts of justice in pursuit of three dollars per day. The duty of a jurymen is one neither to be sought nor declined. Every good citizen should regard it as incumbent upon himself to discharge it when called upon by the proper authority, for each and all are interested in the faithful execution of the laws and the impartial administration of justice.

Your attention is respectfully invited to the subject of providing for

#### THE PUBLICATION OF THE DECISIONS OF THE SUPREME COURT.

Section 8, of chapter 106, page 546, Compiled Laws of Wyoming, provides that as soon as one hundred cases have been disposed of, the court may appoint a reporter, who shall receive such compensation as shall be provided by law. Over eighty decisions have already been made, and as the number will exceed one hundred before another session of the Legislature, it is desirable that provision be made before your adjournment, for the publication of a volume when the number shall reach one hundred.

Many of the States have furnished to the Territorial library their Supreme Court reports for a few years past. Letters have been received from officers of several States, asking us to exchange with

them, and notifying us that if we do not they will cease to forward theirs. Upon being informed of the facts, they have continued to send them, but will not much longer unless we provide for an exchange.

ANNUAL ELECTIONS.

Reflection has led me to the conclusion that annual elections can be dispensed with, and no detriment result to the public interests.

The passage of a law is recommended which shall provide that the next election of members of the legislature shall occur on the same day in the autumn of 1880, and every two years afterwards, when county officers and Delegate to Congress are chosen; to be followed by a legislative session in December or January succeeding. If the suggestion is adopted, there will be no meeting of the legislature for three years. For this interval, you can make such provision as may seem best, so that no interests may suffer.

The advantage of this course consists in the fact that besides avoiding the agitation incident to a political contest, the expense of elections on alternate years will be saved to the counties.

It is evident that the administration of county affairs would be benefitted by changing

THE TENURE OF OFFICE OF COUNTY COMMISSIONERS,

So that one commissioner would go out of office every year; or, in case of biennial elections, the offices of two should expire every two years. In either event there would be one, or two, as the case might be, holding over, whose experience and knowledge of county affairs would be available to new incumbents of such offices.

Among the interests which absorb the attention of our people, that of

STOCK RAISING

Is conspicuous. The experience of each successive year has furnished additional and conclusive evidence of the adaptability of these vast plains to the raising of horses, cattle and sheep. The following tables of shipments from our Territory will show the progress of this business from its small beginning to its present magnitude:

1873.....	286 cars of stock;
1874.....	738 " " "
1875.....	975 " " "
1876.....	1,344 " " "
1877.....	1,649 " " "

These cars carry twenty to the car. There have, therefore, been shipped this year, 32,480 head. These cattle have yielded a net return

to their owners, of thirty dollars per head, making the aggregate sum of nine hundred and seventy-four thousand four hundred dollars.

The quantity of wool shipped is as follows:

In 1873.....	85,077 pounds;
“ 1874.....	215,242 “
“ 1875.....	228,033. “
“ 1876.....	333 919 “
“ 1877.....	346,280 “

This, certainly, is a good exhibit for a portion of what was once regarded as the Great American Desert. These cattle have literally raised themselves for the market. They have been out upon the ranges during the whole of the winters without shelter and without feed from the stack, and have been prepared for slaughter almost without cost, save the expense of gathering them in and shipping them.

Winter grazing in Wyoming, so long doubted, has come to be an established fact, and the careful observer must be convinced that not very far in the future, our Territory will become one of the principal stock-raising sections of the continent. From here must come a large supply of the beef for the belt of States to the east of us, including the Northern, the Middle, and the New England States. The business of fattening cattle for the market, upon corn and hay, under shelter during the cold season, cannot compare with that of raising them upon the nutritious grasses of the prairies and hills, without shelter during the winter months.

The Australian provinces are, to a considerable extent, devoted to the raising of stock; but their distant location renders it impracticable for them to compete with us in the markets of the world. So of the cattle-growing regions of South America. Great Britain, and the continental nations, being densely settled and divided into small farms, except the large landed estates in the former, are not adapted to this industry. Here, the almost limitless prairies are without these objections.

The disarrangements to business pursuits, and the interruption of commercial traffic, resulting from the apparent conflict between capital and labor, during the last season, have attracted attention to the question of a reduction of the expenses of living; a subject which affects every class of the community, and the producing and manufacturing interests. Those who shall be instrumental in furnishing cheap beef to the people, at remunerative prices, will render them an important service, for this must become an essential element in the economy of life.

The shipment of dressed beef to Europe, the facilities for which have been largely extended, as well as upon the hoof, has grown to be a business of considerable magnitude, and is rapidly increas-

ing. From the first of January last to the first of October, there were shipped to Europe \$8,082,036 worth of fresh meat, while during the corresponding period of last year, only \$1,755,000 worth were shipped.

The exports of live cattle to Europe thus far this year, amount to \$1,950,000, against a very small sum last year.

Of mutton, too, \$113,000; while none last year. Of live sheep, \$51,110; last year, none. During the same period, that is, from January 1st to October, the shipments of butter were 12,250,690 pounds, while last year they were only 5,919,000 pounds: and of cheese, 89,650,350 pounds, against only 53,700,530 pounds last year. The export of grain, this year, exceeds that of last by more than thirty-five per cent. We have raised upwards of 23,000,000 bushels, over and above the amount of former years.

War is destructive, not only of human life, but of the means of sustaining life. Large armies fill their ranks mostly from the producing classes. The war now existing between Russia and Turkey is already a heavy drain upon the resources of both, and if prolonged through another year, must greatly impair, if it does not exhaust, their producing capacities beyond the demands of the people at home. The awful scourge of famine is compelling England to ship large quantities of flour to supply the wants of the perishing subjects of her East Indian Empire.

These causes, together with the large and increasing export of cereals, and of meat, butter and cheese, must encourage and impart renewed confidence to agricultural and pastoral pursuits.

The consideration of this subject seems to justify the prediction that, in the not very distant future, the farmers of the western, central and eastern States will devote their attention mainly to the raising of grain, pork and working oxen, and the production of butter and cheese; while the prairies west of the Missouri must furnish the beef. And is not this a wise provision of nature, in accordance with climate and soil?

Whatever legislation is necessary to foster and protect this industrial pursuit in which so many of our people are engaged, and which is the main source of our prosperity and wealth, should receive your favorable consideration. In connection with this subject, it seems proper to call your attention to the advisability of

#### BRINGING OUR LANDS INTO MARKET.

Stock men find it necessary to have large tracts of land in compact bodies, and desirable to acquire title thereto, which, under the present system, they are unable to do. The odd sections for twenty miles wide on either side of the Union Pacific Railroad, have been set off to that road, while the alternate sections are retained by the

government, where they have not been taken up by homestead or pre-emption. I respectfully recommend that you memorialize the proper Department and Congress with a view to making these lands open to purchase at very low rates. In this case it is to be hoped that the railroad lands could be obtainable on equally as favorable terms. If Congress would authorize the sale of these lands at ten or fifteen cents an acre, large quantities would find purchasers, and a large revenue would be yielded to the government.

#### AGRICULTURE.

It must not be inferred that Wyoming is destitute of agricultural resources. Raising wheat upon the Laramie Plains and in the Wind River Valley has been successfully tested during the last season and with satisfactory results.

#### MINING INTERESTS.

The development of our mining interests has continued with steady progress. The extinguishment of the Indian title and the removal of the lately hostile Indians from our borders, must stimulate enterprise and induce explorations and development. The production of

#### COAL

Has increased during the past year, and our coal fields have been successfully worked.

#### THE SUBJECT OF FISH CULTURE

Was presented to the Legislature in my last message, but no action was taken. Your attention is now invited to it. Further reflection and observation have strengthened the conviction that a small appropriation judiciously expended will result in stocking the various streams of the Territory in the vicinity of the settlements with the best kinds of fish, and will greatly benefit the people, by furnishing them with a desirable article of food without cost.

#### THE PROPOSED FORMATION OF A NEW TERRITORY,

Embracing the Black Hills, a large portion of Northern Wyoming, and portions of Dakota and Montana, has received some attention. For this movement I am unable to perceive any sound reason. If the people of the Hills desire to sever their relations with Dakota, the proper course is for Congress to attach the Black Hills to this Territory. In this direction is their natural outlet. Our interests are in common. The distance between Cheyenne and Deadwood

is but two hundred and sixty miles. Another year will undoubtedly witness the completion of a railroad between those points, giving the latter direct connection with the east. Sturdy and industrious pioneers are developing the wealth of the Black Hills, and they deserve the protection of good laws and good government. It must be evident that their interests will be best promoted by a union with Wyoming. If they can secure a new Territory, without interference with our limits, we certainly cannot object. But when they propose to take a part of our Territory to enable them to secure one, it then becomes the duty of our people to enter their solemn protest. They have anxiously awaited the time when the removal of the hostile Indians would open up the Big Horn region for settlement, and make its resources available. When the time comes for the realization of their hope, it is not just to wrest it from them. Again, they have a reasonable right to look forward to some point of time in the future when the population of Wyoming will justify its admission as a State. It would not be in accordance with fair dealing to destroy that prospective right, or postpone the exercise of it for an indefinite period of time.

I therefore recommend that you memorialize Congress against any curtailment of the present boundaries of Wyoming, and ask that the Black Hills be annexed to, and made a part of it.

#### INDIAN AFFAIRS.

The capture and surrender of most of the hostile Sioux, the abolition of the Indian title to the lands, and the moral effect of the unexampled pursuit and capture of Joseph and the Nez Percés; afford reasons for the hope and belief that peace will be maintained in this region of country, and that the settlement of Northern Wyoming, hitherto prevented by marauding Indians, will now go forward, and its mineral and pastoral wealth be made available by the industry of the settler. The removal of the Indian agencies from our northern border to points near the Missouri river, is now taking place, and this gives us additional confidence in the prospect of peace. In this connection I cannot refrain from expressing my thanks to Gen. Crook, the Department commander, for the promptness and efficiency with which he has responded to every call made upon him for protection to our people and their interests, which the limited means at his command have enabled him to give. To him, and to the officers and soldiers serving in the Department, is due the expression of our appreciation of the hard, laborious and dangerous service they have rendered in ridding our frontier of hostile foes.

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GENTLEMEN:—In conclusion, as the duration of your time is limited to forty days, permit me to impress upon you the necessity of giving early deliberation to measures of necessary legislation, so

that important bills may not be crowded into the closing hours of the session. Both Houses and the Executive should have ample time to consider every measure.

I trust you will be guided by wisdom, and judgment commensurate with your responsibilities, and that your labors will meet with the approbation of your constituents, and result in the increased prosperity of the Territory.

JOHN M. THAYER.

EXECUTIVE DEPARTMENT, Cheyenne, Nov. 6th, 1877.

Mr. Holliday moved that a vote of thanks be and the same are hereby tendered to his excellency, Gov. John M. Thayer, for his wise and comprehensive message. Carried.

Mr. Haas moved that this joint convention be now dissolved. Carried.

Council re-assembled. Mr. President in the chair. All members present.

At their own request, Messrs. Draper, Swan and Keller were excused from attendance on the Council for the evening.

On motion of Mr. Holliday, the Council took a recess for ten minutes.

Council re-convened. Mr. President in the chair. All members present but Messrs. Draper, Swan and Keller, excused.

On motion of Mr. Holliday, the following named officers elect came forward and respectively took the oath of office prescribed by law, administered by the honorable president of the Council, viz: Mrs. Annie E. St. Clair, Miss Lizzie McNamara, Miss Gertrude Patterson, T. E. Caldwell and Rev. W. E. Hamilton.

On motion, Council then adjourned.

C. W. BRAMEL,  
*Secretary.*

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### THIRD DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 8, 1877. }

Council met.

Prayer by the chaplain.

Mr. President in the chair.

Roll called.

Present, Messrs. Cheney, Draper, Dyer, Haas, Hays, Holliday, Keller, Mertsheimer, Pease, Swan, Downey, Mr. President.

Mr. Holliday moved that the message of the Governor be entered

upon the journal of the Council. Carried, and the secretary was so instructed.

The minutes of yesterday's proceedings of the Council were approved as read.

Following notices of bills were given by Mr. Holliday:

CHEYENNE, Nov. 8, 1877.

*Mr. President:*

I hereby give notice that I will, on to-morrow, or some subsequent day, introduce a bill for an act to provide for elections, the manner of conducting the same, and for other purposes.

Respectfully submitted,  
W. H. HOLLIDAY.

Also by Mr. Holliday, notice of a bill for an act regulating the fees of officers.

By Mr. Dyer, notice of a bill for an act to authorize and empower the board of county commissioners of Laramie county to issue the bonds of said county to the Colorado Central Railroad Company, and for other purposes.

Also, a bill for an act to fix and regulate the fees of county officers in the several counties of the Territory of Wyoming.

On motion of Mr. Haas, the secretary was instructed to notify his honor, G. W. French, Secretary of Wyoming Territory, that the Council of the fifth legislative assembly are now fully organized and await any communication he may desire to make. Also that the secretary, in his communication, transmit a list of the names of the officers of the Council.

Mr. Pease, of Albany, moved that C. J. R. No. 3, sent to the House yesterday by mistake, be re-called. Carried.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 7, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform your honorable body that Mr. Hamma gave notice of the following bill in the House this morning:

A bill to create a lien for mechanics and others in certain cases.

Respectfully,  
H. W. FOGLESONG,  
*Chief Clerk.*

On motion of Mr. Haas, Mr. Mertsheimer was excused from attendance on the Council until next Tuesday.

On motion of Mr. Holliday, H. J. R. No. 1 was read the first time and, on motion of Mr. Haas, H. J. R. No. 1 was indefinitely postponed.

Hon W. H. Holliday moved that the rule be suspended, and that C. J. R. No. 3 be read first, second and third times, and placed upon its final passage.

Seconded by Mr. Downey.

The ayes and noes were then taken on the reading and final passage of C. J. R. No. 3, resulting as follows:

*Ayes*—Cheney, Downey, Dyer, Haas, Hays, Keeler, Swan, Mr. President—8 votes.

*Noes*—Draper, Holliday and Pease—3 votes.

The president then announced that C. J. R. No. 3 had passed the Council.

On motion, Council then adjourned to 2 o'clock p. m.

#### AFTERNOON SESSION.

Council met.

Mr. President in the chair.

Roll called.

All members present, but Mr. Mertsheimer, excused.

Mr. Haas offered the following report of the committee on rules of the Council.

CHEYENNE, Nov. 8, 1877.

*Mr. President:*

Your committee, appointed to report rules for the government of the Council, beg leave to report that they have performed said duty, and recommend the adoption of the rules of the Council of the fourth legislative assembly, the same that we are now working under temporarily.

H. HAAS,  
W. H. HOLLIDAY,  
G. A. DRAPER,  
S. W. DOWNEY,

*Committee.*

Mr. Holliday moved that the report be adopted and committee discharged.

The president stated the question, and called Hon. L. D. Pease to the chair.

Hon. E. L. Pease, of Uinta, moved an amendment to the motion of Mr. Holliday, viz: That the Council do now resolve itself into committee of the whole, for the purpose of considering and reporting on rules for the Council.

Carried, without objection, and the Council resolved itself into committee of the whole, with Hon. L. D. Pease in the chair, for the purposes aforesaid.

Afterward the committee of the whole rose and through its chairman made the following report:

COUNCIL CHAMBER, Nov. 8, 1877.

*Mr. President:*

Your committee of the whole have had under consideration the report of your special committee on rules, and would respectfully recommend that the rules of the Council of the fourth legislative assembly, excepting rule twenty-three, be adopted as the rules governing this Council, and that rule twenty-three be amended by striking out all after the word "bill" in the second line and inserting the following: "and all papers and documents shall be printed for the use of the Council, unless otherwise ordered," and that rule twenty-three be adopted as amended.

L. D. PEASE,  
*Chairman.*

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

The following message was received from the honorable house:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 8, 1877. }

*To the Hon. President of the Council:*

I have the honor to inform you that the following H. J. R. No. 4 has this day passed the House, and is hereby transmitted for the action and consideration of the honorable Council.

## HOUSE JOINT RESOLUTION NO. 4.

*Resolved,* That 100 copies of the rules of the House and the rules of the Council and the joint rules of the Council and House, together with a list of committees of both houses, be ordered printed. ✓

Which said resolution was laid over under the rule.

On motion of Mr. Holliday, Council adjourned.

C. W. BRAMEL,  
*Secretary.*

## FOURTH DAY.

COUNCIL CHAMBER, }  
CHEYENNE, WYO., Nov. 9, 1877. }

Council convened.

Mr. President in the chair.

Roll called.

Prayer by the chaplain.

Present—Cheney, Downey, Draper, Dyer, Haas, Hays, Holliday,

Keller, Pease, Swan, Mr. President.

Absent, with leave—Mertsheimer.

Minutes of third day read and, on motion of Mr. Downey, were approved, as read.

The president announced the standing Council committees, viz :

*Judiciary*—Pease, Downey and Keller.

*Finance, Expenditures, Ways and Means*—Draper, Holliday and Swan.

*Education*—Mertsheimer, Holliday and Haas.

*Military Affairs and Federal Relations*—Hays, Swan and Cheney.

*Territorial Affairs and Internal Improvements*—Holliday, Keller and Downey.

*Bridges and Ferries*—Dyer, Swan and Cheney.

*Highways and Corporations*—Keller, Dyer and Mertsheimer.

*Territorial Library*—Cheney, Haas and Pease.

*Elections*—Holliday, Draper and Downey.

*Counties and County Boundaries*—Downey, Dyer and Hays.

*Printing*—Mertsheimer, Pease and Keller.

*Stock Raising and Immigration*—Swan, Dyer and Hays.

*Agriculture, Mines and Minerals*—Downey, Hays and Haas.

*Enrolled and Engrossed Bills*—Haas, Holliday and Mertsheimer.

*Standing Joint Rules*—Draper, of Council.

The following communication was received :

CHEYENNE, WYO., Nov. 7, 1877.

Hon. E. L. Pease, President of the Council, Fifth Legislative Assembly,  
Wyoming Territory :

SIR:—I have the honor to inform your honorable body that a post office box has been provided for the Council, and that the key of the same will be delivered to any officer of your body you may be pleased to designate. Very respectfully,

Your obedient servant,

H. GLAFCKE,

Postmaster.

Hon. Mr. Dyer introduced the following :

Council file No. 1, a bill for an act to authorize and empower the board of county commissioners of Laramie county to issue the bonds of said county to the Colorado Central Railroad Company, and for other purposes. Bill received and placed on file.

On motion of Mr. Holliday the report of the committee of the whole was laid on the table.

Mr. Holliday offered the following resolution No. 3 :

*Resolved*, That there be a committee of three members of the Council appointed to wait upon the Hon. Secretary of the Territory

and get from him a statement of the whole amount appropriated by the general government for the purpose of defraying the expenses of the fifth legislative assembly of the Territory of Wyoming, and also what part, if any, of said appropriation is set apart as a special fund to defray the expenses of public printing; also, any other information they may be able to obtain relative to the matter of public printing.

On motion of Mr. Holliday, on the adoption of the report, the ayes and noes were had on the suspension of the rule, with the following result:

*Ayes*—Messrs. Cheney, Downey, Draper, Hays, Holliday, Keller, Pease, Swan—8 votes.

*Noes*—Messrs. Dyer, Haas and Mr. President—3 votes.

Absent, and not voting—Mertsheimer.

The president announced that resolution No. 3 of the Council had been adopted, and appointed Messrs. Holliday, Haas and Cheney said committee.

On motion of Mr. Pease, Council adjourned until two p. m.

#### AFTERNOON SESSION.

President in the chair.

Roll called.

Present—Dyer, Hays, Pease, Swan and Mr. President.

Absent—Cheney, Downey, Haas, Holliday, Keller.

Absent, with leave—Draper, Mertsheimer.

There being no quorum present, the Council waited fifteen minutes, and on roll call, there being a quorum of members present, the Council proceeded to business.

The following communications were received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 9, 1877. }

*To the Hon. President of the Council:*

SIR.—I have the honor to inform your honorable body the following resolution was adopted in the House this morning:

*Resolved,* That when this House adjourns to-morrow noon, it do adjourn to the regular hour for morning session, Tuesday, Nov. 13, 1877.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 9, 1877. }

*To the Hon. President of the Council:*

SIR.—I have the honor to inform your honorable body of the fol-

lowing notice of the introduction of bills given in the house this morning:

By Mr. Coad, a bill for an act to amend the stock laws of Wyoming Territory.

By Mr. Foglesong, a bill for an act to amend the civil laws of Wyoming Territory;

Also, a bill for an act to amend the criminal laws of Wyoming Territory;

Also, a bill for an act to amend an act entitled "an act providing for changes of venue in civil and criminal cases," approved Dec. 11, 1875.

By Mr. Caldwell, a bill for an act creating the several county offices and defining the duties thereof;

Also, a bill for an act authorizing the building of a school house in district No. 1, in the county of Albany, and Territory of Wyoming.

By Mr. Hoy, a bill for an act to amend an act entitled "an act regulating the branding, herding and care of stock," approved Dec. 5, 1875, section 1, chapter 105;

Also, a bill for an act to amend an act entitled "an act for the protection of stock in Wyoming Territory, and to punish certain offenses concerning the same," approved Dec. 9, 1871.

By Mr. Ferris, a bill for an act in relation to the herding of bulls in Carbon county.

By Mr. Hamma, a bill to amend section two of an act entitled "an act to provide a Territorial and county revenue;"

Also, a bill to amend the school law of Wyoming Territory;

Also, a bill to amend the charter of the city of Cheyenne.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 9, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to herewith transmit C. J. R. No. 3, which has this day passed the House, as amended by the House; the concurrence of the honorable Council is requested.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 9, 1877. }

*To the Hon. President of the Council:*

SIR:—The enclosed H. J. R. No. 5 has this day, under suspension

of the rules, passed the House by the following vote, viz: Ayes, fifteen; noes, eleven; and is herewith transmitted for the action and consideration of your honorable body.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE JOINT RESOLUTION NO. 5.

*Resolved by the Council and House of Representatives of the Territory of Wyoming,* That the Governor's message be spread upon the journal of both houses, and that 500 copies of the same be printed in pamphlet form for distribution.

On motion of Mr. Holliday, Hon. S. W. Downey was excused until Tuesday morning next.

On motion of Mr. Holliday, the Council adjourned until to-morrow morning.

C. W. BRAMEL,  
*Secretary.*

FIFTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 10, 1877. }

Council met.

Mr. President in the chair.

Roll called.

Present—Messrs. Cheney, Draper, Dyer, Haas, Hayes, Holliday, Keller, Pease, Swan and Mr. President.

Absent, with leave—Downey and Mertsheimer.

The journal of the fourth day was read and approved.

Mr. Holliday, of the committee on joint rules, presented the following report:

CHEYENNE, WYO., TER.,  
November 9, 1877. }

*Hon. President of the Council:*

The joint committee of the Council and House of Representatives, appointed to report a code of rules for the government of the two houses during the present session, beg leave to recommend that

the joint rules of the fourth legislative assembly be adopted as the joint rules of the present session.

W. H. HOLLIDAY,  
H. HAAS,  
*Committee of Council.*  
PETER MCKAY,  
ROBERT HOMER,  
JOHN McGLINCHEY,  
*Committee of House.*

On motion of Mr. Holliday the report of the committee was adopted.

Mr. Holliday, of the select committee appointed to wait upon the Hon. Secretary of the Territory and get from him information relative to the amount of money appropriated by the general government to defray the expenses of the fifth legislative assembly, etc., made the following report, which was accepted and committee discharged, viz:

CHEYENNE, WYO. TER., }  
November 9, 1877. }

*Mr. President:*

Your select committee, appointed to wait upon the Hon. Secretary of the Territory and get from him a statement of the whole amount appropriated by the general government for the purpose of defraying the expenses of the fifth legislative assembly of the Territory of Wyoming, beg leave to report. They have performed said duty and have been informed by the Hon. Secretary that twenty thousand dollars is the whole amount appropriated by the general government for defraying the entire legislative expenses for the Territory of Wyoming for the years 1877 and 1878, including hall rent, fuel, lights, mileage of members and the expenses of the Secretary's office.

Respectfully submitted,

W. H. HOLLIDAY,  
E. F. CHENEY,  
H. HAAS,  
*Committee.*

Mr. Holliday moved that C. J. R. No. 3, being a resolution providing for the employment of a reporter, be indefinitely postponed. Motion lost.

Hon. Herman Haas moved that the Council do concur with the House in the amendment of C. J. R. No. 3.

Motion carried.

On motion of Mr. Pease, of Albany, the rules were suspended unanimously and H. J. R. No. 4 read second and third times, and placed upon its final passage.

The question being on the suspension of the rules for the purpose aforesaid, the ayes and noes were taken with the following result:

*Ayes*—Draper, Dyer, Haas, Hays, Holliday, Keller, Pease, Swan and Mr. President—9 votes.

*Noes*—Mr. Cheney—1 vote.

Absent, and not voting—Downey and Mertsheimer.

On motion of Mr. Haas, H. J. R. No. 5 was read the first time and referred to the finance committee.

On motion of Mr. Haas, the rules were suspended unanimously and Council file No. 1 was read the first time and referred to the committee on highways and corporations,

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 10, 1877. }

To the Hon. President of the Council:

SIR:—I have the honor to inform the honorable Council that the honorable speaker announced the following standing committees this morning:

*Ways and Means*—Hamma, Spicer, Ferris, Kinney and McGlinchey.

*Judiciary*—Caldwell, Carter, Foglesong, Gurney and Tisdell.

*Federal Relations*—Stone, Homer and Glover.

*Indian and Military Affairs*—Hoy, Ross and McKay.

*Territorial Affairs and Internal Improvements*—Davis, Congdon and Lowe.

*Education and Public Printing*—Tisdell, Caldwell and Hamma.

*Counties and County Boundaries*—Foglesong, Congdon, Lowe and Stone.

*Corporations and Public Highways*—Coad, Farrel and Gurney.

*Mines, Minerals and Public Lands*—Tisdell, Tracy and Ross.

*Agriculture and Manufactures*—Ferris, Klingerman and Tracy.

*Elections*—Davis, Caldwell, Carter, Tisdell and Ross.

*Engrossment*—Homer, Stover and Stone.

*Enrollment*—Spicer, Gurney and Stone.

*Immigration*—Hamma, Helphenstine and Hoy.

*Mechanical and Laboring Pursuits*—McKay, Klingerman, Kinney and Farrel.

*Standing Joint Committee on Printing*—Coad and Helphenstine.

Respectfully,

H. W. FOGLESONG,

Chief Clerk.

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Nov. 10, 1877. }

*Hon. President of the Council:*

SIR:—I have the honor to inform your honorable body that the following H. J. R. No. 7 has this day been introduced to the House, viz: *Resolved by the House of Representatives, the Council concurring therein,* That the pay of the chaplain for each house shall be three dollars per day during this session, and passed under suspension of the rules. I herewith transmit the same to your honorable body for consideration.

Respectfully,  
 H. W. FOGLESONG,  
*Chief Clerk.*

The foregoing resolution was laid over under the rule.

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Nov. 7, 1877. }

*To the Hon. President of the Council:*

I have the honor to transmit herewith to your honorable body H. J. R. No. 6, resolution of thanks to Lieutenant Geore F. Chase and others, which was adopted yesterday under suspension of the rules; also H. J. R. No. 8, in reference to joint rules, which was adopted, for the consideration of your honorable body.

Respectfully,  
 H. W. FOGLESONG,  
*Chief Clerk.*

*Resolved by the Council and House of Representatives of the fifth Legislative Assembly of the Territory of Wyoming,* That the thanks of the fifth legislative assembly be and are hereby tendered to Lieut. George F. Chase, U. S. A., and the men under his command, for the gallant, prompt and efficient manner in which they have recently pursued, captured and delivered into the custody and charge of a civil officer of Laramie county two of the notorious highwaymen who have for some time past been a scourge and annoyance to travelers within the boundaries of this Territory; that in thus ridding the public of such outlaws, Lieut. Chase has endeared himself to all good citizens of this Territory.

Also, H. J. R. N. 8:

*Resolved by the Council and House,* That the report of the special committee on joint rules be adopted, and that the joint rules of the fourth legislative assembly be declared the joint rules for the government of both houses during the session of the fifth legislative assembly.

On motion of Mr. Haas, H. J. R. No. 6 and H. J. R. No. 8, under a unanimous suspension of the rules, were adopted and passed the Council as read.

On motion of Mr. Holliday, Council resolved itself into committee of the whole for the consideration of the report of the committee on Joint Rules, with Mr. Draper in the chair.

The committee afterward rose and through its chairman made the following report:

*To the Hon. President of the Council:*

SIR:—Your committee of the whole, having had under consideration the report of the special committee on Joint Rules, beg leave to report that the rules of the Fourth Legislative Assembly be adopted as the rules of the Fifth Legislative Assembly, now in session.

Respectfully,

G. A. DRAPER,

*Chairman.*

On motion of Mr. Pease, the report of the committee of the whole was unanimously adopted, and the secretary directed to furnish a copy of the rules to the printer, which was accordingly done.

Mr. Keller moved a suspension of the rules and that the Council do adjourn until Tuesday, thirteenth instant, ten o'clock a. m.

The ayes and noes being taken on the suspension of the rules, resulted as follows:

*Ayes*—Cheney, Draper, Dyer, Haas, Hays, Holliday, Keller, Pease, Swan—9 votes.

*Noes*—Mr. President.

Absent, and not voting—Downey and Mertsheimer, excused.

On motion of Mr. Pease, the Council then adjourned to Tuesday, thirteenth instant, at ten o'clock a. m.

C. W. BRAMEL,

*Secretary.*

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## SIXTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 13, 1877. }

Council met.

President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Haas, Hayes, Holliday, Keller, Mertsheimer, Pease, Draper, Swan and Mr. President.

Absent—Mr. Dyer, excused.

The journal of the fifth day was read and approved.

H. J. R. No. 7, providing for the payment of the chaplain of both houses, was read the first time, and laid over under the rule.

On motion of Mr. Holliday, the Council took a recess until three o'clock p. m.

AFTERNOON SESSION.

Council re-convened.

Mr. President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Draper, Dyer, Haas, Hayes, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President.

Mr. Haas, at his own request, was excused during the evening session.

Hon. S. W. Downey submitted the Territorial auditor's report, which was read.

On motion of Mr. Downey, the rules were unanimously suspended and the auditor's report, together with tabular statements, were referred to the Finance, Expenditures and Ways and Means committee.

Hon. S. W. Downey, of the special committee chosen by his excellency, the Governor, to examine the auditor's and treasurer's accounts, submitted the report of said committee, which report, on motion of Mr. Holliday, a suspension of the rule first unanimously had and obtained, was read and referred to the committee on Finance, Expenditures and Ways and Means.

Mr. Holliday gave notice of the introduction of the following bills, viz:

A bill for an act to provide for the means of paying county officers.

Also, a bill for an act to establish an assay office.

On motion of Mr. Holliday, the Council adjourned.

C. W. BRAMEL,  
*Secretary.*

SEVENTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 14, 1877. }

Council met.

Mr. President in the chair.

Roll called.

The journal of the sixth day read and approved.

Mr. Mertsheimer gave notice of the following bills:

A bill for an act to amend section fifteen, chapter forty-nine, laws of Wyoming;

Also, a bill for an act entitled "an act exempting the wages of mechanics, clerks and laborers from the operation of attachment, etc."

Mr. Cheney also gave notice of the introduction of the following bill:

A bill for an act entitled "an act to legalize the acts of H. G. Nickerson as justice of the peace of Miners' Delight precinct, Sweetwater county, Wyoming Territory."

Mr. Pease gave notice of the following bill:

For an act to amend the exemption laws of Wyoming Territory.

Mr. Holliday introduced the following bill:

A bill for an act to provide for the manner of paying county officers, C. F. No. 2.

Mr. Haas, of the special committee on the contested election case of J. C. Friend vs. Homer Merrill, submitted the following majority report:

*Mr. President:*

Your committee to whom was referred the contested election case of John C. Friend vs. Homer Merrill, claiming a seat in this Council from the county of Carbon, beg leave to make the following report:

Under the authority given the committee, by the resolution, and under which it was organized, your committee were authorized to send for persons and papers. Both parties gave your committee the names of a large number of witnesses to be summoned before the committee, but afterward mutually agreed that if witnesses were not called on either side they would waive their right of summoning witnesses before the committee. This left your committee to determine the question on the testimony taken and transmitted to the Council, and such information as they could obtain from the official record on file in the office of the Secretary of the Territory, as evidenced by the official abstract of the votes cast in the county of Carbon, on the fourth day of September, A. D., 1877, at the election held for members of the Council and House of Representatives of the Fifth Legislative assembly of Wyoming Territory. The abstract of votes shows that of the entire number of votes returned in the county, as cast for a member of this Council, Homer Merrill received 333 votes, as returned, and that the contestant, John C. Friend, received 314 votes, as returned, giving the contestee a majority of nineteen votes, as shown by the returns.

Upon this state of the case it became material for your committee to inquire as to whether the charge of the contestant, as to fraudulent voting at the precinct of Medicine Bow, in said county, at said election, was sustained, and whether, if sustained, such fraudulent

voting was of such a character as to change the result of the election in said county.

Your committee finds that the result of said election depends upon the vote of said Medicine Bow precinct, at which they find that there were cast, as returned for the contestee, Homer Merrill, 158 votes, and for the contestant, John C. Friend, twenty-three votes, giving, upon the face of the returns, the contestee, Homer Merrill, a majority of 135 votes at said precinct, and that leaving said precinct out of the calculation of the votes in said county, the contestant, John C. Friend, had a majority of all the votes cast in said county, outside of said precinct, of 116 votes.

This brings your committee to the consideration of the vote cast at said Medicine Bow precinct. It appears from the evidence that there were a large number of United States soldiers in the precinct of Medicine Bow on the day of election, who were on their way to join their commands in Montana, and the evidence leaves no doubt in the minds of your committee that a very large number of these soldiers voted in said precinct at said election, and that the result of the election in said county was thereby changed so far as the right to a seat in this body of the contestant or the contestee is concerned. The question was thus presented as to whether or not soldiers of the United States army, temporarily stationed in this Territory, are entitled to vote at the local elections therein. Upon this question your committee had no hesitation in arriving at the conclusion that they had no such right, and that a soldier of the United States army, temporarily stationed in this Territory, under military order and control, can acquire no such residence in this Territory as to entitle him to vote at any election held therein, and that if the votes of such soldiers went to make up the majority, or pretended majority, of the contestee, Homer Merrill, that then the said Homer Merrill had not received a majority of all the legal votes cast.

Your committee find that there were over 180 votes cast at the precinct of Medicine Bow; that this large number of votes were cast in a sparsely settled precinct, and were cast without the vote of any elector, or pretended elector, having been challenged; that the vote of said precinct in previous years had never exceeded ninety votes; that the returns of the assessor for the year 1877 show that he listed about twelve electors as subject to taxation in said precinct. Your committee are satisfied from the evidence before them that the pretended majority at said Medicine Bow precinct for the contestee, Homer Merrill, was very largely fraudulent and fictitious; that large numbers of unauthorized persons voted for said contestee at said election and that said contestee had an arrangement with parties at Medicine Bow to induce and secure the casting of such votes; that parties at said precinct, in the interest of said contestee,

secured and sought to secure the casting of fraudulent and illegal votes in favor of said contestee, knowing at the time said votes were so cast that they were fraudulent and illegal and were cast by unauthorized persons, and that by means of such illegal and fraudulent votes, cast at said Medicine Bow precinct, that the pretended majority of the contestee was secured, and that in this manner the will of the legal electors of the county of Carbon was subverted, and the contestee declared to be elected, when, in truth and in fact, he had not secured a majority of all the legal votes cast at said election.

Your committee cannot but feel that the manner in which said election at Medicine Bow precinct was conducted calls as loudly for an investigation at the hands of the grand jury of Carbon county as it does at the hands of a legislative committee. As this is the first case of contested election which has ever come before the Council of the Legislative Assembly of Wyoming Territory for determination, you committee have endeavored to arrive at a just determination of the question, and to establish such a precedent as shall discourage all future attempts to secure seats in this body by means of fraud, and as shall encourage all persons who have received a majority of all the legal votes cast, but who have been declared not elected by means of pretended majorities of fraudulent and illegal votes, to make contest against persons claiming election by means of such frauds, in order that the right of the legal electors to be represented by the officers of their choice may be maintained and that it may be understood in the future that persons cannot obtain a seat in this body simply from the magnitude of the frauds perpetrated in their behalf.

In conclusion, your committee would say that they are satisfied that the contestee, Homer Merrill, did not receive a majority of all the legal votes cast in the county of Carbon at the election held therein on the fourth day of September, A. D. 1877, and was not elected to and is not entitled to a seat in this body, but that the contestant, John C. Friend, did receive a majority of all the legal votes so cast and was elected to and is entitled to a seat in this body. Wherefore your committee beg leave to submit the accompanying resolution and recommend the adoption of the same by the Council. Respectfully submitted.

H. HAAS, *Chairman*,  
J. N. KELLER.

Mr. Downey, after the reading of the foregoing majority report, submitted the following minority report:

*To the Honorable Council:*

MR. PRESIDENT:—A minority of your committee to which was referred the matter of Mr. Homer Merrill, whose election to the

Council is contested by Mr. John C. Friend, respectfully submit that it has great doubt whether under the statute the right of the holder of a certificate of election to a seat in this body may, after the issuance of such certificate, be contested for other cause than the rejection of the vote of a precinct or precincts. The statute seems to be in accord with the demands of public policy, which requires that where the result of an election has been ascertained by any tribunal lawfully constituted and most competent to determine and duly declare, according to law. That result, so declared, must bind the community, and should not be disturbed on account of the non-acquiescence of disappointed political aspirants, except for good cause. So sacredly does the law regard the voice of the people at the ballot box that when a full count has been had it will not allow the result to be impeached, but when votes have been cast and a part of them afterwards rejected, so careful is the law that no man may be deprived of the voice to which he is entitled; that at great risk to public policy it will allow the result declared to be disturbed if it can be shown that a sufficient number of votes to have changed the result were wrongfully rejected. Every consideration of public policy and private interest, as well as every presumption of law, is opposed to the impeachment of the voice of the people at the polls, when the right of challenge has not been denied, and to drown that voice in the stream of rumor and public reputation, rendered turbid by heated political agitation, would be extremely dangerous. That even when a contest is properly instituted there are certain well established principles of law which in this case would defeat the contestant, when applied to the positions by him taken and what he has caused to be presented as evidence, and here it is respectfully submitted;

*First*—That the certificate of election is *prima facie* evidence in favor of the holder, throwing the burden of proof squarely upon the contestant, and the presumption in favor of the holder in every proceeding, except a direct one to try the title of the holder, is conclusive;

*Second*—That where a charge of fraud is made, and even where a person is only charged with neglect of duty, official or otherwise, the party making the allegation must substantiate the charge so strong, being the presumption of innocence and rightful action, for the law will presume no wrong, not even *laches*.

*Third*—That the receiving of illegal or improper votes will not alone vitiate an election, for it must be shown affirmatively in order to overturn the declared result, that the wrongful action changed it.

*Fourth*—That hearsay, as rumor or report, is not evidence to prove a wrong, and although common reputation is admissible to prove rights resting upon public facts, on the ground that individuals are generally conversant with their own affairs, it is not admissible to

prove a wrong done by a few persons, for the law will hardly presume that a whole community conspired in the commission of a wrong upon itself by becoming accessory thereto, either before or after the fact.

*Fifth*—That the right to vote may involve the question of domicile, but it cannot, under the organic act, which is, as it were, the constitution of the Territory, or any act that might be enacted thereunder, abridge the right of suffrage, involve the question of property or of occupation, as in case of soldiers, having otherwise the qualifications of electors, unless by making the bearing of arms in their country's service a felony and declaring them duly convicted thereof, which would not, however, be in very strict accordance with the constitution of the United States.

Now applying the principles of law (among others, those above enumerated,) it is further submitted, that the mass of depositions laid before your committee consists mainly of hearsay, rumor and other incompetent and irrelevant matter, not admissible as evidence, and which do not tend to prove the points alleged in the contestant's notice and contains but little evidence to sustain any hypothesis not inconsistent therewith. That there is, however, some evidence to show that one George B. Dewees, a captain in the army, voted in a certain precinct, to wit, Medicine Bow precinct; but as it does not appear from the evidence that he had not the qualifications of an elector, the presumption that his vote was legal and that the judges of election did their duty remains, and in any event, his failure to vote would not have changed the result of the election. That some of said evidence indicates that several persons wearing soldiers' clothes, some of whom were supposed to be soldiers, did vote, but there is no evidence as to their qualifications as electors, and had they been soldiers, without the necessary qualifications of electors, the fact could without difficulty have been established by reference to the poll-books and the muster-rolls of their company, without recourse to very doubtful hearsay and rumor, recourse to which creates a suspicion which tends to strengthen the presumption in favor of the gentleman whose seat is contested, and that the irregularity in the returning of the statement of the result of the election mentioned in the evidence adduced is such as is contemplated by the laws of Wyoming, and does not bear such evidence of fraudulent practice as to vitiate the return of said election.

Upon the ballot-box are founded all our institutions. It is to our political liberty what trial by jury is to our civil rights—the palladium. Let us maintain it inviolate, guarding it with the ægis of purity and patriotism, and when through it the people have spoken, let their voice be law, sacred to all, that our institutions, planted in liberal soil, may flourish and not decay and that our government, strong to protect, and not weak and temporizing, with a tendency

toward anarchy. Wherefore a minority of your committee dissents from the report and the recommendation therein contained.

Very Respectfully,  
STEPHEN W. DOWNEY.

Mr. Haas offered the following resolution:

*Resolved*, That at the election held in the county of Carbon, in the Territory of Wyoming, on the fourth day of September, A. D., 1877, for a member of the Council of the Fifth Legislative Assembly of the Territory of Wyoming, Homer Merrill did not receive a majority of all the legal votes cast at said election for said office, and was not elected to and is not entitled to a seat in this Council.

*Resolved*, That the contestant, John C. Friend, at the election held in the county of Carbon, Territory of Wyoming, on the fourth day of September, A. D., 1877, for member of the Council of the Fifth Legislative Assembly of the Territory of Wyoming, did receive a majority of all the legal votes cast at said election and was elected to and is entitled to a seat in this Council.

Mr. Downey moved that the rule be suspended and that the Council do now consider the resolutions and reports pertaining to the aforesaid election contest.

The question being on a suspension of the rule resulted as follows:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Haas, Hays, Holliday, Keller, Mertsheimer, Swan and Mr. President—11 votes.

*Noes*—L. D. Pease, of Albany county.

So the rule was suspended.

On motion of Mr. Downey, the Council resolved itself into committee of the whole for the purpose of considering the resolutions and committee reports on the contested election case, Mr. Dyer in the chair.

Committee rose, and on motion of Mr. Draper, Council took a recess for fifteen minutes.

Council re-convened.

President in the chair.

Roll called.

Present—Cheney, Downey, Draper, Dyer, Haas, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President.

On motion of Mr. Downey, the Council resolved itself into committee of the whole for the consideration of the contested election case aforesaid, Mr. Dyer in the chair.

Committee rose, reported progress and asked leave to sit again.

On motion of Mr. Draper, the Council took a recess until two p. m.

## AFTERNOON SESSION.

Council re-convened.

President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Draper, Haas, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President.

Absent—Messrs. Dyer and Hays.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 13, 1877. }

*To the Hon. President of the Council:*

SIR:—The following described bills were this day introduced in the House:

By Mr. Hamma, H. B. No. 1, a bill for an act to amend chapter 109 of the compiled laws of Wyoming;

Also, H. B. No. 2, a bill for an act to create a lien for mechanics and others in certain cases.

By Mr. Foglesong, H. B. No. 3, a bill for an act to amend the civil laws of Wyoming Territory;

Also H. B. No. 4, a bill for an act to amend the criminal laws of Wyoming Territory;

Also H. B. No. 5, a bill for an act to amend an act entitled "an act providing for changes of venue in civil and criminal cases," approved December 5, 1875.

By Mr. Hoy, H. B. No. 6, a bill for an act to amend an act entitled "an act regulating the branding, herding and care of stock," chapter 105, stock law.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 13, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform your honorable body that notices of the introduction of the following bills have this day been given in the House, viz:

By the Hon. Mr. McKay, a bill for an act to govern and regulate voluntary assignments in the Territory of Wyoming;

Also, a bill for an act to prevent the destruction of pasturage by fire in the Territory of Wyoming;

Also, a bill for an act to protect wild and domestic birds from destruction by birds of prey;

Also, a bill for an act to govern and regulate the practice of pharmacy in the Territory of Wyoming.

By the Hon. James S. Hoy, a bill for an act to amend an act entitled "an act to protect and regulate the irrigation of lands in the Territory of Wyoming."

By the Hon. Frank Lowe, a bill for an act entitled "an act governing the keeping of swine within the agricultural districts of the Territory of Wyoming;"

Also a bill for an act entitled "an act for the abolishment of grand juries within the Territory of Wyoming."

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 10, 1877. }

*To the Hon. President of the Council:*

SIR:—Mr. Gurney gave notice of the introduction of the following bill this morning:

A bill to amend the school laws of Wyoming.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 14, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform your honorable body that the following notices of the introduction of bills were given in the House this morning:

By Mr. Gurney, a bill amending the election laws of Wyoming.

By Mr. Klingerman, a bill for an act entitled "an act providing for an act regulating special partnership."

Also, that Memorial and H. J. R. No. 1, in regard to the transfer of the penitentiary of Wyoming, was, under suspension of the rules, read first and second times and ordered engrossed.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

On motion of Mr. Holliday, the Council resolved itself into committee of the whole for the further consideration of the contested election case, Mr. Dyer in the chair.

Committee rose, reported progress and through its chairman asked leave to sit again.

Mr. Holliday offered the following resolution, which was laid over under the rules, viz:

*Be it Resolved by the Council and House of Representatives of the Territory of Wyoming,* That the carpets, chairs and general furnishing of the Council chamber, as provided by the Hon. Secretary of the Territory, for the Fifth Legislative Assembly, and the carpets, desks, chairs and general furniture of the hall of the House of Representatives, as well as the general comfort of the House of Representatives of the Fifth Legislative Assembly, as provided aforesaid, do not conform to the advancements or tastes of any of our people, nor to their ideas of duty to servants of any nature; that there are no court rooms, public halls or places where public, private or social gatherings are commonly held in this Territory but that would reflect credit upon those providing when compared with the present Legislative halls of the great Territory of Wyoming.

On motion of Mr. Keller, the Council adjourned.

C. W. BRAMEL,  
*Secretary.*

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### EIGHTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, W. T., Nov. 15, 1877. }

Council met.

Mr. President in the chair.

Roll called.

All the members present.

Prayer by the chaplain.

The journal of yesterday read and approved.

Mr. Downey gave notice of the introduction of the following memorials:

A memorial to the Hon. Senate and House of representatives of the United States in relation to cutting timber upon the public lands of the United States;

Also, a memorial, addressed as above, in relation to the Territory of Wyoming, and praying that the Territorial integrity be maintained intact.

By Mr. Holliday, a bill for an act amending chapter 113 of the compiled laws of Wyoming.

By Mr. Swan, a bill for an act amending an act entitled "an act regulating the branding, herding and care of stock," approved December 5, 1873.

Mr. Holliday introduced C. F. No. 3, being a bill for an act to

establish an assay office in Wyoming Territory, which was read for the first time.

On motion of Mr. Holliday, C. J. R. No. 4, relating to the Council and House furniture, etc., unanimously passed the Council.

Mr. Downey moved that H. J. R. No. 7, relating to the pay of chaplain of both houses, be amended by striking out the words "three dollars" where they occur in said resolution and inserting in lieu thereof "five dollars."

On motion of Mr. Downey for the consideration of the aforesaid resolution, the question occurring on the suspension of the rules, resulted as follows:

*Ayes*—Messrs. Cheney, Downey, Draper, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President.

*Noes*—Messrs. Dyer and Haas.

And then, on motion, the amendment was agreed to, the rule unanimously suspended and H. J. R. No. 7, as amended, read first, second and third times and placed upon its final passage.

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President.

*Noes*—Mr. Haas.

The president announced that H. J. R. No. 4, as amended, had passed the council.

C. F. No. 2 was then read for the first time.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, NOV. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform your honorable body that on this day Mr. Homer gave notice to the House of the introduction of the following bills, viz:

A bill for an act to amend an act for the protection of stock in Wyoming Territory, and to punish certain offenses concerning the same;

Also, a bill to restrain bulls from running at large during certain seasons of the year.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

On motion of Mr. Keller, the Council took a recess until two o'clock p. m.

AFTERNOON SESSION.

Council re-convened.

Mr. President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Dyer, Hays, Haas, Holliday, Mertsheimer, Pease, Swan and Mr. President.

Absent—Messrs. Draper and Keller.

On motion of Mr. Holliday, a call of the house was had and the following named members were found to be absent, and the sergeant-at-arms directed to notify them that their presence was required by the Council, viz: Messrs. Draper and Keller.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, NOV., 15, 1877. }

*To the Hon. President of the Council:*

SIR:—The enclosed Memorial and H. J. R. No. 1 passed the House this morning, by unanimous vote, and is herewith transmitted for the consideration and action of your honorable body.

Respectfully,  
H. W. FOGLESONG,  
*Chief Clerk.*

In this connection, Memorial and H. J. R. No. 1, in respect to the transfer of the Territorial penitentiary, was received and read for the first time in the Council.

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, NOV. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform your honorable body that the following described bills were this morning introduced in the House:

By Mr. Ferris, H. B. No. 1, a bill for an act regulating the herding of bulls in Carbon county.

By Mr. McKay, H. B. No. 8, a bill for an act to regulate voluntary assignments.

By Mr. Klingergerman, H. B. No. 9, a bill for an act providing for and regulating special partnerships.

By Mr. Hoy, H. B. No. 10, a bill for an act entitled "an act to protect and regulate the irrigation of lands in the Territory of Wyoming," chapter 65, approved December 10, 1875.

Respectfully,  
H. W. FOGLESONG,  
*Chief Clerk.*

Moved by Mr. Downey that further call of the House be dispensed with, and that the Council do now resolve itself into committee of the whole for the further consideration of the contested election case of Friend *vs.* Merrill.

Motion lost.

On motion of Mr. Pease, Council adjourned.

C. W. BRAMEL,  
*Secretary.*

## NINTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 16, 1877. }

Council met.

President in the chair.

Roll called.

All the members present.

Prayer by the Rev. Mr. Thompson.

Journal of yesterday read and approved.

Mr. Keller gave notice of the introduction of the following bill,  
viz:

A bill for an act to prevent frauds upon travelers, and for other purposes.

Mr. Downey introduced C. J. R. and Memorial No. 1, being in relation to cutting timber on the lands of the United States in the Territory of Wyoming, which, under a unanimous suspension of the rule, was read, first, second and third times and placed upon its final passage.

*Ayes*—Cheney, Downey, Draper, Dyer, Haas, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President—12 votes.

The President announced that C. J. R. and Memorial No. 1 had unanimously passed the Council.

On motion of Mr. Holliday, C. F. No. 2 was read second time, referred to Finance Committee and ordered printed.

On motion of Mr. Holliday, C. F. No. 3 was read second time, ordered printed and referred to Committee on Territorial Affairs and Internal Improvements.

On motion of Mr. Keller, Mr. Draper was excused from attendance on the Council during the morning session.

Memorial and H. J. R. No. 1 was read second time, ordered printed and referred to Finance Committee.

C. J. R. No. 4 was returned to the Council by the honorable House, with the following communication in relation thereto:

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Nov. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—I am instructed and have the honor to inform your honorable body that the House has this day indefinitely postponed C. J. R. No. 4, and the same is herewith returned to your honorable body.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

On motion of Mr. Haas, the Council took a recess until two p. m.

## AFTERNOON SESSION.

Council met.

President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Dyer, Haas, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President.

Absent—Mr. Draper.

On motion of Mr. Holliday, a call of the house was had, as follows:

Present—Cheney, Downey, Dyer, Haas, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President.

Absent, without leave—Mr. Draper.

The sergeant-at-arms was thereupon directed to ascertain the whereabouts of Mr. Draper, and inform him that the Council was awaiting his presence.

Mr. Draper made his appearance and took his seat in the Council.

On motion of Mr. Haas, further call of the house was dispensed with.

On motion of Mr. Keller, the contested election case, together with all the papers thereto appertaining, was referred back to the special committee.

On motion of Mr. Downey, two more members were added to the special committee on the contested election case.

Messrs. Pease and Mertsheimer were added.

The following messages were received from the honorable House and read, viz:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—I am instructed and have the honor to inform your honorable body that the House has refused to concur in the amendment made by the Council to H. J. R. No. 7, by the following vote, viz: Ayes, 1; noes, 25; absent, 1. A committee of conference is respectfully asked for, and the Speaker has appointed as such committee, on the part of the House, Messrs. Foglesong, Homer, Whitney, Lowe and Stone.

H. J. R. No. 7 is herewith returned to the honorable Council.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 16, 1877. }

*To the Hon. President of the Council:*

SIR:—Mr. Spicer, this morning, gave notice that he would, at ar

early date, introduce in the House the following bill:

A bill for an act for the further encouragement of fire departments.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 16, 1877. }

*To the Hon. President of the Council:*

SIR:—Mr. McKay, this morning, introduced the following described bill in the House:

H. B. No. 12, a bill for an act to amend an act entitled “an act to prevent the practice of medicine, surgery and obstetrics by unqualified persons.”

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 16, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform the honorable Council that H. J. R. No. 9, in relation to the per diem of members and officers of both houses has this afternoon been adopted, under suspension of the rules.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

On motion of Mr. Holliday, the council concurred in the request of the honorable House, and the Hon. President appointed Messrs. Draper, Holliday and Keller as a committee of conference on H. J. R. No. 7.

On motion of Mr. Holliday, the Governor's message was referred to the Judiciary Committee.

On motion of Mr. Pease, the Council adjourned.

C. W. BRAMEL,  
*Secretary.*

TENTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., NOV. 17, 1877. }

Council met.

President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Dyer, Haas, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President.

Absent—Mr. Draper.

Prayer by Rev. Mr. Hall, in the absence of the chaplain.

Journal of yesterday read and approved.

Hon. S. W. Downey moved that the rule be suspended and that Memorial and C. J. R. No. 2 be read first, second and third times and placed upon its final passage. The rules were unanimously suspended, and the question occurring upon the passage of the aforesaid Memorial and C. J. R. No. 2, resulted as follows:

*Ayes*—Messrs. Cheney, Downey, Dyer, Haas, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President—11 votes.

Absent and not voting—Mr. Draper.

The President then announced that Memorial and C. J. R. No. 2 had passed the Council.

On motion of Mr. Downey, the same was ordered printed.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,  
CHEYENNE, NOV. 16, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to transmit herewith H. J. R. No. 9, for the consideration of your honorable body, which this day passed the House, under suspension of the rules.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES,  
CHEYENNE, NOV. 16, 1877. }

*To the Hon. President of the Council:*

The enclosed H. B. No. 11, a bill for an act authorizing the building of a school house in school district No. 1, Albany county, in the Territory of Wyoming, passed the House this afternoon by the following vote: ayes, 26; absent, 1, and is hereby transmitted for the consideration of your honorable body.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

The special committee on the contested election case of *Friend vs. Merrill* appeared before the Council, and through its chairman, Mr. Haas, moved that three members of said special committee be constituted a sub-committee, and that said sub-committee be authorized to proceed to Medicine Bow and take the testimony of witnesses, to be used in said contested election case.

Mr. Holliday moved an amendment, by substituting two members instead of three.

Mr. Keller moved an amendment to the amendment, to make the committee five.

The question occurring on the amendment to the amendment, motion was lost.

The vote was then taken on the amendment. Motion lost.

The question then occurring on the original motion, after vote by the Council, was declared lost.

At his own request, Mr. Haas was excused for the morning session.

The following bills were introduced :

By Mr. Keller, C. F. No. 4, a bill for an act to prevent frauds upon travelers.

By Mr. Mertsheimer, C. F. No. 5, a bill for an act entitled "an act exempting the wages of mechanics, clerks and laborers from the operation of attachment, execution and garnishee process ;

Also, C. F. No. 6, a bill for an act amending section fifteen, chapter forty-nine, laws of Wyoming.

By Mr. Swan, C. F. No. 7, a bill for an act to amend an act, approved December 5, 1877, entitled "an act regulating the branding, herding and care of stock."

On motion of Mr. Pease, the rule was unanimously suspended and H. B. No. 11 read first and second times, ordered printed and referred to the Albany county delegation.

On the suspension of the rule, the vote stood :

*Ayes*—Cheney, Downey, Draper, Dyer, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President—11 votes.

Absent and not voting—Mr. Haas.

Mr. Keller moved that the rule be suspended and that C. F's. Nos. 4, 5, 6 and 7 be read first and second times, ordered printed and referred to the appropriate committees.

The question occurring on the suspension of the rule, resulted as follows :

*Ayes*—Cheney, Downey, Draper, Dyer, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President—11 votes.

Absent and not voting—Mr. Haas.

So the rule was suspended and C. F's. Nos. 4, 5, 6 and 7 read first and second times, ordered printed and referred as follows :

C. F. No. 4 to committee No. 7.

C. F. No. 5 to committee No. 5.

C. F. No. 6 to committee No. 1.

C. F. No. 7 to committee No. 12.

Mr. Draper was excused from morning session, at his own request, and on motion of Mr. Keller, Mr. Swan was excused from attendance on the Council until Friday morning of next week.

Mr. Swan moved a re-consideration of the motion of Mr. Haas relative to a sub-committee of three from the special committee on the contested election case.

Motion carried.

Then on motion of Mr. Swan, the sub-committee was fixed at three members, and authorized to proceed to Medicine Bow and take the testimony of witnesses, to be used in said contested election case.

On motion of Mr. Holliday, the Council adjourned until Monday next at three o'clock p. m.

C. W. BRAMEL,  
*Secretary.*

### ELEVENTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., NOV. 19, 1877. }

Council met.

President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Draper, Dyer, Haas, Hays, Holliday, Keller, Mertsheimer, Pease and Mr. President.

Absent, with leave—Mr. Swan.

Journal of Saturday read and approved.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, NOV. 19, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform you that the House has this morning concurred in the enclosed Memorial and C. J. R. No. 1, by the following vote: ayes, 22; noes, 3; absent, 2, and Memorial and C. J. R. No. 1 is herewith returned to the honorable Council.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, NOV. 19, 1877. }

*To the Hon. President of the Council:*

SIR:—The following described bills were this morning introduced in the House, viz:

By Mr. Lowe, H. B. No. 18, a bill for an act concerning the keeping of swine within the Territory of Wyoming.

By Mr. McKay, H. B. No. 19, of which no previous notice had been given, a bill for an act to amend section nine of an act concerning county licenses.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 17, 1877. }

*To the Hon. President of the Council:*

The following notices of introduction of bills were this morning given in the House:

By Mr. George Ferris, a bill for an act to amend section forty-five, chapter 13, of the civil code.

By Mr. Homer, a bill for an act to amend the civil code;

Also, a bill for an act to amend the criminal code.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 17, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to report the introduction of the following bills in the House this morning:

By Mr. Ryan, H. B. No. 13, a bill for an act to encourage the growth of timber and fruit trees in the Territory of Wyoming.

By Mr. Gurney, H. B. No. 14, a bill for an act entitled "an act to provide for mileage and witness fees in the district and probate courts of the Territory of Wyoming."

By Mr. Caldwell, H. B. No. 15, a bill for an act creating the several county offices and defining the duties thereof.

By Mr. Homer, H. B. No. 16, a bill for an act to restrain bulls from running at large during certain seasons of the year.

By Mr. Foglesong, with leave of the House, without previous notice, H. B. No. 17, a bill for an act to regulate changes of venue in civil and criminal cases.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

The committee on Highways and Corporations made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 19, 1877. }

*Mr. President:*

Your committee on Highways and Corporations, to whom was referred C. F. No. 4, being a bill for an act to prevent frauds upon travelers, beg leave to report the same back to the honorable Council, with the recommendation that it do pass without amendment.

J. N. KELLER, *Chairman*,  
T. DYER,  
F. MERTSHEIMER.

On motion of Mr. Dyer, the following communication was entered upon the journal:

CHEYENNE, W. T. Nov. 16, 1877.

*To the Honorable Members of the Council and House of Representatives:*

GENTLEMEN:—I am requested by W. A. H. Loveland, president of the Colorado Central Railroad, to offer your honorable bodies the courtesies of that road in the way of an excursion to any point or points on the Colorado Central Railroad that your honorable bodies may designate, and at any time you may elect to go and return, and that he will be glad to furnish the necessary transportation.

I have the honor to be your obedient servant,

J. T. CLARK.

On motion of Mr. Holliday, the Council resolved itself into committee of the whole for the consideration of C. F. No. 4, Mr. Holliday in the chair.

The President resumed the chair, and the following communication was received from the House:

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Nov. 19, 1877. }

*To the Hon. President of the Council:*

SIR:—Herewith is transmitted H. J. R. No. 10, which this afternoon passed the House, and the concurrence of your honorable body is respectfully solicited.

Respectfully,  
H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE JOINT RESOLUTION NO. 10.

*Resolved by the Council and House of Representatives of the Territory of Wyoming,* That the invitation of Hon. W. A. H. Loveland, president of the Colorado Central Railroad, to an excursion over that road is accepted and the thanks of the assembly are hereby tendered to Mr. Loveland for his courtesy, and would name Saturday, the twenty-fourth inst., at ten o'clock, a. m., as the time at which to start.

The committee of the whole rose, and through its chairman, made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 19, 1877. }

*Mr. President:*

Your committee of the whole, to whom was referred C. F. No. 4, being a bill for an act to prevent frauds upon travelers, beg leave to report that they have considered said bill, and recommend its passage without amendment.

W. H. HOLLIDAY,  
*Chairman.*

Mr. Keller moved to refer C. F. No. 4 to committee on Highways and Corporations.

Motion lost.

Mr. Downey moved to take up C. F. No. 4, that the same be considered by the Council and that the bill be read by sections, and when not objected to, that the same be adopted as read.

Motion carried.

Mr. Haas moved to amend section one, line two, by inserting the words "in this Territory," after the word "passengers" where it occurs in said line.

Motion lost.

On motion of Mr. Keller, C. F. No. 4 was re-committed.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 19, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform you that the enclosed Memorial and C. J. R. No. 2 has this afternoon, under suspension of the rules, been concurred in by the following vote: ayes, 22; absent, 5, and Memorial and C. J. R. No. 2 is herewith returned to your honorable body.

Respectfully,  
H. W. FOGLESONG,  
*Chief Clerk.*

On motion of Mr. Downey, Memorial and C. J. R. No. 2 was ordered engrossed.

On motion of Mr. Draper, the Council adjourned.

C. W. BRAMEL,  
*Secretary.*

## TWELFTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., NOV. 20, 1877. }

Council met.

Mr. President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Draper, Dyer, Haas, Hayes, Holliday, Keller, Mertsheimer, Pease and Mr. President.

Absent, with leave—Mr. Swan.

Prayer by the Chaplain.

The journal of yesterday approved as read.

Mr. Holliday gave notice of the introduction of the following bill:

*Mr. President:*

I hereby give notice that I will, on to-morrow, or some subsequent day, introduce a bill for an act to amend an act entitled "an act to provide for selecting, summoning and impannelling jurors," approved December 7, 1869.

Respectfully submitted.

W. H. HOLLIDAY.

By Mr. Pease, of Albany county:

*Mr. President:*

I hereby give notice that I will, on to-morrow or some subsequent day, introduce the following bills, to wit:

A bill for an act amending an act entitled "an act defining the jurisdiction of justices of the peace in criminal trials and of the proceedings therein;

Also, a bill for an act amending the civil code.

L. D. PEASE.

The committee on Highways and Corporations, through its chairman, made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., NOV. 20, 1877. }

*Mr. President:*

Your committee on Highways and Corporations, to whom was re-committed C. F. No. 4, being a bill for an act to prevent frauds upon travelers, have had the same under consideration and do hereby report the same back to the honorable Council, with the recommendation that it do pass, with the following amendments, viz:

Section five, line ten, insert after the words "purchased a" "regular first class;" section five, line thirteen, after the words "same to" strike out balance of line and insert "any other person, if such per-

son travels upon the same;" strike out all of line fourteen, same section, and also all of line fifteen, excepting last word "unless."

J. N. KELLER, *Chairman.*

T. DYER,

F. MERTSHEIMER.

Mr. Keller moved that the rule be suspended and that the report of the committee on C. F. No. 4 be adopted and that C. F. No. 4 be engrossed, read third time and placed upon its final passage, as amended by the committee.

The question occurring on the suspension of the rule resulted as follows:

*Ayes*—Messrs. Cheney, Dyer, Haas, Hays, Keller, Mertsheimer and Mr. President—7 votes.

*Noes*—Messrs. Downey, Draper, Holliday and Pease—4 votes.

Absent and not voting—Mr. Swan.

So the motion was lost.

H. J. R. No. 10, on motion of Mr. Haas, was read and adopted by the Council.

Mr. Haas, chairman of the special and sub-committee on the Friend-Merrill election contest case, gave notice to the Council that the sub-committee would leave for Medicine Bow this afternoon, to take testimony in said case.

On motion of Mr. Downey, Mr. Cheney was excused from the afternoon session of the Council.

Mr. Holliday, at his own request, was excused from attendance on the Council until to-morrow morning.

Mr. Draper moved a re-consideration of the motion by which the motion to suspend the rules on the consideration of C. F. No. 4 was lost.

Motion carried.

The question then occurring on the suspension of the rules, resulted as follows:

*Ayes*—Messrs. Cheney, Draper, Dyer, Haas, Hays, Keller, Mertsheimer and Mr. President—8 votes.

*Noes*—Messrs. Downey and Pease—2 votes.

Absent and not voting—Messrs. Swan and Holliday—2 votes.

Motion declared carried, and the rule suspended.

On motion of Mr. Dyer, the report of the committee on C. F. No. 4 was adopted.

Mr. Keller moved that C. F. No. 4 be read third time, ordered engrossed and placed upon its final passage.

C. F. No. 4 was then read a third time.

The question then occurring on the passage of the bill, the ayes and noes were called, resulting as follows:

*Ayes*—Messrs. Cheney, Dyer, Haas, Hays, Keller, Mertsheimer

and Mr. President—7 votes.

Noes—Messrs. Downey, Draper and Pease—3 votes.

Absent and not voting—Messrs. Holliday and Swan—2 votes.

The President then announced that C. F. No. 4 had passed the Council and ordered the same engrossed.

On motion of Mr. Keller, the Council adjourned.

C. W. BRAMEL,  
*Secretary.*

THIRTEENTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 21, 1877. }

Council met.

President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Draper, Dyer, Hays, Holliday, Keller and Mr. President.

Absent, with leave—Messrs. Haas, Mertsheimer, Pease and Swan.

Prayer by the chaplain.

Journal of yesterday read and approved.

The committee on Territorial Affairs and Internal Improvements, through its chairman, made the following report, which was, on motion, adopted:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 21, 1877. }

*Mr. President:*

Your committee on Territorial Affairs and Internal Improvements, to whom was referred C. F. No. 3, being a bill for an act to establish an assay office in the Territory of Wyoming, beg leave to report said bill back to the Council, and recommend the following amendments, viz:

Fill out the blank space in line two of the printed bill with the words "six hundred dollars" also, fill the blank space in line four, section three, with the words "two thousand dollars;" also, fill the blank space in line two, section nine, with the words "one thousand dollars," and your committee further recommend that when so amended, said C F. No. 3 be engrossed and passed without further amendment.

W. H. HOLLIDAY,  
J. N. KELLER,  
S. W. DOWNEY.

The following communications were received from the honorable House:

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, NOV. 20, 1877. }

*To the Hon. President of the Council:*

SIR:—The following described bills have this day passed the House by the votes hereafter stated, and are herewith transmitted for the action and consideration of your honorable body:

H. B. No. 1, a bill for an act to amend chapter 109 of the compiled laws of Wyoming, being an act to provide a Territorial and county revenue, approved December 10, 1869. Ayes, 25; absent, 2.

Also, H. B. No. 4, a bill for an act to amend the criminal laws of Wyoming Territory. Ayes, 24; absent, 3.

Also, H. B. No. 12, a bill for an act to amend an act entitled "an act to prevent the practice of medicine, surgery and obstetrics by unqualified persons." Ayes, 24; absent, 3.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, NOV. 20, 1877. }

*To the Hon. President of the Council:*

SIR:—The following described bills were this morning introduced in the House, viz:

By committee on Education, H. B. No. 20, a bill for an act to amend an act entitled "an act providing for the organization of school districts, schools and for other purposes."

By Mr. Homer, H. B. No. 21, a bill entitled an act to amend the civil code;

Also, H. B. No. 22, a bill entitled an act to amend the criminal code.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

The committee on Territorial Affairs and Internal Improvements made the following report:

COUNCIL CHAMBER, }  
 CHEYENNE, W. T., NOV. 21, 1877. }

*Mr. President:*

Your committee on Territorial Affairs and Internal Improvements, to whom was referred C. F. No. 5, being a bill for an act entitled "an act exempting the wages of mechanics, clerks and laborers from the operation of attachment, execution and garnishee process, beg leave to report the same back to the Council, with the recommend-

ation that said bill be referred to committee No. 1, it being a matter that properly should fall under the supervision of said committee No. 1.

W. H. HOLLIDAY, *Chairman.*  
J. N. KELLER.

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

Mr. Cheney gave notice to the Council of the introduction of the following bill, viz:

*Mr. President:*

I hereby give notice that I will, on to-morrow or some subsequent day, introduce a bill for an act entitled "an act to repeal an act in reference to the compensation of county commissioners," approved December 10, 1875.

E. F. CHENEY.

Mr. W. H. Holliday introduced the following bill, viz: a bill for an act to amend an act entitled "an act to provide for selecting, summoning and empanneling jurors," approved December 7, 1869.

The committee on enrolled and engrossed bills, through its acting chairman, made the following reports:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 21, 1877. }

*Mr. President:*

Your committee on enrolled and engrossed bills, to whom was referred (for enrollment) C. J. R. and Memorial No. 1 and C. J. R. No 3, beg leave to report the same back to the Council, properly enrolled.

W. H. HOLLIDAY,  
*Acting Chairman.*

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 21, 1877. }

*Mr. President:*

Your committee on enrolled and engrossed bills, to whom was referred C. F. No. 4 for engrossment, being a bill for an act to prevent frauds upon travelers, beg leave to report said bill back to the Council, properly engrossed.

W. H. HOLLIDAY,  
*Acting Chairman.*

Which said report, on motion of Mr. Dyer, was adopted:

The committee on enrolled and engrossed bills made the following report, which said report, on motion of Mr. Downey, was adopted:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 21, 1877. }

*Mr. President:*

Your committee on enrolled and engrossed bills, to whom was referred C. M. and J. R. No. 2 for enrollment, beg leave to report said memorial and resolution back to the Council, with the recommendation that the same be considered engrossed, and further recommend its re-commitment for enrollment.

W. H. HOLLIDAY,  
*Acting Chairman.*

On motion of Mr. Dyer the Council took a recess until two o'clock p. m.

AFTERNOON SESSION.

Council re-convened.

Mr. President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Draper, Dyer, Hays, Holliday, Keller and Mr. President.

Absent, with leave—Messrs. Haas, Mertsheimer, Pease and Swan.

The following communications were received from the Hon. Territorial Secretary, and the accounts referred to committee No. 2:

OFFICE SECRETARY OF WYOMING TERRITORY, }  
CHEYENNE, November 20, 1877. }

*Hon. E. L. Pease, President of the Council:*

DEAR SIR:—I have the honor to transmit herewith, for the consideration of your honorable body, the accompanying bills, and most respectfully call your attention to the law authorizing the same.

[See compiled laws of Wyoming Territory, chapter thirty-two, section five, page 226.]

Respectfully,  
GEO. W. FRENCH,  
*Secretary Territory.*

OFFICE CHEYENNE LEADER, }  
CHEYENNE, Nov. 1, 1877. }

*Hon. G. W. French, Secretary of Wyoming:*

DEAR SIR:—Enclosed I send you an account of miscellaneous printing done for the Territory, by your order. You will remember that a bill for this work was rendered by me to the United States treasury department, through your office, and that the account was rejected by the Hon. First Comptroller of the treasury, on the ground "that the work was not properly chargeable to the government, but should be paid for by the Territory."

I would respectfully request that you refer the account for settlement to the Legislative Assembly of this Territory.

I have the honor to be, sir, very respectfully, yours,

H. GLAFCKE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 21, 1877. }

To the Hon. President of the Council:

SIR:—I transmit herewith, for the action and concurrence of your honorable body, H. J. R. No. 11, which this morning was adopted in the House.

Respectfully,

H. W. FOGLESONG,

Chief Clerk.

On motion of Mr. Keller, H. J. R. No. 11 was adopted.

The committee on Finance, Ways and Means, through its chairman, made the following report:

COUNCIL CHAMBER, }  
CHEYENNE, WYO., Nov., 21, 1877. }

To the Hon. President of the Council:

SIR:—Your committee on Finance, Ways and Means, to whom was referred the Memorial and H. J. R. No. 1, ask leave to report the same back to the honorable Council, and respectfully ask its passage without amendment.

Respectfully,

G. A. DRAPER, *Chairman.*

W. H. HOLLIDAY.

On motion of Mr. Downey, the rule was unanimously suspended and the report of the committee was adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 21, 1877. }

To the Hon. President of the Council:

SIR:—I have the honor to inform your honorable body that this morning Mr. McGlinchey introduced in the House H. B. No. 23, a bill for an act regulating insurance companies, of which no previous notice had been given.

Respectfully,

H. W. FOGLESONG,

Chief Clerk.

On motion of Mr. Holliday, the Council resolved itself into com-

mittee of the whole for the consideration of the bills on the general file, Mr. Keller in the chair.

Afterward the committee rose, and its chairman made the following report:

*Mr. President:*

Your committee to whom was referred M. and H. J. R. No. 1 beg leave to report the same back, with the recommendation that the same do pass without amendment.

Also, that C. F. No. 3, be amended as follows: In section one, line two, strike out the words "Laramie City, Albany county," and insert in lieu thereof the words "Rawlins, Carbon county," and that the same do pass as amended.

J. N. KELLER,  
*Chairman.*

On motion of Mr. Downey, the rule was unanimously suspended and the report of the committee adopted.

Mr. Holliday moved that the rule be suspended and that M. and H. J. R. No. 1 be read third time and placed upon its final passage.

On the question of the suspension of the rule, the vote stood as follows:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Hays, Holliday, Keller and Mr. President—8 votes.

*Absent and not voting*—Messrs. Haas, Mertsheimer, Pease and Swan—4.

The question then occurred on the final passage of the bill, resulting as follows:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Hays, Holliday, Keller and Mr. President—8 votes.

*Absent and not voting*—Messrs. Haas, Mertsheimer, Pease and Swan—4.

The President then announced that M. and H. J. R. No. 1 had passed the Council.

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

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 21, 1877. }

*Mr. President:*

SIR:—Your committee on enrolled and engrossed bills beg leave to report that C. J. R. and M. No. 1 and C. J. R. No. 3 were this day, at eleven o'clock and thirty minutes, a. m., handed to the Governor for his approval.

W. H. HOLLIDAY,  
*Acting Chairman.*

On motion of Mr. Keller, the Council adjourned.

C. W. BRAMEL,  
*Secretary.*

## FOURTEENTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., NOV. 22, 1877. }

Council met.

President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Draper, Dyer, Hays, Holliday, Keller and Mr. President.

Absent, with leave—Messrs. Haas, Mertsheimer, Pease and Swan.

Prayer by the chaplain.

The journal of yesterday read and approved.

Mr. Cheney introduced the following bills, viz;

C. F. No. 9, a bill for an act entitled "an act to legalize the acts of H. G. Nickerson as justice of the peace at Miners' Delight precinct, Sweetwater county, Wyoming Territory.

Also, C. F. No. 10, a bill for an act to repeal an act in reference to the compensation of county commissioners, approved December 10, 1875.

The aforesaid bills were read first time in council.

At his own special request, Mr. Swan was granted a further leave of absence until Tuesday of next week.

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

COUNCIL CHAMBER,  
CHEYENNE, WYO., NOV. 22, 1877. }

*Mr. President:*

SIR:—Your committee on enrolled and engrossed bills, to whom was referred C. J. R. and M. No. 2, addressed to the congress of the United States, praying that the Territorial integrity of Wyoming be maintained intact, beg leave to report said joint resolution and memorial back to the Council, properly enrolled.

W. H. HOLLIDAY,  
*Acting Chairman.*

On motion of Mr. Holliday, C. F. No. 8 was read a second time, ordered printed and referred to committee No. 1.

The committee on Finance, Ways and Means made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., NOV. 21, 1877. }

*Mr. President:*

SIR:—Your committee on Finance, Expenditures, Ways and Means, to whom was referred C. F. No. 2, entitled an act to provide for the payment of county officers, ask leave to report the same back

to the honorable Council, respectfully asking its passage without amendment.

Respectfully,

G. A. DRAPER, *Chairman.*

W. H. HOLLIDAY.

On motion of Mr. Holliday, C. F. No. 3 was ordered engrossed and read the third time.

Rev. W. G. Hamilton, on motion of Mr. Downey, was excused until to-morrow afternoon, at three o'clock.

Mr. Holliday asked leave of the Council to have printed a bill for an act to provide for elections, the manner of conducting the same, and for other purposes, before presenting the same to the Council. Leave granted and bill ordered printed.

On motion of Mr. Draper, the Council took a recess until two o'clock p. m.

#### AFTERNOON SESSION.

Council re-convened.

Mr. President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Draper, Dyer, Hays, Holliday, Keller and Mr. President.

Absent, with leave—Messrs. Haas, Mertsheimer, Pease and Swan.

The following communication was received from the House, viz:

HOUSE OF REPRESENTATIVES,  
CHEYENNE, NOV. 22, 1877. }

*To the Hon. President of the Council:*

SIR:—The following described bills have this day passed the House, by the votes hereafter stated, and are herewith transmitted for the consideration and concurrence of the honorable Council:

H. B. No. 6, a bill for an act to amend an act entitled "an act regulating the branding, herding and care of stock," chapter 105, stock laws, approved December 5, 1873. Ayes, 21; noes, 1; absent, 5. Also, H. B. No. 18, a bill for an act concerning the keeping of swine within the Territory of Wyoming. Ayes, 15; noes, 8; absent, 4.

Also, H. B. No. 19, a bill for an act to amend section nine of an act concerning county licenses. Ayes, 21; noes, 2; absent, 4.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

H. B's. Nos. 1, 4, 6, 12, 18 and 19 read first time, and on motion of Mr. Holliday, under a unanimous suspension of the rule, read second time and disposed of as follows:

H. B. No. 1 referred to committee No. 1.

H. B. No. 4 referred to committee No. 2.

H. B. No. 12 referred to committee No. 6.

H. B's. Nos. 6, 18 and 19 referred to committee of the whole, with Mr. Downey in the chair.

Afterwards the committee of the whole rose, and through its chairman, Mr. S. W. Downey, made the following report:

*Mr. President:*

SIR:—The committee of the whole beg leave to report that the committee has considered the following bills, and respectfully report:

*First*—In reference to H. B. No. 6, the committee report the same back, with a recommendation that it pass the Council without amendment.

*Second*—In reference to H. B. No. 18, your committee report the same back to the Council, with a recommendation that it be amended as follows: that the word "any," in the second line of section two, be struck out and the word "the" inserted; that the word "fifty," occurring in the sixth line of section two, be struck out and the word "ten" inserted; that the following be added to section two, after the word "court," "*Provided*, That all owners of swine shall be first notified that the same are running at large," and that said bill, as amended, be referred to committee No. 4.

S. W. DOWNEY,

*Chairman.*

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

There being no action on H. B. No. 19 in committee of the whole, on motion of Mr. Cheney, the same was referred to committee No. 5.

The standing committee on enrolled and engrossed bills, through its acting chairman, Mr. W. H. Holliday, made the following report, which, on motion of Mr. Larry Hays, of Carbon county, was adopted, viz:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 22, 1877. }

*Mr. President:*

Your committee on enrolled and engrossed bills, to whom was referred C. J. R. and M. No. 2, beg leave to report that said council joint resolution and memorial was this day, at eleven o'clock and thirty minutes, presented to the Governor for his signature.

W. H. HOLLIDAY.

*Acting Chairman.*

On motion of Mr. Keller, of Laramie county, Council adjourned.

C. W. BRAMEL,

*Secretary.*

## FIFTEENTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 23, 1877. }

Council met.

President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Draper, Dyer, Holliday, Keller and Mr. President.

Absent—Messrs. Haas, Hays, Mertsheimer, Pease and Swan.

The committee on Territorial Affairs and Internal Improvements, through its chairman, made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 23, 1877. }

*Mr. President:*

Your committee on Territorial Affairs and Internal Improvements, to whom was referred H. B. No. 19, being a bill for an act to amend an act entitled "an act concerning county licenses," approved December 9, 1869, beg leave to report that they have considered the bill and recommend that it pass the Council without amendment.

W. H. HOLLIDAY,  
*Chairman.*

His excellency, the Governor of the Territory of Wyoming, made the following report:

EXECUTIVE DEPARTMENT,  
CHEYENNE, WYO., Nov. 22, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform the Council that I have approved J. R. and M. No. 1, C. J. R. and M. No. 2 and C. J. R. No. 3.

Very respectfully,  
JOHN M. THAYER.

On motion of Mr. Dyer of Laramie county, H. B. No. 6 was indefinitely postponed and returned to the House.

On motion of Mr. Cheney, C. F.'s Nos. 9 and 10 were read second time and referred as follows, to wit:

C. F. No. 9 referred to committee No. 1.

C. F. No. 10 referred to committee No. 2.

On motion of Mr. Downey, C. F. No. 2, under a unanimous suspension of the rule, passed the Council by the following vote, viz:

*Ayes*—Cheney, Downey, Draper, Dyer, Hays, Holliday, Keller, and Mr. President—8 votes.

*Noes*—None.

Absent and not voting—Messrs. Haas, Mertsheimer, Pease, and Swan.

The President announced that C. F. No. 2 had passed the Council. The following resolution was offered by Mr. Holliday, viz:

*Be it Resolved*, That the sergeant-at-arms is hereby instructed to wait upon the Hon. Secretary of the Territory and inform him that two tables are necessary for the convenience of the Council, one for the Legislature reporters and one for the Council committees.

Said resolution, on motion of Mr. Hays, was adopted, and the sergeant-at-arms instructed as per resolution required.

Mr. Downey, of Albany county, introduced the following resolution in reference to the excursion, viz:

WHEREAS, The session of the Legislature of Wyoming Territory is limited by law to last forty days, and

WHEREAS, There remains much important legislation which it is the duty of the Legislature to consider, and which legislation may not receive the attention that it requires if the members of the Legislature participate in the excursion to Colorado at this time; therefore

*Be it Resolved by the Council and House of Representatives of the Territory of Wyoming*, That the proposed excursion be postponed until after the present session of the Legislature, and that a joint committee of two members of the Council and three members of the House be appointed to confer with the proper officers of the railroad in reference to the change.

Whereupon Mr. Downey introduced the following resolution, in reference to the excursion into Colorado, which was laid over under the rule:

WHEREAS, The Council and House of Representatives of the Fifth Legislative Assembly of the Territory of Wyoming have accepted the invitation to participate in an excursion into Colorado, and

WHEREAS, The Union Pacific Railroad Company and the Colorado Central Railroad Company have made all necessary arrangements for said excursion; therefore

*Be it Resolved by the Council and House of Representatives of the Territory of Wyoming*, That all the members of the House and the Council are requested to take part in said excursion; and be it further

*Resolved*, That when the Council and House adjourn to-day that said adjournment be until next Tuesday afternoon, at two o'clock, instead of Monday, and that all resolutions in conflict with this are hereby declared null and void.

On motion of Mr. Keller, the Council took a recess until two o'clock, p. m.

## AFTERNOON SESSION.

Council re-convened.

Mr. President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Draper, Dyer, Holliday, Keller and Mr. President.

Absent, with leave—Messrs. Haas, Hays, Mertsheimer, Pease and Swan.

On motion of Mr. Dyer, Mr. Hays was excused from attendance on the Council until Tuesday of next week, at two o'clock p. m.

On motion of Mr. Draper, the Council adjourned.

C. W. BRAMEL,

*Secretary.*

## SIXTEENTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 28, 1877. }

Council met.

President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Draper, Dyer, Holliday, Haas, Keller, Mertsheimer, Pease and Mr. President.

Absent—Mr. Swan.

Prayer by the chaplain.

On motion of Mr. Haas, the reading of the journal of the fifteenth day's proceedings was dispensed with, and the Council took a recess until two o'clock p. m.

## AFTERNOON SESSION.

Council re-convened.

Mr. President in the chair.

Roll called.

Members all present except Mr. Swan, excused.

Mr. Downey; with leave of the Council, introduced the following bill:

A bill for an act for the appointment of a Territorial stenographer and the preservation of evidence.

On motion of Mr. Haas, Mr. Swan was further excused until Friday.

The following communications were received from the House, viz:

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Nov. 28, 1877. }

To the Hon. President of the Council:

SIR:—The following described H. B. No. 14, a bill for an act to provide for mileage and witness fees in the district and probate courts of the Territory of Wyoming, has this morning passed the House. Ayes, 24; nays, 1; absent, 2, and the same is herewith transmitted, requesting the concurrence of the honorable Council.

Respectfully,  
 H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Nov. 23, 1877. }

To the Hon. President of the Council:

SIR:—I am instructed to inform you that the House has this day laid on the table C. J. R. No. 6, in relation to adjournment.

Respectfully,  
 H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Nov. 28, 1877. }

To the Hon. President of the Council:

SIR:—I have the honor to inform you that the following notices of the introduction of bills were given in the House this morning:

By Mr. Foglesong, a bill for an act to amend an act entitled "an act to establish a code of civil procedure for the Territory of Wyoming;"

Also, a bill for an act to regulate the taxation of costs in criminal cases;

Also a bill for an act to amend an act entitled "an act defining crime and providing for the punishment thereof.

By Mr. Lowe, a bill for the incorporation of the Wind River Valley Stock Growers' Association.

Also, that Mr. Hoy introduced H. B. No. 24, a bill for an act to provide for the payment of services rendered by the Joint Judiciary Committee in the publication of the compiled laws of Wyoming Territory.

Respectfully,  
 H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Nov. 23, 1877. }

To the Hon. President of the Council:

SIR:—The enclosed H. B. No. 8, a bill for an act to regulate vol-

untary assignments, has this day passed the House by the following vote, viz: ayes, 17; absent, 8; excused, 2. I have the honor to herewith transmit the same and request the concurrence of your honorable body.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

The sergeant-at-arms made the following report:

*To the Hon. President of the Council:*

In obedience to the order of the honorable Council, I called upon the Hon. Secretary of the Territory in reference to furnishing tables. He informed me that the House of Representatives has been provided with a committee room, furnished, and that the table in the room used by the House is at the disposal of the Council.

Respectfully submitted.

A. N. COYNE,  
*Sergeant-at-Arms.*

The following bills were read for the first time:

C. F. No. 11, a bill for an act for the appointment of a stenographer and the preservation of evidence

H. B. No. 14, a bill for an act entitled an act to provide for mileage and witness fees in the district and probate courts of the Territory of Wyoming.

H. B. No. 8, an act to regulate voluntary assignments.

Mr. Downey moved the suspension of the rule and that C. F. No. 11 be read the second time and ordered printed.

The question occurred on the suspension of the rule, resulting as follows:

*Ayes*—Messrs. Cheney, Downey, Haas, Holliday, Pease and Mr. President—6 votes.

*Noes*—Messrs. Draper, Dyer, Hays, Keller and Mertsheimer—5 votes.

So the motion to suspend the rule was lost.

The committee on Bridges and Ferries made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 28, 1877. }

*Mr. President:*

SIR:—Your committee on Bridges and Ferries, to whom was referred H. B. No. 12, beg leave to report that said committee has examined said bill and report the same back to the honorable Council, recommending that it do pass.

Respectfully,

T. DYER,  
E. F. CHENEY, } Of the Committee.

The Council, on motion of Mr. Haas, took a recess until half past seven o'clock, p. m.

## EVENING SESSION.

Council re-convened.

President in the chair.

Roll called.

All the members present except Mr. Swan.

Mr. Haas, from the committee on the contested election case of John C. Friend vs. Homer Merrill, made the following majority report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov., 28, 1877. }

*Mr. President:*

SIR:—Your special committee, appointed to investigate the contest for a seat in this chamber between John C. Friend and Homer Merrill, from Carbon county, beg leave to submit the following report:

Your committee, as empowered by this Council, appointed a sub-committee, consisting of Herman Haas, Fred. Mertsheimer and L. D. Pease, to go to Medicine Bow and other points along the line of the U. P. R. R., to procure evidence as to said contest, which said evidence is herewith submitted.

Your committee find that at the general election held in Carbon county, Wyoming, on the fourth day of September, A. D., 1877, for member of the fifth Legislative Assembly, Homer Merrill had 333 votes for member of the Council and John C. Friend had 314 votes for member of the Council, which said vote was returned to the Secretary of the Territory, as the official vote polled for each of said contestants.

Your committee further find that at the precinct of Medicine Bow, in said county, at the election aforesaid, each of said contestants received the following votes, to wit: Homer Merrill 158 votes, John C. Friend 23 votes for member of the Council.

Your committee have investigated fully as to the alleged frauds at said Medicine Bow precinct and find the following state of facts:

*First*—That the election board at said precinct was not constituted according to law, in this, to wit: one B. F. Hatch, who acted as clerk of said election, was not an elector in said precinct at the time of said election, he being at that time a resident and elector at Rawlins, in another precinct;

*Second*—That the election board wholly neglected and failed to discharge their duties according to law, as it appears that a large number of soldiers, teamsters and others were encamped at that place on election day, who were most of them strangers to the board, and most of them clothed in the uniform of United States soldiers;

yet they were all allowed to vote indiscriminately, without challenge or question as to whether they were electors or not; also that some United States soldiers did vote at said election with the actual knowledge and connivance of said board;

*Third*—That the returns of said precinct were not made according to law, in this, to wit: the poll-book was not sealed up as the law requires, and was in such a loose condition that any person could withdraw the same from the wrapper without breaking the seals or the wrapper, and your committee are of the opinion that said poll-book was withdrawn from the wrapper and another wrapper of a different color substituted for the original.

For the reasons stated, as aforesaid, your committee are of the opinion that said election, held at Medicine Bow, was illegal and void, and the vote thereof should not be counted; therefore your committee find that John C. Friend received 291 legal votes for member of the Council and Homer Merrill received 175 legal votes for member of the Council. Therefore, your committee find that, at an election held in Carbon county, Wyoming, on the fourth day of September, A. D., 1877, Homer Merrill did not receive a majority of the legal votes of said county for member of this Council, and is not entitled to his seat herein.

Your committee further find that at said election John C. Friend did receive a majority of the legal votes cast in said county for member of this Council, and is entitled to a seat therein.

Respectfully submitted,

H. HAAS,	} Committee.
F. MERTSHEIMER,	
L. D. PEASE,	
J. N. KELLER,	

Mr. Downey submitted the following minority report on the contested election case:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 28, 1877. }

*Mr. President:*

A minority of your committee, to which was referred the matter of Mr. Homer Merrill, whose election to the Council is contested by Mr. John C. Friend, respectfully submits, that the mass of depositions laid before your committee, in addition to the testimony taken by the sub-committee, does not sustain the findings of the committee.

In the first place, the committee finds that the election board at Medicine Bow precinct was not constituted according to law, because B. F. Hatch, who acted as clerk of said election, did not reside in that precinct, but was a resident of Rawlins, in Carbon county, Wyoming Territory. The testimony shows that Mr. Hatch was an elector

of the county of Carbon, and being such elector, he was qualified to act as clerk of the election at any precinct in the county of Carbon.

The second finding of the committee is in reference to challenge, the committee holding that it was imperative upon the judges to challenge. There is nothing in the election law of this Territory which warrants any such conclusion. The judges may or may not challenge. The discretion as to the use of this power rests with them, and they may exercise it or not.

The third finding of the committee is in relation to the condition of the poll-book; that it was not sealed up as provided by law, and that it was withdrawn from the wrapper. There is no testimony to sustain this finding; on the contrary, the testimony of John Durant, who was one of the judges of the election at Medicine Bow, and who had charge of the returns of said election and delivered the same to J. B. Adams, county clerk of Carbon county, shows conclusively that said returns were not tampered with in any way.

Section forty-two, chapter forty-five, title two, compiled laws of Wyoming, provides that irregularities in conducting an election, where no fraud exists, shall not authorize the throwing out of the vote of any precinct. There may have been fraud in the conduct of the election at Medicine Bow precinct, but certain it is, none has been established.

In view of this, and in view of the reasons contained in the former report of a minority of your committee, a minority of your committee dissents from the report.

S. W. DOWNEY.

On motion of Mr. Downey, the evidence submitted by the committee in the case of Friend *vs.* Merrill was read.

Mr. Keller thereupon offered the following:

I move that the rule be suspended, the majority report of your special committee be received and adopted, committee discharged and that John C. Friend, of Carbon county, be seated on this floor as a member of this Council.

The question occurring on the suspension of the rule and the adoption of the majority report, resulted as follows:

*Ayes*—Messrs. Draper, Dyer, Haas, Hays, Holliday, Keller, Mertsheimer, Pease and Mr. President—9 votes.

*Noes*—Messrs. Cheney and Downey.

Absent and not voting—Mr. Swan.

The President announced that the majority report had been adopted and that John C. Friend was entitled to a seat on the floor of the honorable Council.

The Council then, on motion of Mr. Keller, adjourned.

C. W. BRAMEL,

*Secretary.*

## SEVENTEENTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 29, 1877. }

Council met.

President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Draper, Dyer, Holliday, Haas, Hays, Keller, Mertsheimer, Pease and Mr. President.

Absent, with leave—Mr. Swan.

Prayer by the Chaplain.

The journal of yesterday read and approved.

Hon. John C. Friend presented himself, took the oath of office prescribed by law, as administered by the Hon. President of the Council, and then took his seat as a member of said body.

On motion of Mr. Pease, of Albany, the Council adjourned.

C. W. BRAMEL,

*Secretary.*

## EIGHTEENTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 30, 1877. }

Council met.

President in the chair.

Roll called.

Members all present except Mr. Swan, excused.

Prayer by the chaplain.

Journal of yesterday read and approved.

The following communications were received from the House and read:

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Nov. 28, 1877. }

*To the Hon. President of the Council:*

SIR:—The enclosed H. B. No. 22, a bill for an act entitled "an act to amend the criminal code," passed the House November 23, by the following vote, viz: ayes, 11; nays, 7; absent, 9. A motion to reconsider the vote by which the bill passed the House being given, the same was held over one day and is now transmitted for the concurrence of your honorable body.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

HOUSE OF REPRESENTATIVES,  
CHEYENNE, NOV. 28, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform you that the enclosed H. B. No. 9, a bill for an act providing for and regulating special partnerships, has this afternoon passed the House by the following vote, viz: ayes, 19; noes, 2; absent, 6. I am instructed to ask the concurrence of your honorable body.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

The Judiciary committee, through its chairman, made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., NOV. 30, 1877. }

*Mr. President:*

SIR:—Your committee on judiciary, to whom was referred C. F. No. 9, being a bill for an act entitled "an act to legalize the acts of H. G. Nickerson as justice of the peace at Miners' Delight precinct, Sweetwater county, Wyoming Territory, have had the same under consideration and would recommend that the same be amended by inserting the title of same and that said bill do pass as amended; amendment attached.

L. D. PEASE,  
S. W. DOWNEY, } *Committee.*  
J. N. KELLER, }

Mr. Hayes gave notice of the introduction of the following bill, viz:

A bill for an act for the construction of a Territorial wagon road from Rawlins to Camp Brown.

The special committee to whom was referred H. B. No. 11 made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., NOV. 30, 1877. }

*Mr. President:*

SIR:—Your special committee, to whom was referred H. B. No. 11, being a bill for an act authorizing the building of a school house in school district No. 1, in the county of Albany, Wyoming Territory, have had the same under consideration, and report the same back with the recommendation that the same do pass without amendment.

L. D. PEASE,  
W. H. HOLLIDAY, } *Committee.*  
S. W. DOWNEY, }

On motion of Mr. Downey, the rule was unanimously suspended and C. J. R's. Nos. 5 and 6 were read first, second and third times and adopted. Sent to the House the same day.

The following bills were read first time:

H. B. No. 9, a bill for an act providing for and regulating special partnerships. Same ordered printed.

H. B. No. 22, a bill for an act to amend the criminal code.

On motion of Mr. Downey, the rules were suspended unanimously and the following bills were read first and second times and disposed of as follows:

C. F. No. 9 ordered engrossed.

C. F. No. 11 read second time and sent to printer.

C. F. No. 12, being a bill for an act to provide for elections, and for other purposes. Received in the Council, read first and second times and made the special order for to-morrow, at two o'clock p. m.

H. B. No. 11 was made the special order for two o'clock p. m., this day.

H. B. No. 14, being a bill for an act entitled "an act to provide for mileage and witness fees in district and probate courts of Wyoming," read second time and referred to committee No. 2.

H. B. No. 8, an act regulating voluntary assignments, read second time and sent to printer.

H. B. No. 12, referred to committee No. 8.

The following messages were received from the House and read:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 30, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform your honorable body that this morning C. J. R. No. 5 and C. J. R. No. 6 were unanimously concurred in by the House, and the same are herewith returned to your honorable body.

Respectfully,  
H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Nov. 30, 1877. }

*To the Hon. President of the Council:*

SIR:—The House this morning concurred in C. F. No. 2, a bill for an act to provide for the manner of paying county officers, by the following vote, viz: ayes, 23; noes, none; absent, 4, and the same is herewith returned to the honorable Council.

Respectfully,  
H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Nov. 30, 1877. }

To the Hon. President of the Council:

SIR:—The following described bills were this morning introduced in the House:

By Mr. Hamma, H. B. No. 25, a bill for an act to amend an act entitled "an act to regulate the rate of interest on money and other evidences of indebtedness in the Territory of Wyoming."

By Mr. Foglesong, H. B. No. 26, a bill for an act to amend an act entitled "an act to establish a code of civil procedure for the Territory of Wyoming;"

Also, H. B. No. 27, a bill for an act to regulate the taxation of costs in criminal cases for the Territory of Wyoming.

By Mr. Ferris, H. B. No. 28, a bill for an act to amend an act entitled "an act to establish a code of civil procedure for the Territory of Wyoming," approved December 11, 1873.

By Mr. Lowe, H. B. No. 29, a bill for an act authorizing the holding of the fall term of the third judicial district court of Sweetwater county at Lander City;

Also, H. B. No. 30, a bill for an act to incorporate the Wind River Valley Stock Growers' Association."

By Mr. Farrell, without previous notice, H. B. No. 31, a bill for an act to amend an act entitled "an act for the protection of game and Fish in the Territory of Wyoming," approved December 1, 1869.

By Mr. McKay, H. B. No. 32, a bill for an act to protect birds.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

Mr. Pease, of Albany, introduced the following bill:

A bill for an act entitled "an act amending an act defining the jurisdiction of justices of the peace in criminal trials and of the proceedings therein," approved December 16, 1871.

On motion of Mr. Cheney, the Council took a recess until two o'clock p. m.

#### AFTERNOON SESSION.

Council re-convened.

Mr. President in the chair.

Roll called.

Present—All the members, except Messrs. Swan and Keller, excused.

Mr. Holliday offered the following resolution, which was unanimously adopted:

WHEREAS, Upon lawful evidence it has been decided by this Council that John C. Friend, of the county of Carbon, is entitled

to a seat in the Council of the Fifth Legislative Assembly of the Territory of Wyoming as a member of said Council from the county aforesaid, vested with all the rights and privileges as other members; therefor be it

*Resolved*, That the Secretary of the Council is hereby instructed to notify the Hon. Secretary of the Territory that John C. Friend, of the county of Carbon, has been duly sworn as a member of the Council of the Fifth Legislative Assembly, and that one Homer Merrill, a party contesting the aforesaid John C. Friend's seat in said Council, was never lawfully sworn in or admitted as a member of said Council.

On motion of Mr. Holliday the rule was suspended by the following vote, for the consideration of H. B. No. 11:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Friend, Hays, Haas, Holliday, Mertsheimer, Pease and Mr. President—11 votes.

Absent and not voting—Messrs. Keller and Swan.

And H. B. No. 11 passed the Council by a unanimous vote and returned to the honorable House.

On motion of Mr. Draper, the Secretary of the Council was instructed to request Messrs. Warren and North, treasurer and auditor of the Territory, to furnish committee No. 2 with all vouchers, receipts and other papers relating to their official reports. Said request was accordingly made.

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

COUNCIL CHAMBER,  
CHEYENNE, W. T., Nov. 30, 1877. }

*Mr. President:*

Your committee on enrolled and engrossed bills have examined C. F. No. 3, and report the same back to the Council as correctly engrossed.

H. HAAS,  
*Chairman.*

The following communications were received from the House and read:

HOUSE OF REPRESENTATIVES,  
CHEYENNE, NOV. 30, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to transmit herewith, for the consideration and concurrence of your honorable body, H. B. No. 17, a bill for an act to regulate changes of venue in civil and criminal cases, which this afternoon passed the House by the following vote: ayes, 19; noes, none; absent, 8.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Nov. 30, 1877. }

To the Hon. President of the Council:

SIR:—I have the honor to transmit herewith, for the consideration and concurrence of your honorable body, H. B. No. 13, a bill for an act to encourage the growth of timber and fruit trees in the Territory of Wyoming, which this afternoon passed the house by the following vote: ayes, 18; noes, 1; absent, 8.

Respectfully,  
 H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Nov. 30, 1877. }

To the Hon. President of the Council:

SIR:—I have the honor to transmit herewith, for the consideration and concurrence of your honorable body, H. B. No. 31, a bill for an act to amend an act entitled “an act for the protection of game and fish in the Territory of Wyoming,” approved December 1, 1869, which this afternoon passed the House by the following votes: ayes, 17; noes, 2; absent, 8.

Respectfully,  
 H. W. FOGLESONG,  
*Chief Clerk.*

On motion of Mr. Holliday, C. F. No. 3 was read the third time, and passed the Council by the following vote and was sent to the House:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Friend, Haas, Hays, Holliday, Mertsheimer, Pease and Mr. President—11 votes.

*Absent and not voting*—Messrs. Keller and Swan—2.

The following bills were received from the House and read first and second times, as follows, to wit:

H. B. No. 13, a bill for an act to encourage the growth of timber and fruit trees in Wyoming Territory. Read first time.

H. B. No. 17, a bill for an act regulating changes of venue in civil and criminal cases. Read first time.

H. B. No. 14, returned from committee No. 2, November 30, with recommendation that the same do not pass.

The report of the committee was as follows:

COUNCIL CHAMBER, }  
 CHEYENNE, WYO., Nov. 30, 1877. }

Mr. President:

SIR:—Your committee on Finance, Ways and Means, to whom was referred H. B. No. 14, an act entitled “an act to provide for mileage and witness fees in the district and probate courts of the

Territory of Wyoming," ask leave to report the same back, respectfully recommending that the same do not pass.

Respectfully,

G. A. DRAPER, *Chairman.*

W. H. HOLLIDAY.

Mr. Pease moved a suspension of the rules and that C. F. No. 13 be read first, second and third times and placed on its final passage.

The question on the suspension of the rule resulted as follows:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Friend, Haas, Hays, Holliday, Mertsheimer, Pease and Mr. President—11 votes.

So the rule was suspended.

The question then occurred on the final passage of C. F. No. 13, resulting as follows:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Friend, Haas, Hays, Holliday, Mertsheimer, Pease and Mr. President—11 votes.

Absent and not voting—Messrs. Keller and Swan—2 votes.

The President announced that C. F. No. 13 had passed the Council.

The committee on finance, Ways and Means, through its chairman, made the following report, which, under a suspension of the rule, was adopted unanimously:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Nov. 30, 1877. }

*Mr. President:*

SIR:—Your committee on Finance, Ways and Means, to whom was referred C. F. No. 10, for an act to repeal an act in reference to the compensation of county commissioners, approved December 10, 1875, ask leave to report the same back, recommending that the same be considered in committee of the whole.

Respectfully,

G. A. DRAPER, *Chairman.*

W. H. HOLLIDAY.

H. B. No. 41, a bill for an act to amend an act entitled "an act for the protection of game and fish in Wyoming Territory," was received and read the first time.

C. J. R's. Nos. 5 and 6 were concurred in by the honorable House and returned to the Council.

On motion of Mr. Holliday, the Council resolved itself into committee of the whole for the consideration of C. F. No. 10, with Mr. Mertsheimer in the chair.

Afterwards, the committee rose and reported progress and asked leave to sit again.

On motion of Mr. Downey, the standing committees were instructed to report on all bills by Monday next.

On motion of Mr. Haas, the Council adjourned.

C. W. BRAMEL,

*Secretary.*

NINETEENTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 1, 1877. }

Council met.

President in the chair.

Roll called.

All the members present.

Prayer by the Rev. Mr. Hall.

Journal read and approved.

Messrs. Cheney and Downey gave notice of the introduction of the following bills:

*Mr. President:*

I hereby give notice that I will, on Monday or some subsequent day, introduce the following bills:

A bill for an act to amend an act entitled "an act regulating the branding, herding and care of stock;"

Also, a bill for an act to amend an act entitled "an act prohibiting the establishment of election precincts upon military reservations within the Territory of Wyoming.

E. F. CHENEY.

*Mr. President:*

I hereby give notice that I will, on Monday next, introduce a bill for an act to establish a Territorial wagon road from Laramie City, in the county of Albany, through the Douglas Creek mining region, to the southern boundary of Wyoming, in the direction of the Hahn's Peak mines and White River Indian Agency, by the shortest and most practicable route;

Also, a bill for an act appropriating money to aid the Sisters of Charity in the construction of a hospital building at Laramie City, in Albany county, in Wyoming Territory;

Also, a bill for an act in reference to divorces heretofore decreed;

Also, a bill for an act to remove the cloud from certain titles;

Also, a bill for an act to amend an act entitled "an act concerning chattel mortgages," approved November 24, 1869.

S. W. DOWNEY.

Mr. Downey introduced and had read a petition, signed by a large number of the citizens of Albany county, praying for aid in the construction of a Territorial wagon road from Laramie City, through the Douglas Creek mining region, in the direction of Hahn's Peak and the White River (Ute) Agency, which was referred to committee No. 10;

Also, a petition from the Sisters of Charity, praying for an appropriation of three thousand dollars in aid of the construction of a hospital at Laramie City, Albany county, Wyoming Territory; read first time and referred to committee No. 5.

The following communications were received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 1, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform your honorable body that this morning Mr. Spicer gave notice that he would, on Monday next, introduce in the House a bill authorizing the Territorial penitentiary commissioners to accept and control the Territorial penitentiary, and other purposes.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 1, 1877. }

*To the Hon. President of the Council:*

SIR:—The following described bills were this morning introduced in the House:

By Mr. Spicer, H. B. No. 33, a bill for an act to amend an act entitled "an act to provide a Territorial and county revenue."

By Mr. Hoy, H. B. No. 34, of which no previous notice had been given, a bill for an act providing for the recording of the names of all members of associations doing business under a firm co-partnership or corporate name.

By Mr. Lowe, H. B. No. 35, of which no previous notice had been given, a bill for the protection of farmers and ranchmen of Sweet-water county.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

Hr. Holliday introduced the following bill, viz:

A bill for an act to amend an act to establish a Territorial treasury department, approved December 2, 1869, which was read first time, and under a unanimous suspension of the rule read a second time and referred to committee No. 2.

The following H. B. No. 17, being a bill for an act to regulate changes of venue in civil and criminal cases, was read for the first time in the Council.

H. B. No. 13, was read a second time and referred to committee No. 5.

H. B. No. 22 was read a second time and referred to committee No. 1.

H. B. No. 31 read second time and referred to committee No. 6.

H. B. No. 14, on motion of Mr. Haas, was indefinitely postponed and returned to the House.

C. F. No. 11 came up for consideration, and on motion of Mr. Draper, the Council resolved itself into committee of the whole for its consideration, Mr. Cheney in the chair.

Afterwards, the committee rose and reported said bill back to the Council, with the recommendation that it be referred to a committee of five, consisting of one member from each county.

At his own request, and on motion of Mr. Haas, Mr. Hayes was excused until three o'clock p. m. Monday next

On motion of Mr. Keller, the Council took a recess until two o'clock p. m.

## AFTERNOON SESSION.

Council re-convened.

Mr. President in the chair.

Roll called.

All of the members present except Messrs. Hays and Downey, excused.

The report of the committee of the whole on C. F. No. 11, on motion of Mr. Keller, was adopted and Messrs. Swan, Pease, Friend, Cheney and Mr. Mertsheimer were appointed said committee.

On motion of Mr. Pease, the Council resolved itself into committee of the whole for the consideration of C. F. No. 12, Mr. Keller in the chair.

Afterwards, the committee rose, and through its chairman, made the following report:

*Mr. President:*

Your committee of the whole, having had under consideration C. F. No. 12, beg leave to report progress, and ask leave to sit again.

J. N. KELLER,  
*Chairman.*

Mr. Dyer, from committee No. 6, made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 1, 1877. }

*Mr. President:*

Your committee to whom was referred H. B. No. 31 beg leave to report that they have had the same under consideration, and report the same back with the recommendation that the same do pass.

T. DYER,  
A. H. SWAN, } *Committee.*  
E. F. CHENEY, }

On motion of Mr. Draper, the Council adjourned until Monday morning next.

C. W. BRAMEL,  
*Secretary.*

## TWENTIETH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec., 3, 1877. }

Council met.

Mr. President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Draper, Dyer, Friend, Haas, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President.

Absent—Mr. Hays.

Prayer by Rev. Mr. Hall.

The journal of Saturday read and approved.

Mr. Haas gave notice of the introduction of the following bill:

*Mr. President:*

I hereby give notice that to-morrow, or some future day, I will introduce to the Council a bill for an act providing for the care and custody of Territorial prisoners, and for other purposes.

HERMAN HAAS.

Mr. Downey gave notice of the introduction of the following bill:

*Mr. President:*

I hereby give notice that I will, on to-morrow, introduce a bill for an act entitled "an act to amend an act to establish a code of civil procedure for the Territory of Wyoming."

S. W. DOWNEY.

Mr. Draper also gave the following notice:

*Mr. President:*

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill entitled "an act to amend an act concerning alienation by deed, of the proof and recording of conveyances and the cancelling of mortgages.

G. A. DRAPER.

The following standing and special committees made the following reports, viz:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 3, 1877. }

*Mr. President:*

Your judiciary committee, to whom was referred H. B. No. 8, being a bill for an act regulating voluntary assignments; also C. F. No. 5, being a bill for an act entitled "an act exempting the wages of mechanics, clerks and laborers from the operation of attachment, execution and garnishee process;" also H. B. No. 1, a bill for an act to amend chapter 109 of the compiled laws of Wyoming, have had the same under consideration and beg leave to report the same back

with the recommendation that said bills do pass without amendment.

L. D. PEASE,  
S. W. DOWNEY, } *Committee.*  
J. N. KELLER, }  
COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 3, 1877. }

*Mr. President:*

Your judiciary committee, to whom was referred C. F. No. 8, being a bill for an act to amend an act entitled "an act to provide for selecting, summoning and impanneling jurors," approved December 7, 1869, have had the same under consideration, and report the same back with the recommendation that it do not pass.

L. D. PEASE,  
S. W. DOWNEY, } *Committee.*  
J. N. KELLER, }  
COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 3, 1877. }

*Mr. President:*

Your judiciary committee, to whom was referred H. B. No. 22, being a bill for an act amending the criminal code, have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass.

L. D. PEASE,  
S. W. DOWNEY, } *Of Committee.*  
COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 3, 1877. }

*Mr. President:*

SIR:—Your committee on Finance, Ways and Means, to whom was referred C. F. No. 14, a bill for an act to amend an act entitled "an act to organize and establish the Territorial treasury department," approved December 2, 1869, ask leave to report the same back, recommending that the same do pass without amendment.

Respectfully,  
G. A. DRAPER, *Chairman.*  
A. H. SWAN,  
W. H. HOLLIDAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 3, 1877. }

*Mr. President:*

SIR:—Your committee, to whom was referred C. F. No. 7, being a bill for an act to amend an act, approved December 5, 1873, entitled "an act regulating the branding, herding and care of stock," respect-

fully report the same back to the honorable Council with the recommendation that it do pass without amendment.

A. H. SWAN,  
T. DYER.

COUNCIL CHAMBER,  
CHEYENNE, W. T., Dec. 3, 1877. }

*Mr. President:*

Your committee on Territorial library, to whom was referred H. B. No. 12, a bill for an act to amend an act entitled "an act to prevent the practice of medicine, surgery and obstetrics by unqualified persons," beg leave to report the same back with the recommendation that H. B. No. 12 do pass.

E. F. CHENEY, }  
H. HAAS. } *Committee.*  
L. D. PEASE, }

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 3, 1877. }

*Mr. President:*

Your committee on enrolled bills have examined C. F. No. 9, and report the same back to the Council as properly engrossed.

H. HAAS,  
*Chairman.*

The following bills were introduced:

By Mr. Downey, C. F. No. 15, a bill for an act to appropriate money to aid the Sisters of Charity, etc.;

Also, C. F. No. 16, a bill for an act entitled "an act to remove the cloud from certain titles;"

Also, C. F. No. 17, a bill for an act entitled "an act in reference to divorces heretofore decreed;"

Also, C. F. No. 18, a bill for an act to establish a Territorial wagon road from Laramie City, in the county of Albany, through the Douglas Creek mining region, to the southern boundary of Wyoming, in the direction of the Hahn's Peak mines and White River Indian Agency, by the shortest and most practical route.

By Mr. Cheney, C. F. No. 19, a bill for an act entitled "an act regulating the branding, herding and care of stock."

By Mr. Dyer, C. F. No. 20, a bill for an act to establish the salaries of county officers, and for other purposes;

Also, C. F. No. 21, a bill for an act increasing the salaries of the justices of the supreme court.

Mr. Haas moved that the rule be suspended and that H. B. No. 17 be read a third time and placed upon its final passage.

The question occurred on the suspension of the rule, with the following result:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Friend, Haas, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President—12 votes.  
Absent and not voting—Mr. Hays.

So the rule was suspended.

Then the question occurred on the final passage of the bill:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Friend, Haas, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President—12 votes.  
Absent and not voting—Mr. Hays.

The President announced that H. B. No. 17 had passed the Council.

On motion of Mr. Downey, the following bills were read first and second times, ordered printed and referred as follows:

C. F. No. 15 referred to committee No. 5.

C. F. No. 16 referred to committee No. 1.

C. F. No. 17 referred to committee No. 1.

C. F. No. 18 referred to committee No. 6.

C. F. No. 19 referred to committee No. 12.

C. F. No. 20 referred to a special committee of five, one from each county, consisting of Messrs. Dyer (chairman), Mertsheimer, Holliday, Cheney and Friend.

C. F. No. 21 referred to committee No. 2.

On motion of Mr. Holliday, H. B. No. 9 was read a second time by title and referred to committee No. 5.

The following communication was received from the House and read:

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Dec. 3, 1877. }

*To the Hon. President of the Council:*

SIR:—Mr. Hamma introduced in the House this morning, without previous notice, H. B. No. 36, a bill for an act to provide for mileage and fees for witnesses in the district and probate courts of Wyoming Territory.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

On motion of Mr. Swan, the rule was unanimously suspended and C. F. No. 7 read a third time and passed the Council by the following vote:

*Ayes*—Cheney, Downey, Draper, Dyer, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President—10 votes.

*Noes*—Mr. Friend.

Absent and not voting—Messrs. Haas and Hays—2 votes.

The President announced that C. F. No. 7 had passed the Council.

On motion of Mr. Holliday, the rule was unanimously suspended for the consideration of C. F. No. 14 and the adoption of the report

of the committee. Placed on the regular file and to be considered in committee of the whole.

On motion of Mr. Holliday, the rule was unanimously suspended and C. F. No. 9 read the third time and placed on its final passage:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Friend, Haas, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President—12 votes.

Absent and not voting—Mr. Hays.

The President announced that C. F. No. 9 had unanimously passed the Council.

On motion of Mr. Draper, the Council took a recess until two o'clock p. m.

#### AFTERNOON SESSION.

Council re-convened.

President in the chair.

Roll called.

All the members present except Mr. Hays, excused.

Mr. Pease introduced the following bill, without previous notice: C. F. No. 22, being a bill for an act regulating the fees of officers of Wyoming Territory.

On motion of Mr. Pease, under a unanimous suspension of the rule, the bill was read a second time and ordered engrossed.

Mr. Cheney introduced the following bill:

A bill for an act prohibiting the establishment of election precincts on military reservations.

On motion of Mr. Holliday, the Council resolved itself into committee of the whole for the consideration of the general file, Mr. Haas in the chair.

The committee afterwards rose and made the following report:

*Mr. President:*

Your committee of the whole, who had under consideration C. F. No. 14, beg leave to report progress and ask leave to sit again.

H. HAAS,

*Chairman.*

The following communications from the House were received and read:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 3, 1877. }

*To the Hon. President of the Council:*

SIR:—I transmit herewith M. and H. J. R. No. 3, which this afternoon passed the House by the following vote: ayes, 22; noes, none; absent, 5, and the concurrence of your honorable body is solicited.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

M. and H. J. No. 3 was read a first time and referred to a special committee, consisting of the Council delegation from Uinta and Sweetwater counties.

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 3, 1877. }

*To the Hon. President of the Council:*

SIR:—Mr. Hamma, this afternoon, introduced H. B. No. 37, a bill for an act to incorporate the city of Cheyenne.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

The committee of the whole, with Mr. Haas in the chair, re-convened for the further consideration of C. F. No. 14.

The committee afterwards rose and reported as follows:

*Mr. President:*

Your committee of the whole had under consideration C. F. No. 14 and recommend that the same do pass without amendment.

H. HAAS,  
*Chairman.*

The committee on engrossed bills made the following report, which was unanimously adopted:

COUNCIL CHAMBER, }  
CHEYENNE, WYO., Dec. 3, 1877. }

SIR:—Your committee on engrossed bills have examined C. F. No. 22 and report the same back to the Council as correctly engrossed.

H. HAAS,  
*Chairman.*

On motion of Mr. Pease, and under a unanimous suspension of the rule, C. F. No. 22 was read a third time and placed on its final passage:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Friend, Haas, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President—13 votes.

*Noes*—None.

The President announced that C. F. No. 22 had unanimously passed the Council, and ordered the same sent to the House, which was forthwith done.

On motion of Mr. Pease, the Council resolved itself into committee of the whole for a further consideration of C. F. No. 12, Mr. Keller in the chair.

The committee afterwards rose, reported progress and asked leave to sit again, which request was granted.

The committee on Highways and Corporations made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 3, 1877. }

*Mr. President:*

SIR:—Your committee on Highways and Corporations, to whom was referred C. F. No. 1, being a bill for an act to authorize and empower the board of county commissioners of Laramie county to issue the bonds of said county to the Colorado Central Railroad Company, and for other purposes, have had the same under consideration and would respectfully report the attached as a substitute for the original bill, with the recommendation that the substitute do pass without amendment.

J. N. KELLER, *Chairman.*  
T. DYER,  
F. MERTSHEIMER.

On motion of Mr. Cheney, the Council adjourned.

C. W. BRAMEL,  
*Secretary.*

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TWENTY-FIRST DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 4, 1877. }

Council met.

President in the chair.

Roll called.

All the members present.

Prayer by the Chaplain.

The journal of yesterday read and approved.

The following bills were introduced:

By Mr. Downey, a bill for an act to amend an act entitled "an act to establish a code of civil procedure for the Territory of Wyoming."

By Mr. Draper, a bill for an act to amend an act entitled "an act concerning alienation by deed, of the proof and recording of conveyances and the cancelling of mortgages."

By Mr. Holliday, a bill for an act regulating the fees and salaries of officers.

The following reports were received from standing committees:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 3, 1877. }

*Mr. President:*

SIR:—Your committee on Territorial Affairs and Internal Improvements, to whom was referred a petition from the Sisters of Charity relative to building a hospital at Laramie City, beg leave to report

that they have considered the same and report said petition back to the Council with the recommendation that the matters prayed for in said petition be granted.

W. H. HOLLIDAY, }  
S. W. DOWNEY, } *Committee.*  
J. N. KELLER, }

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 4, 1877. }

*Mr. President:*

SIR:—Your select committee, to whom was referred C. F. No. 11, the same being a bill for an act for the appointment of a Territorial stenographer and the preservation of evidence, beg leave to report that they have had the same under careful consideration, and recommend that in line two, section seven, the words “twenty-five cents” be stricken out and the words “fifteen cents” be inserted in lieu thereof; also that all of section nine after the word “he,” in line four, be stricken out and the following words be inserted in lieu thereof, viz: “paid by warrant drawn by the board of county commissioners of the respective counties where said transcriptions were ordered,” and that said bill, as amended, be passed.

A. H. SWAN, }  
L. D. PEASE, } *Committee.*  
F. MERTSHEINER, }  
E. F. CHENEY, }  
J. C. FRIEND, }

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 4, 1877. }

*Mr. President:*

SIR:—Your committee on Military Affairs, to whom was referred H. B. No. 18, being a bill for an act concerning the keeping of swine within the Territory of Wyoming, respectfully report the same back to the honorable Council with the recommendation that the same be amended as follows: strike out the words “its passage,” in the last line of section three, and insert the words “May 1, A. D., 1878,” and then that the same do pass as amended.

Respectfully,

LAWRENCE HAYS,  
*Chairman.*

On motion of Mr. Holliday, the rule was unanimously suspended and the following bills were read first and second times and disposed of as follows:

- C. F. No. 24, ordered printed and referred to committee No. 1.
- C. F. No. 25, ordered printed and referred to a special committee,

consisting of Messrs. Dyer, Holliday, Friend, Cheney and Mertsheimer.

C. F. No. 26, ordered printed and referred to committee No. 1.  
The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 4, 1877. }

*To the Hon. President of the Council:*

SIR:—Mr. Tisdell gave notice, this morning, that he would at some future day introduce in the House a bill for an act to amend an act entitled “an act to provide a Territorial and county revenue,” approved December 10, 1869.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

On motion of Mr. Holliday, C. F. No. 23 was read a second time and referred to committee No. 9.

On motion of Mr. Dyer, and under a unanimous suspension of the rule, H. B. No. 31 was read a third time and placed on its final passage, resulting as follows:

*Ayes*—Messrs. Draper, Dyer, Friend, Hays, Haas, Keller, Mertsheimer, Swan and Mr. President—9 votes.

*Noes*—Messrs. Cheney, Downey, Holliday and Pease—4 votes.

The President announced that H. B. No. 31 had passed the Council.

On motion of Mr. Keller and under a unanimous suspension of the rule, H. B. No. 1 was read a third time and placed on its final passage, resulting as follows:

*Ayes*—Messrs. Cheney, Draper, Dyer, Haas, Keller, Pease and Swan—7 votes.

*Noes*—Messrs. Downey, Friend, Hays, Holliday, Mertsheimer and Mr. President—6 votes.

The President announced that H. B. No 1 had passed the Council.

Mr. Holliday moved to engross and read a third time C. F. No. 8.

Motion lost.

Mr. Haas moved that H. B. No. 12 be read a third time and placed on its final passage, resulting as follows:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Friend, Holliday, Haas, Hays, Keller, Mertsheimer, Pease Swan, and Mr. President—13 votes.

The President announced that H. B. No. 12 had passed the Council.

On motion of Mr. Holliday, H. B. No. 22 was read a third time and passed the Council by the following vote:

*Ayes*—Messrs. Cheney, Downey, Hays, Holliday, Mertsheimer, Pease and Mr. President—7 votes.

*Noes*—Messrs. Draper, Dyer, Friend, Haas, Keller and Swan—6 votes.

The President announced that H. B. No. 22 had passed the Council. The following communication was received from the House and read:

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 4, 1877. }

To the Hon. President of the Council:

SIR:—The following described bills were this morning introduced in the House without previous notice, viz:

By Mr. Hamma, H. B. No. 38, a bill for an act to fix the time of holding general elections and for other purposes.

By Mr. Caldwell, H. B. No. 39, a bill for an act to facilitate the business of the district courts;

Also, by Mr. Caldwell, H. B. No. 40, a bill for an act to provide for the publication of the decisions of the supreme court of Wyoming Territory.

Respectfully,  
 H. W. FOGLESONG,  
*Chief Clerk.*

On motion of Mr. Draper, the report of committee No. 7 on C. F. No. 1 was adopted, and substitute read first and second times and ordered printed.

The committee on Finance, Ways and Means, through its chairman, Mr. Draper, made the following report, viz:

COUNCIL CHAMBER, }  
 CHEYENNE, WYO., Dec. 4, 1877. }

Mr. President:

Your committee on Finance, Ways and Means, to whom was referred a bill for an act increasing the salaries of the justices of the supreme court, have had the same under consideration and ask leave to report the same back recommending that the same do not pass.

Respectfully,  
 G. A. DRAPER, *Chairman.*  
 A. H. SWAN,  
 W. H. HOLLIDAY.

On motion of Mr. Holliday, the rule was suspended for the adoption of the report of committee No. 2, relating to C. F. No. 21. The vote on the suspension stood as follows:

*Ayes*—Messrs. Cheney, Downey, Dyer, Draper, Friend, Haas, Hays, Holliday, Pease, Swan and Mr. President—11 votes.

*Noes*—Messrs. Keller and Mertsheimer—2 votes.

So the report was adopted.

Thereafter, on motion of Mr. Holliday, C. F. No. 21 was indefinitely postponed.

On motion of Mr. Cheney, the Council took a recess until two o'clock p. m.

## AFTERNOON SESSION.

Council re-convened.

President in the chair.

Roll called.

All the members present.

The following communication was received from his excellency, the Governor.

EXECUTIVE DEPARTMENT, }  
CHEYENNE, WYO., Dec. 4, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform the Council that I have approved C. J. R. No. 6, C. J. R. No. 5, and C. F. No. 2, entitled “a bill for an act to provide for the manner of paying county officers.”

Very respectfully,

JOHN M. THAYER.

On motion of Mr. Friend, the Council resolved itself into committee of the whole for the consideration of bills on the general file, Mr. Friend in the chair.

Afterward, the committee arose and made the following report:

*Mr. President:*

Your committee of the whole have had under consideration C. F. No. 5, and report the same back with the recommendation that it do not pass.

Also, H. B. No. 8 and report the same back, with amendments, with the recommendation that it pass as amended.

Respectfully,

JOHN C. FRIEND,  
*Chairman.*

On motion of Mr. Draper, the Council resolved itself into committee of the whole for the further consideration of the special order, viz: C. F. No. 12, Mr. Keller in the chair.

Afterwards, the committee arose, reported progress and asked leave to sit again.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 4, 1877. }

*To the Hon. President of the Council:*

SIR:—I transmit herewith for the consideration and concurrence of your honorable body H. B. No. 23, a bill for an act regulating insurance companies, which this afternoon passed the House by the following vote: ayes, 22; noes, none; absent, 5.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

On motion of Mr. Draper, the Council adjourned.

C. W. BRAMEL,  
*Secretary.*

TWENTY-SECOND DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec., 5, 1877. }

Council met.

Mr. President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Draper, Dyer, Haas, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President.

Absent—Mr. Friend.

Journal of yesterday read and approved.

The following notices of the introduction of bills were given:

*Mr. President:*

I hereby give notice that I will, on to-morrow, introduce a bill for an act to provide for the redemption of real estate sold on execution.

L. D. PEASE.

*Mr. President:*

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

An act entitled an act providing for deeds of trust;

Also, an act to amend an act entitled "an act regulating descent and distribution of property," approved December 10, 1869;

Also, an act providing for the relief of the counties in their settlements with the Territory of Wyoming;

Also, an act to amend an act entitled "an act to provide for homesteads in the Territory of Wyoming," approved December 7, 1869;

Also, an act authorizing the board of county commissioners of Albany county to stock the streams and lakes of said county with fish;

Also, a joint memorial, addressed to the congress of the United States, praying that an appropriation be made for the erection of a capital building in the city of Cheyenne, in the Territory of Wyoming, and for other purposes.

Respectfully,

S. W. DOWNEY.

Mr. Holliday introduced the following bill without previous notice:

A bill for an act to amend an act entitled "an act fixing the time for the convening of the Council and House of representatives of the Territory of Wyoming.

By Mr. Haas, an act to correct the marriage record of Laramie

county in the matter of the marriage of Reginald Grant Dalton to Blanche Forrester, by changing the last named person's name to maiden name.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 5, 1877. }

*Mr. President:*

Your committee on Territorial Affairs and Internal Improvements, to whom was referred C. F. No. 15, being a bill for an act to appropriate money to aid the Sisters of charity, etc., beg leave to report the same back to the Council with the recommendation that said bill do pass.

W. H. HOLLIDAY, }  
J. N. KELLER, } *Committee.*  
S. W. DOWNEY, }

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 5, 1877. }

*Mr. President:*

SIR:—Your committee to whom was referred C. F. No. 19 have had the same under consideration and hereby recommend the passage of the amendment asked for in said bill.

A. H. SWAN, }  
T. DYER, } *Committee.*  
L. HAYS, }

Your committee on Territorial Affairs and Internal Improvements, to whom was referred H. B. No. 9, being a bill for an act providing for and regulating special partnerships, beg leave to report they have considered the same and report it back to the Council with the recommendation that said bill do pass.

W. H. HOLLIDAY, }  
J. N. KELLER, } *Committee.*  
S. W. DOWNEY, }

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 5, 1877. }

*Mr. President:*

Your Judiciary committee, to whom was referred C. F. No. 16, being a bill for an act to remove the cloud from certain titles; also C. F. No. 17, being a bill for an act in reference to divorces heretofore decreed, have had the same under consideration and beg leave to report the same back to the Council with the recommendation that they do pass.

L. D. PEASE, }  
S. W. DOWNEY, } *Committee.*  
J. N. KELLER, }

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 5, 1877. }

Your committee to whom was referred C. F. No. 18, respectfully report that said committee has examined the same and recommend the following amendments: in the title, strike out the last three lines occurring after the word "Wyoming" and insert the words "to intersect with the Laramie and North Park road;" in section one, strike out the words "in the direction of the Hahn's Peak mines and White River Indian Agency" and insert "to intersect the Laramie and North Park road." Your committee recommend that said bill pass as amended.

T. DYER,  
A. H. SWAN, } Committee.  
E. F. CHENEY, }

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 4, 1877. }

*Mr. President:*

Your committee on Elections, to whom was referred C. F. No. 23. being a bill for an act to amend an act entitled "an act prohibiting the establishment of election precincts upon military reservations," beg leave to report they have considered the same and that we are unable to find any authority by which the Territorial Legislature can compel the establishment of such precincts upon government reservations.

W. H. HOLLIDAY, *Chairman.*  
J. N. KELLER,

COUNCIL CHAMBER,  
CHEYENNE, W. T., Dec. 5, 1877. }

*Mr. President:*

Your committee to whom was referred C. F. No. 10, the same being a bill for an act entitled "an act to repeal an act in reference to the compensation of county commissioners," approved December 10, 1875, respectfully report that the said committee has examined said bill and report the same back to the Council with a recommendation that the following be inserted after the first word in section one, "sections one, two, three and five of," and that said bill pass as amended.

Respectfully,  
E. F. CHENEY.  
F. MERTSHEIMER.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 5, 1877. }

*Mr. President:*

Your committee to whom was referred H. J. R. No. 3 have had

the same under consideration and respectfully report it back, recommending that it do pass.

F. MERTSHEIMER.

E. F. CHENEY.

On motion of Mr. Mertsheimer, the rule was suspended and the reading of H. J. M. and R. No. 3 a third time was had, upon which it passed and was sent to the House.

H. B. No. 23, on motion of Mr. Keller, was read first and second times and referred to a special committee, consisting of Messrs. Keller, Cheney, Holliday and Hays.

On motion of Mr. Dyer, the rule was suspended and the reports of standing committees adopted.

The following bills were read first and second times and disposed of as follows:

C. F. No. 27 referred to committee No. 5.

C. F. No. 28 referred to committee No. 14.

Afterwards, on motion of Mr. Holliday, the rule was unanimously suspended, C. F. No. 28 read a third time and passed the Council, as follows:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Friend, Haas, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President—13 votes.

The President announced that C. F. No. 28 had unanimously passed the Council.

On motion of Mr. Downey, the report of the committee on H. B. No. 18 was adopted.

Mr. Keller moved to adopt the report of the committee of the whole on H. B. No. 8.

Carried.

C. F. No. 11, on motion of Mr. Friend, was adopted, ordered engrossed and read a third time.

C. F. No. 14, on motion of Mr. Holliday, was ordered engrossed and read a third time.

Mr. Pease moved that C. F. No. 5 be engrossed and read a third time, the report of the committee of the whole to the contrary notwithstanding.

Carried.

Mr. Downey moved an amendment to H. B. No. 8.

Carried, and the amendment attached to the bill.

On motion of Mr. Holliday, H. B. No. 8, as amended, was read a third time and placed on its final passage:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Friend, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President—12 votes.

*Noes*—Mr. Haas.

The President announced that H. B. No 8 had passed the Council.

The following communications were received from the House and read:

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 4, 1877. }

*To the Hon. President of the Council:*

SIR:—With permission of the House, Mr. McKay this afternoon gave notice that he would, at an early date, introduce a bill for the protection of hawks as against the depredations of birds.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 5, 1877. }

*To the Hon. President of the Council:*

SIR:—The following described bills were this morning introduced in the House, viz:

By Mr. Tisdell, H. B. No. 42, a bill for an act to amend an act entitled "an act to provide a Territorial and county revenue."

By Mr. Foglesong, H. B. No. 43, a bill for an act to amend an act entitled "an act defining crime and providing for the punishment thereof."

By Mr. Glover, H. B. No. 44, without previous notice, a bill for an act to provide for the appointment of a board of county commissioners of public charities and defining their duties and powers.

By Mr. Coad, H. B. No. 45, without previous notice, a bill for an act to regulate the liability of judicial and ministerial officers in taking securities required by law.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

It was moved by Mr. Holliday and carried that H. B. No. 18 be read a third time and placed on its passage.

On motion of Mr. Dyer, the bill was re-committed.

Mr. Holliday moved that C. F. No. 15 be considered engrossed, the bill read a third time and placed on its final passage.

Mr. Haas moved to amend, that it be considered in committee of the whole.

Amendment carried.

C. F. No. 10, on motion of Mr. Holliday, was ordered engrossed and read a third time.

C. F. No. 18, on motion of Mr. Friend, was ordered engrossed and read a third time.

On motion of Mr. Keller, the Council took a recess until two o'clock p. m.

## AFTERNOON SESSION.

Council re-convened.

Mr. President in the chair.

Roll called.

All of the members present.

On motion of Mr. Downey, the Council resolved itself into committee of the whole for the consideration of bills in the general file, Mr. Draper in the chair.

The committee rose and made the following report:

*Mr. President:*

Your committee of the whole, to whom was referred C. F.'s Nos. 8 and 15, have had the same under consideration and ask leave to report the same back as recommended, to wit: that C. F. No. 8 be referred to the Judiciary committee; also respectfully recommending that C. F. No. 15 do pass.

Respectfully,

G. A. DRAPER,  
*Chairman.*

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Dec. 5, 1877. }

*To the Hon. President of the Council:*

SIR:—I transmit herewith for the consideration and concurrence of your honorable body H. B. No. 20, a bill for an act to amend an act entitled "an act providing for the organization of school districts, schools, and other purposes, which this afternoon passed the House by the following vote, viz: ayes, 25; noes, none; absent, 2.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

On motion of Mr. Holliday, the Council resolved itself into committee of the whole for the further consideration of C. F. No. 12, Mr. Keller in the chair.

The committee rose and made the following report:

*Mr. President:*

Your committee of the whole who have had under consideration C. F. No 12, being a bill for an act concerning elections and the prevention of frauds in conducting the same, beg leave to report the same back with the following amendments: section sixteen, strike out on line six, after word "color," "size, form and texture;" on tenth line, after the word "different," "size, form;" on eleventh line, strike out after the words "color or texture;" section one, line five, strike out the words "county treasurer;" also, section

thirty-five, line twenty-five, the words "vote for county treasurer;" section forty-three, line twelve, strike out "fifty dollars and insert in lieu thereof "one hundred dollars;" line eighteen, same section, strike out "one hundred" and insert "two hundred and fifty dollars;" section forty-six, line six, strike out "five hundred dollars" and insert "one thousand dollars;" line seven, "sixty days" and insert "six months;" section forty-three, strike out all of line twenty after the word "suit;" line twenty-one, strike out all up to the word "for;" strike out in section ninety-four, line three, the word "exists;" strike out all of section ninety-eight; strike out all of title three, after which we respectfully request that the bill be referred to a committee of one from each county for the consideration of title five of C. F. No. 12.

J. N. KELLER,

*Chairman.*

On motion of Mr. Downey, the report was adopted and the bill referred to a special committee, consisting of Friend, Mertsheimer, Holliday, Dyer and Cheney.

The following communications were received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 5, 1877. }

*To the Hon. President of the Council:*

SIR:—I return herewith C. F. No. 13, a bill for an act amending an act entitled "an act defining the jurisdiction of justices of the peace in criminal trials and of the proceedings therein," approved December 16, 1871, which this afternoon was concurred in by the following vote, viz: ayes, 19; noes, 3; absent, 5.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 5, 1877. }

*To the Hon. President of the Council:*

SIR:—I transmit herewith for the consideration and concurrence of your honorable body, H. B. No. 25, a bill for an act to amend an act entitled "an act to regulate the rate of interest on money and other evidences of indebtedness in the Territory of Wyoming," which this afternoon passed the House by the following vote, viz: ayes, 14; noes, 13.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

Mr. Holliday moved that the rule be suspended and the report of

the committee of the whole on C. F. No. 15 be adopted, and that the bill be considered engrossed and read a third time by title.

The question occurring on a suspension of the rule, resulted as follows:

*Ayes*—Messrs. Cheney, Downey, Dyer, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President—10 votes.

*Noes*—Messrs. Draper and Friend—2 votes.

The question was then had on the final passage of C. F. No. 15, resulting as follows:

*Ayes*—Messrs. Cheney, Downey, Dyer, Friend, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President—11 votes.

*Noes*—Mr. Draper.

The President announced that C. F. No. 15 had passed the Council. On motion of Mr. Draper, the Council adjourned.

C. W. BRAMEL,  
*Secretary.*

## TWENTY-THIRD DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 6, 1877. }

Council met.

President in the chair.

Roll called.

Members all present.

Prayer by the chaplain.

The journal of yesterday read and approved.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Dec. 6, 1877. }

*To the Hon. President of the Council:*

SIR:—The enclosed C. F. No. 22, a bill for an act regulating the fees of officers in Wyoming Territory, was concurred in December 4 by the following vote, viz: ayes, 19; noes, 5; absent, 3.

A motion to reconsider the vote by which the bill passed the House being given, the same was held over one day and is now returned to your honorable body.

Respectfully,  
H. W. FOGLESONG,  
*Chief Clerk.*

The following notices of the introduction of bills were given:

*Mr. President:*

I hereby give notice that I will to-morrow, or on some subsequent day introduce a joint memorial, addressed to the congress of the

United States, praying for a land grant and an appropriation of money to aid the Union Pacific Railroad Company in the construction of a railroad from the city of Cheyenne, in the Territory of Wyoming, to Fort Ellis, in the Territory of Montana, by the shortest and most practicable route, with a branch road extending to Deadwood, in the Territory of Dakota.

S. W. DOWNEY.

*Mr. President:*

I hereby give notice that I will, on to-morrow or some subsequent day, introduce a bill for an act concerning public highways.

A. H. SWAN.

*Mr. President:*

I shall, to-morrow or some subsequent day, introduce a bill to amend chapter twenty-seven, compiled laws, relating to the boundary of Carbon county;

Also, a bill for an act to allow Robert Harper to build a toll bridge across Snake River, in Carbon county.

J. C. FRIEND.

The following bills were introduced:

By Mr. Downey, C. F. No. 29, a bill for an act to amend an act entitled "an act for homesteads," approved December 7, 1869;

Also, C. F. No. 30, a bill for an act to authorize the board of county commissioners of Albany county to stock the streams and lakes of Albany county with fish;

Also, C. F. No. 31, a bill for an act concerning chattel mortgages.

By Mr. Hays, C. F. No. 32, a bill for an act to establish a Territorial wagon road from Rawlins to Camp Brown.

By Mr. Dyer, C. F. No. 33, a bill for an act to amend an act regulating the fees of officers.

The following reports were received from committees:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 6, 1877. }

*Mr. President:*

Your special committee to whom was referred C. F. No. 20, beg leave to report the same back, together with a substitute, and recommend the adoption of the substitute.

T. DYER,  
*Chairman.*

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 6, 1877. }

*Mr. President:*

Your special committee to whom was referred C. F. No. 12, an act to provide for elections, the manner of conducting the same and for other purposes, have had the same under consideration and beg

leave to report the same back with the following amendments: strike out sections 113 and 114; strike out of section 115, in line one, all after the word "election" and all of lines two, three and four in said section; strike the words "one thousand" out in line three, section 117, and insert the word "fifty;" strike all of section 117 out after the word "dollars."

J. C. FRIEND,  
E. F. CHENEY,  
F. MERTSHEINER, } Committee.  
T. DYER,  
W. H. HOLLIDAY, }

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 4, 1877. }

*Mr. President:*

Your committee on Military Affairs and Federal Relations, to whom was referred H. B. No. 18, beg leave to report that they have had the same under consideration and report the same back with amendments attached, and recommend that it do pass as amended.

LAWRENCE HAYS,  
Chairman.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 6, 1877. }

*Mr. President:*

Your committee on Territorial Affairs and Internal Improvements, to whom was referred C. F. No. 27, being a bill for an act to amend an act entitled "an act fixing the time for the convening of the Council and House of Representatives of the Territory of Wyoming," approved December 10, 1869, beg leave to report that they have considered the same and report said bill back to the Council with the recommendation that it do pass.

W. H. HOLLIDAY, }  
J. N. KELLER, } Committee.  
S. W. DOWNEY, }

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 6, 1877. }

*Mr. President:*

Your committee on Finance, Ways and Means, to whom was referred bills for printing the proposals for publishing the compiled laws and other notices, ask leave to report the same back recommending that they be paid as follows: Hayford & Gates, Laramie Sentinel, \$95.00; H. Glafcke, Cheyenne Leader, \$352.30; E. A. Slack, Laramie Daily Sun, \$95.00; E. A. Slack, Cheyenne Daily

News, \$95.00; William E. Wheeler, Evanston Age, \$95.00. Total, \$732.30.

Respectfully,

G. A. DRAPER, *Chairman.*  
W. H. HOLLIDAY,  
A. H. SWAN.

Your committee find, on examination of the different bills, a difference in the charge for the item of publishing notice of proposals for furnishing two thousand copies of the revised statutes of Wyoming Territory and have made the same uniform.

G. A. DRAPER,  
*Chairman.*

Mr. Holliday offered the following resolution :

*Resolved*, That the committee on Territorial Library be and are hereby requested to examine and report at as early a day as practicable what legislation, if any, is necessary to provide for the proper arrangement and care of said library for the ensuing two years.

On motion of Mr. Pease, the aforesaid resolution No. 7 was adopted and ordered sent to the chairman of the committee on Territorial Library.

The following bills were read a first and second time and disposed of as follows:

- C. F. No. 29 referred to committee No. 5.
- C. F. No. 30 referred to committee No. 2.
- C. F. No. 31 referred to committee No. 1.
- C. F. No. 32 referred to committee No. 6.
- C. F. No. 33 referred to committee No. 2.
- H. B. No. 20 referred to committee No. 3.
- H. B. No. 25 referred to committee No. 2.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 6, 1877. }

*To the Hon. President of the Council:*

SIR:—I return herewith C. F. No. 28, an act to correct the marriage record of Laramie county in the matter of the marriage of Reginald Grant Dalton to Blanche Forrester, by changing the name of Blanche Forrester, in said record, to her proper maiden name of Anna Maria Christina Klapple, which was this morning concurred in by the House by the following vote: ayes, 20; noes, 2; absent, 5.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

On motion of Mr. Pease, C. F. No. 17 was considered engrossed, the bill read a third time and placed on its final passage:

*Ayes*—Cheney, Downey, Dyer, Friend, Haas, Hays, Holliday, Mertsheimer, Pease, Swan and Mr. President—11 votes.

Absent and not voting—Messrs. Draper and Keller—2 votes.

The President announced that C. F. No. 17 had passed the Council.

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

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 6, 1877. }

*Mr. President:*

Your committee on engrossed bills have examined C. F. No. 18 and report the same back to the Council as correctly engrossed.

H. HAAS,  
*Chairman.*

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 6, 1877. }

*Mr. President:*

Your committee on enrolled bills have examined C. F. No. 15 and report the same back to the Council as properly engrossed.

H. HAAS,  
*Chairman.*

On motion of Mr. Downey, C. F. No. 16 was considered engrossed, the bill read a third time and passed the Council by the following vote:

*Ayes*—Messrs. Cheney, Downey, Dyer, Friend, Haas, Hays, Holliday, Mertsheimer, Pease, and Swan—10 votes.

*Noes*—Mr. President.

Absent and not voting—Messrs. Draper and Keller.

The President announced that C. F. No. 16 had passed the Council.

On motion of Mr. Pease, C. F. No. 23 was ordered engrossed and read a third time.

On motion of Mr. Holliday, C. F. No. 18, as engrossed, was read a third time and placed on its final passage, resulting as follows:

*Ayes*—Messrs. Cheney, Downey, Dyer, Friend, Hays, Holliday, Mertsheimer, Pease and Swan—9 votes.

*Noes*—Mr. Haas and Mr. President—2 votes.

Absent and not voting—Messrs. Draper and Keller.

The President announced that C. F. No. 18 had passed the Council.

On motion of Mr. Holliday, C. F. No. 12 was re-referred to special committee, with direction that the amendments proposed by the committee of the whole be attached to said bill.

On motion of Mr. Swan, the Council took a recess until two p. m.

## AFTERNOON SESSION.

Council re-convened.

President in the chair.

Roll called.

All the members present.

On motion of Mr. Keller, the Council resolved itself into committee of the whole for the consideration of substitute to C. F. No. 1, Mr. Pease, of Albany, in the chair.

The committee on enrolled and engrossed bills, through one of its members, made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec., 6, 1877. }

*Mr. President:*

Your committee on enrolled and engrossed bills, to whom was referred C. F. No. 22, being a bill for an act regulating the fees of officers in Wyoming Territory, beg leave to report the same correctly engrossed.

W. H. HOLLIDAY,  
*Of the Committee.*

The following communication was received from the Governor and read:

EXECUTIVE DEPARTMENT,  
CHEYENNE, WYO., Dec. 6, 1877. }

*To the Hon. President of the Council:*

I have the honor to inform the Council that I have approved C. F. No. 22, an act regulating the fees of officers in Wyoming Territory.

Very respectfully,

JOHN M. THAYER.

The following message was received from the House and read:

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Dec. 6, 1877. }

*To the Hon. President of the Council:*

SIR:—I am instructed to inform the Council that the House, this forenoon, has passed Council Files of the following titles, with amendments, in which the concurrence of the Council is requested:

C. F. No. 7, a bill for an act to amend an act approved December 5, 1873, entitled "an act regulating the branding, herding and care of stock. Ayes, 22; absent, 5.

Also, C. F. No. 9, a bill for an act entitled "an act to legalize the acts of H. G. Nickerson, as justice of the peace at Miners' Delight precinct, Sweetwater county, Wyoming Territory." Ayes, 23; absent, 4.

I am further instructed to inform the Council that the House, this forenoon, concurred in Council amendments to H. B. No. 8., C. F. No. 7 and C. F. No. 9, and are herewith returned to your honorable body.

Respectfully,  
H. W. FOGLESONG,  
*Chief Clerk.*

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

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 6, 1877. }

*Mr. President:*

Your committee on enrolled and engrossed bills beg leave to report that C. F. No. 22, being a bill for an act regulating the fees of officers in Wyoming Territory, was this day, at two o'clock and twenty-five minutes, p. m., presented to the Governor for his approval.

W. H. HOLLIDAY,  
*Acting Chairman.*

The committee on Finance, Ways and Means made the following report, viz:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 6, 1877. }

*Mr. President:*

Your committee on Finance, Ways and Means, to whom was referred the report of the committee appointed by the Hon. G. W. French, Secretary of the Territory, to examine the accounts of the Territorial Treasurer and Auditor, have examined the same and respectfully recommend that the report, as recommended by said committee, be adopted.

G. A. DRAPER, *Chairman.*  
W. H. HOLLIDAY,  
A. H. SWAN.

#### SPECIAL COMMITTEE'S REPORT.

*To the Honorable, the Fifth Legislative Assembly of the Territory of Wyoming:*

The committee selected and notified by the Hon. Secretary of the Territory to attend at the seat of government six days before the commencement of this session of your honorable body, for the purpose of settling with the auditor and the treasurer of the Territory, report, that pursuant to notice and in accordance with law, they attended and met at the seat of government, at Cheyenne, on the thirtieth day of October last past; present, Stephen W. Downey, of the Council, and Peter McKay and Charles Stone, of the House

of Representatives, who were duly qualified, as required by section eight, title five, chapter 113, compiled laws of Wyoming;

That they then and there proceeded to examine the accounts and records of the auditor and treasurer of the Territory, who duly submitted the same for inspection;

That they find that said accounts and records are correct and that all expenditures and disbursements made were made in accordance with law;

That the records kept by Hon. Orlando North, auditor, show that \$51,696.15 should be accounted for by the treasurer, against which amount warrants for \$50,077.75 have been drawn, leaving an unexpended balance of \$1,618.40, and that the accounts of the treasurer show that \$51,696.15 have been received into the treasury within the last two years—\$23,411.76 whereof being the amount turned over to his successor by the treasurer with whom the last Legislative Assembly settled—and that \$49,968.15 have been disbursed since last settlement on warrants duly drawn by the auditor, leaving a balance of \$1,728.00 in the hands of the present treasurer, Hon. F. E. Warren (Hon. A. R. Converse, who was confirmed by the last Council, having been relieved by him September 22, 1876,) and a warrant for \$109.60 outstanding.

The committee have been unable to determine with certainty what allowance should be made to sheriffs for transportation of convicts, owing to the obscurity and ambiguity of the statute, the sheriffs often claiming, under section three, chapter forty-nine, compiled laws, the fifteen cents per mile allowed by section two of said chapter, as additional fees, to which sections attention is invited, with the suggestion that they be made more definite and certain.

The committee recommend that the records and accounts of the auditor and treasurer be allowed and approved, and that the proper entries be made in the books of the auditor's and treasurer's office, and that the vouchers which have been examined and allowed in this settlement be defaced, as by law required.

All of which is most respectfully submitted.

STEPHEN W. DOWNEY, }  
 PETER McKAY, } *Committee.*  
 CHARLES STONE, }

H. J. R. No. 9, on motion of Mr. Holliday, was concurred in and returned to the House.

The committee of the whole rose, and through its chairman, made the following report relative to C. F. No. 1:

*Mr. President:*

Your committee of the whole, to whom was referred C. F. No. 1, being a bill for an act to authorize and empower the board of county commissioners of Laramie county to issue the bonds of said county

to the Colorado Central Railroad Company, and for other purposes, have had the same under consideration and report the same back to the Council with the following amendments, to wit: amend section eleven, line eight, after the word "Cheyenne" insert the following words, to wit: "at a point," and after the word "on," in same line, the words "or near;" also, to amend section thirteen by striking out all after the word "and," in forty-first line, and insert the following, "in case said board shall find that a majority of the votes cast are in favor of the bonds, then and in that case they shall so declare by resolution, entered of record, and the issuance of the same shall be deemed to have been sanctioned by the electors of said county, and said bonds shall thereupon be issued; otherwise, not," and that the bill, as amended, do pass.

L. D. PEASE,

*Chairman.*

On motion of Mr. Keller, the report of the committee of the whole on C. F. No. 1 was adopted, the same ordered engrossed, as amended, and be read a third time.

On motion of Mr. Downey, the Council refused to concur in the amendment to C. F. No. 9, as made by the honorable House, and asked that a conference committee be appointed, to consist of two members of the House and one of the Council.

Mr. Downey was appointed a committee of conference.

On motion of Mr. Downey, substitute to C. F. No. 20 was read first and second times and ordered engrossed.

On motion of Mr. Downey, the Council adjourned.

C. W. BRAMEL,

*Secretary.*

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## TWENTY-FOURTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 7, 1877. }

Council met.

President in the chair.

Roll called.

All the members present, except Mr. Friend.

Prayer by the Chaplain.

The journal of yesterday read and approved.

The following message was received from the House and read:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 6, 1877. }

*To the Hon. President of the Council:*

SIR:—I am instructed to inform the Council that the following

described bills, this afternoon, passed the House and the same are herewith transmitted for the consideration and concurrence of your honorable body, to wit:

H. B. No. 10, a bill for an act to amend an act entitled "an act to protect and regulate the irrigation of lands in the Territory of Wyoming," approved December 10, 1875; ayes, 22; noes, 4; absent, 1.

H. B. No. 33, a bill for an act to amend an act entitled "an act to provide a Territorial and county revenue;" ayes, 26; noes, 1.

H. B. No. 41, a bill for an act to restrain bulls from running at large during certain seasons of the year; ayes, 16; noes, 10; absent, 1.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

A petition from two members of the board of county commissioners of Carbon county, relating to the fees of the county clerk of said county, was presented by Mr. Friend, read and referred to committee No. 2.

The following communication was received from his excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
CHEYENNE, WYO., Dec. 7, 1877. }

*To the Hon. President of the Council:*

I have the honor to inform the Council that I have approved C. F. No. 13, entitled "an act amending an act entitled 'an act defining the jurisdiction of justices of the peace in criminal trials, and of the proceedings therein,' approved December 16, 1871."

Also, C. F. No. 22, entitled "an act regulating the fees of officers in Wyoming Territory."

Very respectfully,

JOHN M. THAYER.

The following bills were introduced:

By Mr. Friend, C. F. No. 34, a bill for an act to authorize Robert Harper to build a bridge across Snake River and collect toll on the same.

By Mr. Swan, C. F. No. 35, a bill for an act entitled "an act to amend an act concerning roads and highways," approved December 9, 1869.

By Mr. Haas, C. F. No. 36, a bill for an act providing for the keeping of Territorial prisoners, and for other purposes.

By Messrs. Pease, Holliday and Downey, C. F. No. 37, a bill for an act to incorporate the town of Laramie City.

The committee on engrossed bills reported as follows:

*Mr. President:*

Your committee on engrossed bills have examined C. F. No. 5,

and report the same back to the Council as correctly engrossed.

H. HAAS,  
*Chairman.*

The following report was received and read:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 7, 1877. }

*Mr. President:*

Your special committee to whom was referred H. B. No. 23, being a bill for an act regulating insurance companies, beg leave to report the same back to the honorable Council, recommending that the same be considered in the committee of the whole.

J. N. KELLER, *Chairman.*  
W. H. HOLLIDAY,  
L. HAYS,  
F. MERTSHEIMER.  
E. F. CHENEY.

C. F. No. 37, on motion of Mr. Downey, was read first and second times and referred to the Albany county delegation.

C. F. No. 36 was read first and second times, ordered printed and referred to committee No. 5.

H. B. No. 33, an act to amend an act entitled "an act to provide a Territorial and county revenue," was read first and second times and referred to committee No. 1.

H. B. No. 10 was read first and second times and referred to committee No. 12.

C. F. No. 34 read first and second times and referred to committee No. 6.

C. F. No. 35 was read a first time, and then, on motion of Mr. Swan, C. F. No. 35 was considered engrossed, the bill read a second and third times and under a unanimous suspension of the rule passed the Council:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Hays, Holliday, Keller, Pease, Swan and Mr. President—10 votes.

H. B. No. 41, a bill for an act restraining bulls from running at large during certain seasons of the year, was read first and second times by title and referred to committee No. 12.

The following report was received and read:

COUNCIL CHAMBER,  
CHEYENNE, W. T., Dec. 7, 1877. }

*Mr. President:*

Your special committee to whom was referred C. F. No. 12, a bill for an act to provide for elections, the manner of conducting, and for other purposes, for the purpose of attaching the amendments

which were made in the committee of the whole, beg leave to report that they have performed the duty assigned them.

Respectfully,

J. C. FRIEND,  
E. F. CHENEY.

On motion of Mr. Pease, H. B. No. 9 was taken up for consideration.

Mr. Pease then moved that H. B. No. 9 be read a third time and placed upon its final passage.

Carried.

During the pendency of the question, the President called Mr. Swan to the chair.

Mr. Downey moved a call of the House.

Carried.

All the members present, except Messrs. Haas and Mertsheimer. On motion of Mr. Friend, a further call of the House was dispensed with.

Mr. Swan called Mr. Keller to the chair.

Then the question occurred on the final passage of the bill, resulting as follows:

*Ayes*—Messrs. Cheney, Downey, Dyer, Hays, Holliday, Keller, Mertsheimer, Pease and Mr. President—9 votes.

*Noes*—Draper, Friend and Swan—3 votes.

*Absent*—Mr. Haas.

By permission, Messrs. Friend and Swan changed their vote to aye, making 11 votes.

The President *pro tempore* announced that H. B. No. 9 had passed the Council.

On motion of Mr. Friend the Council took a recess until two p. m.

#### AFTERNOON SESSION.

Council re-convened.

Mr. President in the chair.

Roll called.

All of the members present, except Mr. Swan.

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

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 7, 1877. }

*Mr. President:*

Your committee on engrossed bills have examined C. F. No. 23 and report the same back to the Council as correctly engrossed.

H. HAAS,  
*Chairman.*

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 7, 1877. }

*Mr. President:*

Your committee on enrolled bills have examined C. F.'s Nos. 7 and 28 and report the same back to the Council as correctly enrolled.

H. HAAS,  
*Chairman.*

On motion of Mr. Downey, H. B. No. 23 was read a third time and passed the Council by the following vote:

*Ayes*—Messrs. Cheney, Downey, Draper Dyer, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President—12 votes.

*Noes*—Mr. Friend—1 vote.

The President announced that H. B. No. 23 had passed the Council.

On motion of Mr. Friend, C. F. No. 12 was ordered engrossed and read third time.

On motion of Mr. Keller, C. F. No. 20 was re-committed to the Laramie county delegation.

On motion of Mr. Holliday, C. F. No. 23 was read a third time and placed upon its final passage:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Friend, Hays, Holliday, Keller, Mertsheimer, Pease Swan, and Mr. President—12 votes.

Absent and not voting—Mr. Haas.

The President announced that C. F. No. 23 had passed the Council.

The following report by Mr. Dyer was received and read:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 7, 1877. }

*Mr. President:*

The committee on Bridges and Ferries, to whom was referred C. F. No. 32, beg leave to report the same back, recommending that it do pass without amendment.

T. DYER,  
A. H. SWAN, } *Committee.*  
E. F. CHENEY, }

Mr. Holliday moved that C. F. No. 5 be read a third time and placed upon its final passage.

Motion lost.

Mr. Hays moved that C. F. No. 5 be indefinitely postponed.

Mr. Swan moved to lay the previous motion on the table.

Carried.

Mr. Haas, of the committee on enrolled and engrossed bills, made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 7, 1877. }

*Mr. President:*

Your committee on enrolled bills delivered to the Governor for

his approval, this day, at two o'clock and twenty minutes, p. m., C. F's. Nos. 7 and 28.

H. HAAS,  
*Chairman.*

On motion of Mr. Holliday, H. B. No. 18 was read a third time, and on motion of Mr. Downey, placed upon its final passage:

*Ayes*—Messrs. Cheney, Downey, Friend, Hays and Holliday—5 votes.

*Noes*—Messrs. Dyer, Haas, Keller, Mertsheimer, Pease, Swan and Mr. President—7 votes.

Messrs. Friend and Holliday, by permission, changed their vote to ayes.

Mr. Draper was permitted to vote, and voted no.

The president announced that H. B. No. 18 had failed to pass the Council.

Mr. Friend gave notice of a motion to reconsider the vote by which H. B. No. 18 failed of passage.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 7, 1877. }

*To the Hon. President of the Council:*

SIR:—I am instructed and have the honor to inform you that the Speaker has appointed as a committee of conference on the part of the House on C. F. No. 9 Messrs. Gurney and Coad.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

On motion of Mr. Friend, the report of the committee on C. F. No. 32 was adopted, the bill read a third time and passed the Council:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Friend, Hays, Holliday, Keller, Mertsheimer, Pease and Swan—11 votes.

Mr. President and Mr. Haas were excused.

On motion of Mr. Holliday, the report of the committee on C. F. No. 27 was adopted, the bill read a third time and placed on its final passage:

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Friend, Haas, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President—13 votes.

The President announced that C. F. No. 27 had unanimously passed the Council.

On motion of Mr. Friend, C. F. No. 19 was read a third time and placed upon its final passage:

*Ayes*, 13 votes; *noes*, none.

The President announced that C. F. No. 19 had unanimously passed the Council.

On motion of Mr. Pease, the Council adjourned.

C. W. BRAMEL,  
*Secretary.*

TWENTY-FIFTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 8, 1877. }

Council met.

President in the chair.

Roll called.

Members all present.

Prayer by the chaplain.

The journal of yesterday read and approved.

Mr. Friend introduced the following: C. F. No. 38, a bill for an act to amend an act to establish the boundary lines of Carbon county, and for other purposes.

The following committee reports were received and read:

COUNCIL CHAMBER,  
CHEYENNE, W. T., Dec. 8, 1877. }

*Mr. President:*

Your Judiciary committee, to whom was referred H. B. No. 33, have had the same under consideration and report the same back with the recommendation that the same do not pass.

L. D. PEASE,  
S. W. DOWNEY, } *Committee.*  
J. N. KELLER,

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 8, 1877. }

*Mr. President:*

Your committee on Bridges and Ferries, to whom was referred C. F. No. 34, have had the same under consideration and do recommend that it do pass without amendment.

T. DYER,  
A. H. SWAN, } *Committee.*  
E. F. CHENEY,

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 8, 1877. }

*Mr. President:*

Your Judiciary committee, to whom was referred C. F. No. 24, being an act to amend an act entitled "an act concerning alienation

by deeds, of the proof and recording of conveyances and the cancelling of mortgages, have had the same under consideration and report the same back with the recommendation that section one be stricken out and that the bill, as amended, do pass.

L. D. PEASE,  
S. W. DOWNEY, } *Committee.*  
J. N. KELLER,

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 8, 1877. }

*Mr. President:*

Your special committee to whom was re-committed substitute to C. F. No. 20, beg leave to report the same back properly corrected and amended, with amendments attached, and respectfully recommend that it be considered the engrossed bill, read a third time and placed upon its final passage.

A. H. SWAN,  
H. HAAS,  
T. DYER. } *Committee.*  
J. N. KELLER,  
G. A. DRAPER,

The following communications were received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 7, 1877. }

*To the Hon. President of the Council:*

SIR:—I am instructed to inform the Council that the House, on yesterday, passed H. B. No. 2, an act to create a lien for mechanics and others in certain cases, (which has been held over for one day, notice of re-consideration of the vote by which the bill passed having been given,) by the following vote, to wit: ayes, 16; noes, 11.

Also H. B. No. 26, a bill for an act to amend an act entitled "an act to establish a code of civil procedure for the Territory of Wyoming," passed the House this afternoon: ayes, 25; absent, 2, and the same are herewith transmitted for the consideration and concurrence of your honorable body.

I am also instructed to inform the Council that the House, this afternoon, concurred in C. F. No. 3, a bill for an act to establish an assay office in Wyoming Territory, by the following vote: ayes, 19; noes, 7; absent, 1, and the same is herewith returned to your honorable body.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Dec. 8, 1877. }

To the Hon. President of the Council:

SIR:—I am instructed to inform you that the following notices of the introduction of bills were given in the House this morning, viz:

By Mr. Ryan, a bill for an act to amend an act concerning county licenses, approved December 13, 1873.

By Mr. Gurney, a bill for an act to re-district the judicial districts of Wyoming Territory.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

C. F. No. 38 was read a first and second time and referred to committee No. 10.

H. B. No. 26, a bill for an act to amend an act entitled "an act to establish a code of civil procedure for the Territory of Wyoming," read a first and second time and referred to committee No. 1.

The following report of committee No. 2 was received and read:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 8, 1877. }

*Mr. President:*

Your committee on Finance, Ways and Means, to whom was referred C. F. No. 33, an act regulating the fees of officers, have had the same under consideration and ask leave to report the same back, recommending that the same do pass without amendment.

G. A. DRAPER, *Chairman.*  
A. H. SWAN,  
W. H. HOLLIDAY.

On motion of Mr. Dyer, substitute to C. F. No. 20 was ordered engrossed and read a third time.

Mr. Friend moved a reconsideration of the vote by which H. B. No. 18 was lost.

Carried.

Then, on motion, the same was re-committed to committee No. 12.

Mr. Haas, of the committee on enrolled and engrossed bills, made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec., 8, 1877. }

*Mr. President:*

Your committee on engrossed bills have examined C. F.'s Nos. 14 and 11 and substitute for C. F. No. 1 and report the same back to the Council as correctly engrossed.

H. HAAS.  
*Chairman.*

Mr. Holliday was called to the chair.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 8, 1877. }

To the Hon. President of the Council:

SIR:—The following described bills were this morning introduced in the House, viz:

H. B. No. 46, by Mr. Spicer, without previous notice, a bill for an act to provide for discharged convicts.

H. B. No. 47, by Mr. Spicer, without previous notice, a bill for an act to restrain prisoners from escaping from the penitentiary.

H. B. No. 48, by Mr. Ryan, without previous notice, a bill for an act to amend an act entitled "an act concerning county licenses," approved December 13, 1873.

H. B. No. 49, by Mr. McGlinchey, without previous notice, a bill for an act restoring James A. Brennan to the rights of citizenship.

H. B. No. 50, by Mr. Tisdell, without previous notice, a bill for an act to provide for the registration of electors.

Respectfully,  
H. W. FOGLESONG,  
Chief Clerk.

On motion of Mr. Pease, of Uinta county, substitute to C. F. No. 1 was placed upon its final passage, resulting as follows:

*Ayes*—Messrs. Cheney, Downey, Dyer, Friend, Haas, Hays, Keller, Mertsheimer, Pease, Swan and Mr. President—11 votes.

*Noes*—Messrs. Draper and Holliday—2 votes.

The President, *pro tempore*, announced that substitute to C. F. No. 1 had passed the Council.

On motion of Mr. Pease, of Albany county, the Council adjourned to Monday, ten o'clock, a. m.

C. W. BRAMEL,  
Secretary.

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## TWENTY-SIXTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 10, 1877. }

Council met.

Mr. President in the chair.

Roll called.

All the members present.

Journal of the eighth read and approved.

The report of the penitentiary commissioners was received and read a first time and referred to committee No. 2.

The following bills were introduced:

By Mr. Downey, C. F. No. 39, a bill for an act in relation to deeds of trust.

By Mr. Mertsheimer, without previous notice, C. F. No. 40, a bill for an act relating to a stenographer for the district court and district judge of the third judicial district;

Also, C. F. No. 41, a bill for an act relating to jurors and witnesses.

By Mr. Haas, C. F. No. 42, a bill for an act legalizing the acts of Charles F. Miller, judge of probate of Laramie county, Wyoming Territory.

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

*Mr. President:*

I hereby give notice that I shall, on to-morrow, introduce a bill to charter a ferry across the North Platte River, near Bennett's ranche and Fort Steele, in Carbon county.

Respectfully,

J. C. FRIEND.

The following reports of committees were received and read:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 10, 1877. }

*Mr. President:*

Your committee on Finance, Ways and Means, to whom was referred H. B. No. 4, an act to amend the criminal laws of Wyoming Territory, have had the same under consideration and ask leave to report the same back, recommending that the same do pass without amendment.

Respectfully,

G. A. DRAPER, *Chairman.*

W. H. HOLLIDAY,

A. H. SWAN.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 10, 1877. }

*Mr. President:*

Your committee on Finance, Ways and Means, to whom was referred H. B. No. 25, a bill for an act to amend an act entitled "an act to regulate the rate of interest on money and other evidences of indebtedness in the Territory of Wyoming," have had the same under consideration and ask leave to report the same back, recommending that the same do pass without amendment.

Respectfully,

G. A. DRAPER, *Chairman.*

A. H. SWAN.

The following communications from the House were read:

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 8, 1877. }

*To the Hon. President of the Council:*

SIR:—I herewith return to your honorable body C. F. No. 35, a bill for an act entitled “an act to amend an act concerning roads and highways,” approved December 9, 1869, which was this afternoon concurred in, under a suspension of the rules, by the following vote: ayes, 21; absent, 6.

I also transmit herewith for the consideration and concurrence of your honorable body the following described House bills, which passed the House this afternoon, as follows:

H. B. No. 42, a bill for an act to amend an act entitled “an act to provide a Territorial and county revenue;” ayes, 23; noes, 2; absent, 2.

H. B. No. 45, a bill for an act to regulate the liability of judicial and ministerial officers in taking securities required by law; ayes, 27.

H. B. No. 49, a bill for an act restoring James A. Brennan to the rights of citizenship, under a suspension of the rules; ayes, 25; absent, 2.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 10, 1877. }

*To the Hon. President of the Council:*

SIR:—Mr. Hoy this morning gave notice that he would at an early day introduce in the House a bill providing for the fees and salaries of officers in Uinta county.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 10, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform the Council that this morning Mr. McGlinchey, without previous notice, introduced in the House the following bill:

H. B. No. 51, a bill for an act to provide for school district treasurers, and for other purposes.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

C. F. No. 39 was read a first time.

Mr. Mertsheimer called to the chair.

On motion of Mr. Holliday, C. F. No. 39 was read a second time, ordered printed and referred to committee No. 1.

C. F. No. 40 was read a first and second time and referred to committee No. 1.

C. F. No. 41 was read a first and second time, ordered printed and referred to committee No. 1.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Dec. 10, 1877. }

*To the Hon. President of the Council:*

SIR:—I am instructed to transmit herewith to the Council H. B. No. 15, a bill for an act creating the several county offices and defining the duties thereof, which this morning passed the House by the following vote: ayes, 23; noes, 2; absent, 2, and the concurrence of the Council in the same is respectfully solicited.

Respectfully,  
H. W. FOGLESONG,  
*Chief Clerk.*

C. F. No. 42 was read a first and second time and referred to committee No. 1.

H. B. No. 42 was read a first and second time and referred to committee No. 5.

H. B. No. 49 was read a first and second time, and on motion of Mr. Pease, of Albany, the rule was suspended unanimously and the bill read a third time by title and unanimously passed the Council.

H. B. No. 45 was read a first and second time and referred by the President to committee No. 1.

The following bills, on a third reading, were taken up and disposed of as follows:

Mr. Holliday moved that C. F. No. 14 be read a third time and placed on its final passage.

*Ayes*—Messrs. Downey, Draper, Dyer, Friend, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President—11 votes.

*Noes*—Mr. Cheney.

*Absent and not voting*—Mr. Haas.

The President announced that C. F. No. 14 had passed the Council.

Mr. Keller moved that the report of committee No. 2 on H. B. No. 25 be adopted.

Mr. Pease moved an amendment that the bill be referred to committee of the whole.

Carried.

H. B. No. 4 was referred to committee of the whole.

The same order as to C. F's. Nos. 33 and 34.

On motion of Mr. Pease, C. F. No. 24 and H. B. No. 33 were referred to the Judiciary committee.

C. F. No. 11 passed to the general file and by permission of the Council was withdrawn by Mr. Pease, of Albany.

On motion of Mr. Downey, the Council took a recess until two p. m.

AFTERNOON SESSION.

Council re-convened.

President in the chair.

Roll called.

All the members present, except Messrs. Haas and Swan.

On motion of Mr. Keller, H. B. No. 15 was read a first and second time by title and referred to committee No. 5.

On motion of Mr. Downey the Council resolved itself into committee of the whole for the consideration of bills on the general file, Mr. Pease, of Albany, in the chair.

The committee rose and made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec., 10, 1877. }

*Mr. President:*

Your committee of the whole have had under consideration H. B. No. 2, being an act to create a lien for mechanics and others in certain cases; also H. B. No. 25, being a bill for an act to amend an act entitled "an act to regulate the rate of interest on money and other evidences of indebtedness in the Territory of Wyoming," and beg leave to report the same back to the Council with the recommendation that both of said bills be referred to a special committee consisting of one from each county.

L. D. PEASE,

*Chairman.*

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

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 10, 1877. }

*Mr. President:*

Your committee on engrossed bills have examined substitute for C. F. No. 20 and report the same back to the Council as correctly engrossed.

H. HAAS,

*Chairman.*

Mr. Mertsheimer offered the following C. J. R. No. 7, viz: relating to the appointment of three members of the House and three of the Council as a committee on appropriations.

The rules were unanimously suspended, and on motion of Mr.

Mertsheimer, the aforesaid resolution was read a third time and unanimously passed the Council.

On motion of Mr. Mertsheimer, substitute for C. F. No. 20 was read a third time and passed the Council unanimously.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 10, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to transmit herewith for the consideration and concurrence of your honorable body House bills of the following described titles, which passed the House this afternoon, as follows, viz:

H. B. No. 30, a bill for an act to incorporate the Wind River Valley Stock Growers' Association; ayes, 27.

H. B. No. 36, a bill for an act to provide for mileage and fees for witnesses in the district and probate courts of Wyoming Territory; ayes, 26; Noes, 1.

I also transmit herewith C. F. No. 16, a bill for an act to remove the cloud from certain titles, which this afternoon was concurred in by the House by the following vote: ayes, 27.

Respectfully,  
H. W. FOGLESONG,  
*Chief Clerk.*

The committee on Territorial Affairs and Internal Improvements made the following report:

COUNCIL CHAMBER, }  
CHEYENNE, W. T., Dec. 10, 1877. }

*Mr. President:*

Your committee on Territorial Affairs and Internal Improvements, to whom was referred H. B. No. 42, being a bill for an act to amend an act entitled "an act to provide a Territorial and county revenue," beg leave to report the same back and recommend the indefinite postponement of said bill.

W. H. HOLLIDAY, }  
S. W. DOWNEY, } *Committee.*  
J. N. KELLER, }

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 10, 1877. }

*To the Hon. President of the Council:*

SIR:—I am instructed to transmit herewith C. F. No. 19, a bill for an act to amend an act entitled "an act regulating the branding, herding and care of stock," which on last day's session was con-

curred in by the House, by the following vote: ayes, 21; noes, 2; absent, 4, and the same was held over for one day, notice of reconsideration having been given.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

On motion of Mr. Downey, the report of the committee of the whole was adopted and H. B. No. 25 was referred to a special committee, consisting of Messrs. Draper, Friend, Downey, Mertsheimer and Cheney; H. B. No. 2 to Messrs. Holliday, Keller, Hays, Cheney and Mertsheimer.

On motion of Mr. Holliday, the Council resolved itself into committee of the whole for the consideration of C. F's. Nos. 33 and 34 and H. B. No. 4, Mr. Holliday in the chair.

The committee afterwards rose and through its chairman, made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 10, 1877. }

*Mr. President:*

Your committee of the whole, to whom was referred C. F's. Nos. 33 and 34 and H. B. No. 4, beg leave to report that they have had the same under consideration and herewith report the same back to the Council with the recommendation that the said bills do pass.

W. H. HOLLIDAY,

*Chairman.*

The committee on engrossed bills reported C. F. No. 10 back to the Council as properly engrossed.

On motion of Mr. Cheney, C. F. No. 10 was read a third time and placed on its final passage: ayes, 11; noes, none; absent, 2.

Mr. Draper called to the chair.

The President *pro tempore* announced that C. F. No. 10 had passed the Council.

On motion of Mr. Holliday, the report of the committee of the whole on C. F's. Nos. 33 and 34 and H. B. No. 4 was adopted.

On motion of Mr. Holliday, C. F. No. 33 was read a third time and passed the Council: ayes, 12; noes, none; absent, 1.

The President announced that C. F. No. 33 had unanimously passed the Council.

On motion of Mr. Pease, H. B. No. 4 was read a third time and unanimously passed the Council, and was so announced by the President.

On motion of Mr. Downey, C. F. No. 34 was considered the engrossed bill, read a third time and unanimously passed the Council, and was so announced by the President.

On motion of Mr. Swan, the Council adjourned.

C. W. BRAMEL,

*Secretary.*

## TWENTY-SEVENTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 11, 1877. }

Council met.

President in the chair.

Roll called.

Members all present.

Prayer by the Chaplain.

The journal of yesterday read and approved.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT,  
CHEYENNE, WYO., Dec. 11, 1877. }

*To the Hon. President of the Council:*

I have the honor to inform the Council that I have approved C. F. No. 7, entitled "a bill for an act to amend an act approved December 5, 1872, entitled 'an act regulating the branding, herding and care of stock.'"

Also, C. F. No. 28, entitled "an act to correct the marriage record of Laramie county in the matter of the marriage of Reginald Grant Dalton to Blanche Forrester, by changing the name of Blanche Forrester in said record to her proper maiden name of Anna Maria Christina Klapple."

Very respectfully,

JOHN M. THAYER.

The committee on enrolled bills made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 11, 1877. }

*Mr. President:*

Your committee on enrolled bills have examined C. F.'s Nos. 3 and 35 and report the same to the Council as correctly enrolled.

H. HAAS,

*Chairman.*

The following reports of committees were received and read:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 11, 1877. }

*Mr. President:*

Your Judiciary committee, to whom was referred C. F. No. 42, H. B's. Nos. 45 and 26, have had the same under consideration and beg leave to report the same back, with the recommendation that C. F. No. 43 and H. B. No. 45 do pass without amendment and that

H. B. No. 26 be amended as per amendment attached to bill and that said bill, as amended, do pass.

L. D. PEASE,  
J. N. KELLER, } *Committee.*

I dissent on H. B. No. 26.

S. W. DOWNEY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 11, 1877. }

*Mr. President:*

Your committee on Stock Raising and Immigration, to whom was referred H. B. No. 18, have had the same under consideration and beg leave to report the same back, with amendments as hereto attached, being sections two and three written in full, which, upon comparison with same sections of original bill, will show amendments made by your committee.

A. H. SWAN,  
L. HAYS,  
T. DYER. } *Committee.*

H. B. No. 30 was read a first and second time and referred to committee No. 12.

H. B. No. 36 was read a first and second time and referred to committee No. 5.

The following communication was received from the House and read, viz:

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Dec. 11, 1877. }

*To the Hon. President of the Council:*

SIR:—Mr. Spicer gave notice this morning that he would, at an early day, introduce in the House a bill authorizing the town of Laramie to levy a tax of one mill on the dollar for fire purposes.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

On motion of Mr. Downey, H. B. No. 42 was re-committed to committee No. 5.

On motion of Mr. Pease, the report of the committee on C. F. No. 42 and H. B's. Nos. 45 and 26, under a unanimous suspension of the rule, was adopted.

On motion of Mr. Haas, C. F. No. 42 was read a third time and passed the Council by a unanimous vote, the President so announcing.

On motion of Mr. Pease, H. B. No. 45 was read a third time and passed the Council.

*Ayes*—10 votes.

*Noes*—Messrs. Mertsheimer and Swan—2 votes.

*Absent*—Mr. Haas.

The President so announcing.

On motion of Mr. Pease, of Albany, the Council resolved itself into committee of the whole for the consideration of H. B. No. 26, Mr. Hays in the chair.

The committee afterwards rose and made the following report:

*Mr. President:*

The committee of the whole, who have had under consideration H. B. No. 26, a bill for an act to amend an act entitled "an act to establish a code of civil procedure for the Territory of Wyoming," have had the same under consideration and recommend that the same be re-committed to the Judiciary committee.

L. HAYS,  
*Chairman.*

On motion, said report was adopted.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 11, 1877. }

*To the Hon. President of the Council:*

I am instructed to herewith return to the Council C. J. R. No. 7, relating to the appointment of three members of each house to prepare and present to the Assembly for their consideration a general appropriation bill, with amendment, which was this morning concurred in by the House, and the same is herewith transmitted for your consideration.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

On motion of Mr. Pease, the rule was unanimously suspended for the purpose of adding two names each to the first two committees, and the President announced that Messrs. Friend and Haas will be added to the Judiciary committee and Messrs. Friend and Dyer be added to the Finance, Ways and Means committee.

On motion of Mr. Holliday, the Council unanimously concurred in House amendment to C. J. R. No. 7.

On motion of Mr. Cheney, the Council took a recess until two p. m.

AFTERNOON SESSION.

Council re-convened.

Mr. President in the chair.

Roll called.

All of the members present, except Messrs. Cheney, Hays and Draper, excused, except in case of a call of the House.

Mr. Friend moved that the rule be suspended for the purpose of adopting the report of the committee on H. B. No. 18; ayes, 10; noes, 1; absent, 2.

The President announced that the rule was suspended and that H. B. No. 18 was before the Council.

The following message was received from the House and read:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 11, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform the Council that House bills of the following described titles were this morning introduced in the House, to wit:

By Mr. Hamma, without previous notice, H. B. No. 52, a bill for an act concerning the publication of county commissioners' proceedings, and other purposes.

By Mr. Hoy, H. B. No. 53, a bill for an act to provide for fees and salaries of certain officers in Uinta county, and for other purposes.

By Mr. McGlinchey, without previous notice, H. B. No. 54, a bill for an act for the relief of Laramie, Albany, Carbon, Sweetwater and Uinta counties, and for other purposes;

Also, H. B. No. 35, a bill for an act to locate and establish a Territorial wagon road from Evanston, Uinta county, to Henry's Fork.

By Mr. Foglesong, without previous notice, H. B. No. 56, a bill for an act to dissolve the bonds of matrimony heretofore existing between Samuel M. Preshaw and Josephine Preshaw, and for other purposes.

By Mr. Gurney, H. B. No. 57, a bill for an act entitled "an act to repeal section thirteen, stock laws of Wyoming Territory.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

On motion of Mr. Dyer, H. B. No. 18 was read a third time and passed the Council by the following vote:

*Ayes*—10 votes.

*Noes*—Messrs. Downey and Pease.

*Absent*—Messrs. Cheney and Draper.

The President announced that H. B. No. 18 had passed the Council.

The special committee on H. B. No. 2 made the following report:

COUNCIL CHAMBER, }  
CHEYENNE, WYO., Dec. 11, 1877. }

*Mr. President:*

Your special committee to whom was referred H. B. No. 2 beg leave to report that they have considered the same and herewith

report said bill back, with the recommendation that it do pass.

W. H. HOLLIDAY, }  
 J. N. KELLER, } *Committee.*  
 L. HAYS, }

Mr. Holliday moved a suspension of the rule for the purpose of adopting the report of committee No. 2.

Motion lost.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 11, 1877. }

*To the Hon. President of the Council:*

SIR:—I transmit herewith for the consideration and concurrence of your honorable body H. B. No. 37, a bill for an act to incorporate the city of Cheyenne, which this morning passed the House by the following vote: ayes, 26; noes, none; absent, 1.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

On motion of Mr. Dyer, H. B. No. 37 was read a first and second time by title and referred to Council delegation from Laramie.

The following committee report on C. F. No. 36 was received and read, viz:

COUNCIL CHAMBER, }  
 CHEYENNE, WYO., Dec. 11, 1877. }

*Mr. President:*

Your committee on Territorial affairs and Internal Improvements, to whom was referred C. F. No. 36, being a bill for an act providing for the keeping of Territorial prisoners, and for other purposes, beg leave to report said bill back, recommending the following amendments: strike from second and third lines of section one the words "two other responsible parties" and insert in lieu thereof "the names of three persons," and further recommend that such names be chosen by the Ways and Means committees of the two houses, acting as a joint committee.

W. H. HOLLIDAY, }  
 S. W. DOWNEY, } *Committee.*

Mr. Holliday moved that the rule be suspended and that the report of the committee on C. F. No. 36 be adopted.

Motion lost.

On motion of Mr. Downey, the Council adjourned.

C. W. BRAMEL,  
*Secretary.*

TWENTY-EIGHTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 12, 1877. }

Council met.

President in the chair.

Roll called.

All the members present.

Prayer by the Rev. Mr. Sanders.

The journal of yesterday read and approved.

Mr. Holliday introduced petitions from citizens of Medicine Bow and Centennial Mining District relating to the annexation of a portion of Carbon county to Albany county, which was read and referred to committee No. 10.

The standing committees made the following reports:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 12, 1877. }

*Mr. President:*

Your committee to whom was referred H. B. No. 30 have had the same under consideration and report the same back, recommending that it do pass without amendments.

A. H. SWAN, }  
T. DYER, } *Committee.*  
L. HAYS, }

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 12, 1877. }

*Mr. President:*

Your committee to whom was referred C. F. No. 38 report the same back with the recommendation that the same pass without amendment.

L. HAYS, }  
T. DYER, } *Majority of Committee.*

Mr. Downey dissented to the foregoing report.

*Mr. President:*

Your committee on enrolled bills report C. F's. Nos. 16 and 19 correctly engrossed.

H. HAAS.

*Chairman.*

*Mr. President:*

Your committee on enrolled bills have delivered to the Governor C. F's. Nos. 3 and 35 for his approval, at two o'clock and twenty minutes, p. m., this day.

H. HAAS,

*Chairman.*

*Mr. President:*

Your select committee to whom was referred H. B. No. 37 report the same back and recommend that the same do pass without amendment.

J. N. KELLER,	} Committee.
A. H. SWAN,	
G. A. DRAPER,	
T. DYER,	
H. HAAS.	

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 12, 1877. }

*Mr. President:*

Your special committee to whom was referred H. B. No. 25 ask leave to report the same back, with amendments attached, recommending that the same do pass, as amended.

G. A. DRAPER,	} Committee.
F. MERTSHEIMER	
E. F. CHENEY,	
J. C. FRIEND,	

*Mr. President:*

Your committee who have had under consideration C. F's. Nos. 24, 31, 26, 39, 6 and 8 and H. B's. Nos. 26 and 33, beg leave to report the same back to the Council with the following recommendations, to-wit: C. F's. Nos. 24 and 31 are reported back with substitutes, recommending that said substitutes do pass; that C. F's. Nos. 39 and 26 do pass without amendment; also, that H. B. No. 26 do pass without amendment; also that C. F's. Nos. 6 and 8 and H. B. No. 33 with a recommendation that said bills do not pass.

L. D. PEASE,  
*Chairman.*

On motion of Mr. Haas the report was received.

The following bills were introduced:

By Mr. Downey, C. F. No. 43, a bill for an act to amend an act entitled "an act regulating the descent of, and distribution of property;"

Also, C. F. No. 44, a bill for an act to legalize the acts of the county commissioners of Albany county;

Also, C. J. R. No. 8, relating to an appropriation by Congress in aid of the construction of a capital building at Cheyenne, and for other purposes.

By Mr. Swan, C. F. No. 45, a bill for an act to amend an act entitled "an act concerning county licenses."

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 11, 1877. }

To the Hon. President of the Council:

SIR:—House bills of the following described titles passed the House this afternoon by the following vote, and the same are herewith transmitted for the consideration and concurrence of the Council, viz:

Substitute to H. B. No. 43, a bill for an act to amend an act entitled "an act defining crime and providing for the punishment thereof," under a unanimous suspension of the rule; ayes, 21; noes, 6.

H. B. No. 39, a bill for an act to facilitate the business of the district courts; ayes 27.

H. B. No. 44, a bill for an act to provide for the appointment of a board of commissioners of public charities and defining their duties and powers; ayes, 20; noes, 7.

I am also instructed to inform the Council that the House this afternoon concurred in C. F. No. 15, a bill for an act to appropriate money to aid the Sisters of Charity, etc., by the following vote: ayes, 20; noes, 7, and the same is herewith returned to your honorable body.

Respectfully,  
 H. W. FOGLESONG,  
*Chief Clerk.*

Mr. Holliday moved to re-commit C. F. No. 36.

Motion lost.

Mr. Pease moved that the bill be referred to a committee consisting of one from each county.

Motion lost.

C. F. No. 36, on motion of Mr. Haas, was read a third time and passed the Council.

Ayes—Messrs. Cheney, Downey, Draper, Dyer, Friend, Haas, Hays, Holliday, Keller, Mertsheimer, Swan and Mr. President—12 votes.

Noes—Mr. Pease.

Mr. Friend gave notice of a motion to reconsider the vote by which C. F. No. 36 passed the Council.

Mr. Draper also gave the same notice.

Mr. Downey moved to lay the motion of Mr. Friend on the table.

Motion carried.

On motion of Mr. Keller, the Secretary was instructed to inform the House of the loss of H. B. No. 13.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 12, 1877. }

To the Hon. President of the Council:

SIR:—House bills of the following described titles were this morning introduced in the House, viz:

By Mr. Carter, without previous notice, H. B. No. 58, a bill for an act to amend an act entitled "an act prohibiting the establishment of election precincts upon military reservations in the Territory of Wyoming."

By Mr. Gurney, H. B. No. 59, a bill for an act entitled "an act to re-district the judicial districts of the Territory of Wyoming and assigning the judges therein;"

Abso, without previous notice, H. B. No. 60, a bill for an act entitled "an act to protect the stock growers of Sweetwater county."

By Mr. Coad, without previous notice, H. B. No. 61, a bill for an act to provide compensation and inducements for some person to accept the office of justice of the peace in the Fort Laramie precinct of Laramie county, Wyoming Territory.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

Mr. Swan made the following committee report, viz:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 12, 1877. }

*Mr. President:*

Your committee to whom was referred H. B. No. 10 have had the same under consideration and beg leave to report amendment, as thereto attached, and respectfully recommend that, as amended, it do pass.

A. H. SWAN, }  
L. HAYS, } *Committee.*  
T. DYER. }

On motion of Mr. Downey, C. F. No. 31 was read a third time and unanimously passed the Council.

The President so announcing.

Mr. Draper moved that the rule be suspended and H. B. No. 37 be read a third time and placed upon its final passage.

The rule was unanimously suspended and H. B. No. 37 read a third time and unanimously passed the Council.

The President so announcing.

On motion of Mr. Downey, C. F. No. 39, under a unanimous suspension of the rule, was considered the engrossed bill, read a third time and unanimously passed the Council.

The President so announcing.

On motion of Mr. Downey, the Council took a recess until two p. m.

AFTERNOON SESSION.

Council re-convened.

Mr. President in the chair.

Roll called.

All the members present.

The committee on engrossed bills reported as follows:

COUNCIL CHAMBER,  
CHEYENNE, W. T., Dec. 12, 1877. }

*Mr. President:*

Your committee on engrossed and enrolled bills have examined H. B. No. 18 and C. F. No. 12 and report the same back to the Council correctly engrossed; also, further report that at eleven o'clock and forty-five minutes, a. m., this day, C. F's. Nos. 16 and 19 were presented to the Governor for his approval.

L. HAYS,  
*Chairman.*

The Judiciary committee made the following reports:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 12, 1877. }

*Mr. President:*

Your Judiciary committee, to whom was referred C. F. No. 40, have had the same under consideration and report the same back to the Council with the recommendation that said bill be referred to the Uinta and Sweetwater délegation.

L. D. PEASE,  
*Chairman.*

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec., 12, 1877. }

*Mr. President:*

Your Judiciary committee, to whom was referred C. F. No. 41, report the same back, recommending that the same do pass.

L. D. PEASE,  
S. W. DOWNEY,  
H. HAAS,  
J. C. FRIEND,  
J. N. KELLER, } *Committee.*

The following communications were received from the House:

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Dec. 12, 1877. }

*To the Hon. President of the Council:*

SIR:—I herewith return to the Council C. F. No. 4, a bill for an act to prevent fraud upon travelers, which was this morning concurred in by the House, with amendments, in which the concurrence of the Council is requested, by the following vote: ayes, 14; noes, 10; absent 3.

I also transmit herewith for the consideration and concurrence of your honorable body H. B. No. 59, a bill for an act entitled "an act to re-district the judicial districts of the Territory of Wyoming and assigning the judges therein," which passed the House this morning under a suspension of the rule, by the following vote: ayes, 15; Noes, 8; absent, 4.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 12, 1877. }

*To the Hon. President of the Council:*

SIR:—The committee on Education and Public Printing this afternoon introduced in the House, without previous notice, H. B. No. 62, a bill for an act to encourage immigration.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 12, 1877. }

*To the Hon. President of the Council:*

SIR:—I return herewith to the Council C. F. No. 42, a bill for an act legalizing the acts of Charles F. Miller, judge of probate of Laramie county, Wyoming Territory, which was this afternoon concurred in, under a suspension of the rule, by the following vote: ayes, 24; noes, none; absent, 3.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

Without previous notice, Mr. Haas introduced the following: C. F. No. 46, a bill for an act to amend chapter forty-seven of the revised statutes of Wyoming Territory.

On motion of Mr. Haas, H. B. No. 59, under a suspension of the rule, was read a third time and passed the Council: ayes, 12; noes, Mr. Cheney.

The President announced that H. B. No. 59 had passed the Council.

Mr. Friend, without previous notice, introduced the following: C. F. No. 47, a bill for an act regulating the fees of officers of Carbon county.

By Mr. Downey, C. F. No. 48, a bill for an act to provide extra compensation for Hon. J. B. Blair.

The following bills were read first and second times and disposed of as follows:

C. F. No. 43, on motion of Mr. Downey, under a unanimous suspension of the rule, was read a third time and unanimously passed the Council.

C. F. No. 44 was read a first and second time, and on motion of Mr. Holliday, the rule was unanimously suspended, the bill considered the engrossed one, read a third time and passed the Council.

*Ayes*—10 votes.

*Noes*—Messrs. Hayes and Pease.

Absent—Mr. Haas.

The President announced that C. F. No. 44 had passed the Council.

On motion of Mr. Haas, C. F. No. 45, under a unanimous suspension of the rule, was considered the engrossed bill, read a first and second time and unanimously passed the Council.

C. F. No. 25, on motion of Mr. Keller, was brought up for consideration.

The motion to adopt the report of the committee and suspend the rule was lost.

On motion of Mr. Haas, the Council concurred in amendments of the House to C. F. No. 4.

*Ayes*—10 votes.

*Noes*—Messrs. Cheney and Draper—2 votes.

Absent and excused—Mr. Holliday.

On motion of Mr. Haas, C. J. R. No. 8 was laid on the table.

H. B. No. 39 was read a first and second time and referred to committee No. 1.

C. F. No. 47 was read a first and second time and referred to the Carbon county delegation.

On motion of Mr. Haas, the Council adjourned.

C. W. BRAMEL,  
*Secretary.*

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TWENTY-NINTH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 13, 1877. }

Council met.

President in the chair.

Roll called.

Members all present.

Prayer by the Chaplain.

The journal of yesterday read and approved.

The following messages were received from the House and read:

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 12, 1877. }

*To the Hon. President of the Council:*

SIR:—Council files of the following described titles were this afternoon concurred in by the House, by the votes hereinafter stated and the same are herewith returned to your honorable body:

Substitute to C. F. No. 1, a bill for an act to authorize and empower the board of county commissioners of Laramie county to issue the bonds of said county to the Colorado Central Railroad Company, and for other purposes; ayes, 22; noes, 1; absent, 4.

C. F. No. 34, a bill for an act to authorize Robert Harper to build a bridge across Snake river and collect toll on the same, under suspension of the rule; ayes, 25; noes, none; absent, 2;

Also, C. F. No. 14, a bill for an act to amend an act entitled an act to organize and establish the Territorial treasury department, with amendments, in which the concurrence of your honorable body is requested; ayes, 23; absent, 4.

Also, C. F. No. 20, a bill for an act to establish the salaries of county officers of Laramie county, and for other purposes, with amendments, in which the concurrence of your honorable body is solicited; ayes, 25; noes, 2.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 12, 1877. }

*To the Hon. President of the Council:*

SIR:—The enclosed substitute to H. B. No. 40, a bill for an act to provide for the publication of the decisions of the supreme court of Wyoming Territory, passed the House this afternoon by the following vote: ayes, 25; noes, none; absent, 2, and is herewith transmitted for the concurrence of your honorable body.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, }  
 CHEYENNE, WYO., Dec. 11, 1877. }

*To the Hon. President of the Council:*

I have the honor to inform the Council that I have approved enrolled act No. 35, entitled "a bill for an act entitled 'an act to amend an act concerning roads and highways,' approved December 9, A. D., 1869;" enrolled act No. 3, entitled "a bill for an act to establish an

assay office in Wyoming Territory;" enrolled act No. 16, entitled "a bill for an act entitled an act to remove the cloud from certain titles;" enrolled act No. 19, entitled "a bill for an act to amend an act entitled 'an act regulating the branding, herding and care of stock,' approved December 5, 1873."

Very respectfully,  
 JOHN M. THAYER.  
*Governor.*

On motion of Mr. Downey, C. F. No. 11 was corrected, read a third time and unanimously passed the Council.

On motion of Mr. Swan, C. F. No. 12 was re-committed to committee No. 11.

The following bills were introduced:

By Mr. Mertsheimer, C. F. No. 49, a bill for an act amending an act entitled "an act concerning county licenses;"

Also, C. F. No. 50, a bill for an act amending an act entitled "an act to create a lien for mechanics and others in certain cases."

By Mr. Downey, C. F. No. 51, a bill for an act entitled "an act to establish a code of civil procedure in the Territory of Wyoming."

The following committee reports were received and read:

COUNCIL CHAMBER,  
 CHEYENNE, Wyo., Dec. 13, 1877. }

*Mr. President:*

Your special committee to whom was referred C. F. No. 47 have had the same under consideration and report the same back with a recommendation that the same do pass without amendment.

J. C. FRIEND, }  
 L. HAYS, } *Committee.*

COUNCIL CHAMBER,  
 CHEYENNE, Wyo., Dec. 13, 1877. }

*Mr. President:*

Your committee on Finance, Ways and Means, to whom was referred C. F. No. 30, report the same back, recommending it do pass without amendment.

G. A. DRAPER, *Chairman.*  
 W. H. HOLLIDAY,  
 A. H. SWAN.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,  
 CHEYENNE, Dec. 13, 1877. }

*To the Hon. President of the Council:*

SIR:—House bills of the following described titles were, without previous notice, introduced in the House this morning, viz:

By Mr. Spicer, H. B. No. 63, a bill for an act to define and establish the boundaries of Albany county, Wyoming Territory.

By Mr. Gurney, H. B. No. 64, a bill for an act entitled "an act regulating the salaries and fees of officers of Sweetwater county."

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

On motion of Mr. Downey, substitute to C. F. No. 24 was read a third time and unanimously passed the Council.

On motion of Mr. Downey, C. F. No. 30 was read a third time and passed the Council; ayes, 11; noes, 1.

On motion of Mr. Friend, the report of the committee on C. F. No. 47 was, under a unanimous suspension of the rule, adopted, the same considered the engrossed bill, read a third time and unanimously passed the Council.

The President so announcing.

On motion of Mr. Dyer, the Council concurred in amendments of the House to substitute C. F. No. 20.

Mr. Friend moved that the Council do now take a recess until two o'clock, p. m.

Motion carried.

#### AFTERNOON SESSION.

Council re-convened.

President in the chair.

Roll called.

All the members present.

Mr. Friend moved to adopt the resolution introduced by him this morning.

Motion lost.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 13, 1877. }

*To the Hon. President of the Council:*

SIR:—Herewith are transmitted House bills of the following described titles, which were this morning passed in the House, under suspension of the rules, for the consideration and concurrence of your honorable body, viz:

H. B. No. 13, a bill for an act to encourage the growth of timber and fruit trees in the Territory of Wyoming. This bill is in lieu of H. B. No. 13, notice having been received of its loss in the Council: ayes, 23; absent, 4.

H. B. No. 58, a bill for an act to amend an act entitled "an act prohibiting the establishment of election precincts upon military

reservations within the Territory of Wyoming;" ayes, 24; absent, 3.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

On motion of Mr. Dyer, H. B. No. 13 was read first, second and third times by title and passed the Council under a unanimous suspension of the rule; ayes, 13.

The President announced that H. B. No. 13 had unaimously passed the Council.

H. B. No. 58 was read first and second times and referred to the Uinta county delegation.

On motion of Mr. Pease, the report of the committee on H. B. No. 41 was adopted.

On motion of Mr. Dyer, the same was referred to Mr. Mertsheimer.

On motion of Mr. Friend, the report of the committee on C. F. No. 8 was adopted.

Mr. Pease moved to have the bill engrossed.

Motion lost.

Mr. Friend moved to refer C. F. No. 8 to committee No. 12.

Motion lost.

On motion of Mr. Draper, the same was referred to Mr. Mertsheimer.

The same order was made with reference to C. F. No. 6.

The same order as to H. B. No. 10.

On motion of Mr. Keller, H. B. No. 30 was read a third time by title and unanimously passed the Council.

The President so announcing.

Mr. Friend moved that C. F. No. 38, as reported back by the majority of the committee, be read a third time and placed on its final passage.

Mr. Downey moved an amendment.

The question being taken on Mr. Downey's amendment, the same was lost.

Mr. Friend renewed his motion.

The report of the committee on C. F. No. 38 was adopted, the same considered the engrossed bill, read a third time and passed the Council.

*Ayes*—11 votes.

*Noes*—Messrs. Downey and Pease.

On motion of Mr. Pease, H. B. No. 33 was referred to Mr. Mertsheimer.

On motion of Mr. Holliday, H. B. No. 2 was read a third time by title.

Pending the question, a call of the House was ordered.

The sergeant-at-arms was directed to bring in the absentees.

He obeyed the same instanter, bringing in Mr. Haas.

Mr. Pease offered an amendment to H. B. No. 2.

Amendment adopted.

The bill, as amended, was read a third time and unanimously passed the Council.

The President so announcing.

The committee on enrolled bills made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 13, 1877. }

*Mr. President:*

Your committee on enrolled bills have examined C. F. No. 15 and report the same back as correctly enrolled.

H. HAAS,  
*Chairman.*

The following communications were received from the House:

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Dec. 13, 1877. }

*To the Hon. President of the Council:*

SIR:—The House this afternoon concurred in C. F. No. 23, a bill for an act to amend an act prohibiting the establishment of election precincts upon military reservations within the Territory of Wyoming, by the following vote, viz: ayes, 24; absent, 2; not voting, 1, and the same is herewith returned to your honorable body.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Dec. 13, 1877. }

*To the Hon. President of the Council:*

SIR:—H. B. No. 46, a bill for an act to provide for discharged convicts, this afternoon passed the House by the following vote: ayes, 24; noes, none; absent, 3, and the same is herewith transmitted for the consideration and concurrence of your honorable body.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Dec. 13, 1877. }

*To the Hon. President of the Council:*

SIR:—The House this afternoon refused to concur in C. F. No. 17, a bill for an act entitled "an act in reference to divorcees heretofore

decreed," by the following vote: ayes, 8; noes, 15; absent 4, and the samé is herewith returned to the Council.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

On motion of Mr. Downey, C. F. No. 50 was, under a unanimous suspension of the rule, considered the engrossed bill, read a third time and passed the Council.

*Ayes*—12 votes.

*Noes*—Mr. Mertsheimer.

On motion of Mr. Downey, C. F. No. 49, under a unanimous suspension of the rule, was considered the engrossed bill, read a third time and passed the Council.

*Ayes*—9 votes.

*Noes*—Messrs. Dyer, Friend, Haas and Keller—4 votes.

Mr. Downey moved that the rule be suspended and that C. F. No. 51 be considered the engrossed bill, read a first, second and third time and placed upon its final passage.

Motion carried.

C. F. No. 51 was read first, second and third times, considered the engrossed bill and passed the Council by the following vote:

*Ayes*—9 votes.

*Noes*—Messrs. Dyer, Hays and Mr. President—3 votes.

Absent—Mr. Haas.

The Council, on motion of Mr. Keller, concurred in the amendments of the House to C. F. No. 14.

On motion of Mr. Draper, H. B. No. 44 was referred to Mr. Mertsheimer.

H. B. No. 40 was read first and second times and referred to committee No. 1.

The committee on engrossed bills made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 13, 1877. }

*Mr. President:*

Your committoe on enrolled bills have examined C. F's. Nos. 4 and 42 and report the same back to the Council properly enrolled.

H. HAAS.

*Chairman.*

On motion of Mr. Keller, the Council adjourned.

C. W. BRAMEL,

*Secretary.*

## THIRTIETH DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 14, 1877. }

Council met.

President in the chair.

Roll called.

All the members present, except Mr. Keller.

Prayer by the chaplain.

The journal of yesterday read and approved.

Mr. Dyer called to the chair.

Mr. Holliday introduced the following: C. F. No. 52, a bill for an act concerning the fees and salaries of county officers of Albany county, and for other purposes.

The following committee reports were received and read:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 14, 1877. }

*Mr. President:*

Your committee on Territorial Library respectfully report that they have visited and examined the Territorial library, and they find the room wherein the same is contained is not sufficiently commodious for a proper arrangement of the books, furniture, collections, etc., appertaining to said library, many of the books being in boxes, where they are inaccessible, or in cases intended for specimens in geology and mineralogy, which specimens remain undisplayed and not open to observation. They find, and so report, that the Territory has been paying three hundred and seventy-five dollars per year for the room wherein said library is contained, but that for an additional two hundred and twenty-five dollars per year in rent the owner of the building will take down some certain portions and thereby enlarge the room to suitable and ample dimensions; therefore your committee recommend that an additional two hundred and twenty-five dollars per year be allowed for rent of room for library, and that we recommend an appropriation of six hundred dollars per year for rent of said room until the next meeting of the Legislature, and that an additional appropriation of three hundred dollars be made to defray the expense of additional and necessary shelving and other improvements.

All of which is respectfully submitted.

E. F. CHENEY, }  
L. D. PEASE, } Committee.  
H. HAAS, }

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec., 14, 1877. }

*Mr. President:*

Your Judiciary committee have had under consideration H. B. No. 39 and substitute for H. B. No. 40, and report the same back to the Council, with the recommendation that both bills do pass without amendment.

L. D. PEASE,  
S. W. DOWNEY, } *Committee.*  
H. HAAS,

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 14, 1877. }

*Mr. President:*

Your committee to whom was referred H. B. No. 41 have had the same under consideration, and report the same back, with amendments attached, and recommend that it do pass as amended.

A. H. SWAN, }  
T. DYER, } *Committee.*  
L. HAYS,

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 14, 1877. }

*Mr. President:*

Your committee on Education have had under consideration H. B. No. 20 and report the same back to the Council, recommending that it be considered in committee of the whole.

F. MERTSHEIMER,  
*Chairman.*

On motion of Mr. Holliday, the rule was unanimously suspended and C. F. No. 52 was read first time in full, second and third times by title, considered the engrossed bill and unanimously passed the Council.

The President *pro tempore* so announcing.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,  
CHEYENNE, WYO., Dec. 14, 1877. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform the Council that I have approved C. F. No. 15, an act appropriating money to aid the Sisters of Charity in the erecting of a building at Laramie City to use as a hospital.

I desire to state that I have approved this bill on the ground that the institution which is to be benefitted by it is a benevolent and charitable one, and that by the provision of the bill its charities are

open to persons from any part of the Territory, regardless of race, creed or condition. By my approval of this bill I wish it to be understood that I am not to be considered as aiding in establishing a precedent for the appropriation of public moneys for the benefit of an institution under any sectarian control.

Very respectfully,

JOHN M. THAYER.

*Governor.*

Substitute to H. B. No. 43, on motion of Mr. Holliday, was, under a unanimous suspension of the rule, read first, second and third times and passed the Council.

*Ayes*—Messrs. Cheney, Downey, Draper, Dyer, Holliday, Mertsheimer and Swan—7 votes.

*Noes*—Messrs. Friend, Hays and Pease—3 votes.

Absent—3.

So the bill passed the Council.

C. F. No. 46 was read first and second times and referred to committee No. 1.

H. B. No. 46 was read first and second times and referred to committee No. 2.

H. B. No. 26 was considered the engrossed bill, read a third time and passed the Council.

*Ayes*—8 votes.

*Noes*—Mr. President.

Absent—4.

The President announced that H. B. No. 26 had passed the Council.

C. F. No. 26 was considered the engrossed bill, read a third time and unanimously passed the Council.

The report of the committee on H. B. No. 41 was, under a suspension of the rule, adopted, the bill read a third time and passed the Council.

*Ayes*—7.

*Noes*—3.

Absent—3.

Mr. Friend offered C. J. R. No. 9, providing for the suspension of J. R. No. 14, and on his motion, the same was unanimously adopted.

The following communications were received from the honorable House and read, viz:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 14, 1877. }

*To the Hon. President of the Council:*

SIR:—The following described bills were this morning introduced in the House without previous notice, viz:

By Mr. Carter, H. B. No. 65, a bill for an act to establish the

salaries of county officers of Uinta county, and for other purposes.

By Mr. Homer, H. B. No. 66, a bill for an act to amend an act entitled "an act to incorporate Laramie City," approved December 12, 1873, of the compiled laws of Wyoming.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 14, 1877. }

*To the Hon. President of the Council:*

SIR:—Herewith is transmitted to the Council C. F. No. 36, a bill for an act providing for the keeping of Territorial prisoners, and for other purposes, as per request of your honorable body.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 12, 1877. }

*To the Hon. President of the Council:*

SIR:—The following described bills passed the House this morning, under a suspension of the rule, by the votes hereinafter stated, and the same are herewith sent for the consideration and concurrence of your honorable body:

H. B. No. 65, a bill for an act to establish the salaries of county officers of Uinta county, and for other purposes; ayes, 22; noes, 5.

H. B. No. 66, a bill for an act to amend an act entitled "an act to incorporate Laramie City," approved December 12, 1873, of the compiled laws of Wyoming; ayes, 21; absent, 6.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

According to previous notice, Mr. Draper moved a reconsideration of the vote by which C. F. No. 36 passed the Council.

Motion carried.

On motion of Mr. Downey, the report of the committee on H. B. No. 40, under a suspension of the rule, was read a third time and passed the Council.

*Ayes*—7 votes.

*Noes*—Messrs. Dyer, Friend, Keller, Hays and Swan—5 votes.

*Absent*—Mr. Haas.

On motion of Mr. Friend, H. B. No. 65, a bill regulating the fees of officers of Uinta county, under a suspension of the rule, was read

first, second and third times and unanimously passed the Council.

On motion of Mr. Keller, the Council took a recess until two p. m.

AFTERNOON SESSION.

Council re-convened.

Mr. President in the chair.

Roll called.

All the members present.

The Judiciary committee made the following report, viz:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 14, 1877. }

*Mr. President:*

Your Judiciary committee, to whom was referred C. F. No. 46, have had the same under consideration and beg leave to report the same back, with the recommendation that the same do pass.

Respectfully,

L. D. PEASE,  
*Chairman.*

H. B. No. 66 was brought up, read first and second times and referred to the Albany county delegation.

C. F. No. 36 was taken up and Mr. Draper moved an amendment.

Mr. Haas moved to lay amendment on the table.

Motion lost.

The question then occurred on the amendment.

Motion carried.

Then, on motion of Mr. Holliday, C. F. No. 36 was read a third time and passed the Council.

*Ayes*—Messrs. Draper, Dyer, Friend, Hays, Holliday, Keller, Pease and Mr. President—9 votes.

*Noes*—Messrs. Cheney, Downey, Haas, Mertsheimer and Swan—5 votes.

Mr. Haas changed his vote to aye.

The President announced that C. F. No. 36 had passed the Council.

Mr. Haas moved to re-consider the vote by which said bill passed the Council.

Mr. Dyer moved to lay the motion of Mr. Haas on the table.

The motion of Mr. Dyer prevailed.

Mr. Holliday offered C. J. R. No. 10, relating to the adjournment of the Legislature of Wyoming, which was adopted and sent to the honorable House.

On motion of Mr. Dyer, the rule was suspended for the purpose of adopting the committee report on C. F. No. 46, the same was read a third time by title and unanimously passed the Council.

The President so announcing.

Mr. Downey introduced the following memorial, addressed to the Congress of the United States, praying for a grant of land to the Union Pacific Railroad Company in aid of the construction of a railroad from Cheyenne, Wyoming, to Fort Ellis, Montana, with a branch line to Deadwood, Dakota; read a first and second time and ordered printed.

Mr. Downey introduced C. F. No. 53, without previous notice, a bill for an act to provide for extra compensation for the Hon. J. B. Blair, one of the justices of the supreme court.

By Mr. Draper, without previous notice, C. F. No. 55, a bill for an act to provide a county and Territorial revenue.

By Mr. Friend, without previous notice, C. F. No. 54, a bill for an act amending an act to provide for elections and the manner of conducting the same, and for other purposes.

By Mr. Swan, without previous notice, C. F. No. 56, a bill for an act entitled "an act providing for a just and equitable apportionment of the indebtedness of counties, from the territory of which are formed and organized other counties, in the Territory of Wyoming."

On motion of Mr. Downey, C. F. No. 53, under a suspension of the rule, was read first, second and third times and passed the Council.

*Ayes*—12 votes.

*Absent*—1.

On motion of Mr. Dyer, C. F. No. 56, under a unanimous suspension of the rule, was considered the engrossed bill, read first, second and third times and passed the Council.

*Ayes*—10 votes.

*Noes*—2 votes.

*Absent*—1.

The President so announcing.

The following communications were received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 14, 1877. }

*To the Hon. President of the Council:*

SIR:—The House this morning concurred in amendments made by the Council to the following House bills, by the votes hereinafter stated, viz:

H. B. No. 18, a bill for an act concerning the keeping of swine within the Territory of Wyoming; ayes, 19; noes, 7; absent, 1.

H. B. No. 2, a bill for an act granting a lien for mechanics and others in certain cases; ayes, 14; noes, 2; absent, 11.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 14, 1877. }

*To the Hon. President of the Council:*

SIR:—The House this afternoon concurred in C. F. No. 11, a bill for an act for the appointment of a Territorial stenographer and the preservation of evidence, by the following vote: ayes, 24; noes, 1; absent, 2, under a unanimous suspension of the rule, and the same is herewith returned to your honorable body.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 14, 1877. }

*To the Hon. President of the Council:*

SIR:—The House this afternoon, under a suspension of the rule, concurred in C. F. No. 47, a bill for an act regulating the fees of county and precinct officers for Carbon county; ayes, 26; absent, 1, and the same is herewith returned to your honorable body.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 14, 1877. }

*To the Hon. President of the Council:*

SIR:—Herewith is returned to the Council C. F. No. 52, a bill for an act to provide fees and salaries for the officers of Albany county, and for other purposes, which this afternoon, under a suspension of the rule was concurred in by the House, by the following vote: ayes, 26; absent, 1.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 14, 1877. }

*To the Hon. President of the Council:*

SIR:—Mr. McKay this afternoon, without previous notice, introduced H. B. No. 67, a bill for an act to amend an act entitled "an act to organize and establish a Territorial treasury department.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

On motion of Mr. Holliday, C. F. No. 55, under a suspension of the rule, was read first, second and third times and passed the Council.

*Ayes*—10 votes.

*Noes*—Messrs. Hays, Keller and Mr. President.

The committee on enrolled bills made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 14, 1877. }

*Mr. President:*

Your committee on enrolled bills respectfully report back C. F's. Nos. 18, 14, 20, 23 and 34 correctly enrolled.

H. HAAS,  
*Chairman.*

On motion of Mr. Friend, the rule was suspended, C. F. No. 54 considered the engrossed bill, read first, second and third times and unanimously passed the Council.

On motion of Mr. Friend, H. B. No. 20 was referred to Judiciary committee.

On motion of Mr. Holliday, H. B. N. 39 was taken up and under a suspension of the rule read a third time and unanimously passed the Council.

Mr. Holliday moved that Mr. M. L. Brandt be employed to aid the Secretary in the discharge of his arduous duties during the remainder of the session, and that he receive the same compensation now allowed by law to the assistant secretary.

Motion carried unanimously.

Mr. Mertsheimer, with previous notice, introduced C. F. No. 57, a bill for an act relating to school districts in Uinta county, and on his own motion, under a unanimous suspension of the rule, the same was considered the engrossed bill, read first, second and third times and unanimously passed the Council.

Mr. Dyer, without previous notice, introduced C. F. No. 58, a bill for an act providing for extra compensation for Justice J. W. Fisher.

On motion of Mr. Downey, under a unanimous suspension of the rule, said bill was considered engrossed, read first, second and third times and unanimously passed the Council.

The President so announcing.

On motion of Mr. Friend, the Council took a recess until seven o'clock, p. m.

#### EVENING SESSION.

Council re-convened.

President in the chair.

Roll called.

All the members present.

The following committee reports were received and read:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 14, 1877. }

*Mr. President:*

Your special committee to whom was referred H. B. No. 66 respectfully report the same back and recommend that it do pass.

W. H. HOLLIDAY, }  
S. W. DOWNEY, } *Committee.*

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 14, 1877. }

*Mr. President:*

Your committee on enrolled bills have delivered to the Governor for his approval, this day, at half past four o'clock, p. m., the following C. F's. Nos. 1, 14, 23, 34, 4, 42 and 20.

H. HAAS.  
*Chairman.*

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,  
CHEYENNE, WYO., Dec. 14, 1877. }

*To the Hon. President of the Council:*

I have the honor to inform the Council that I have approved enrolled act No. 14, entitled "a bill for an act to amend an act entitled 'an act to organize and establish the Territorial treasury department,' approved December 2, 1869;"

Enrolled act No. 23, entitled "a bill for an act to amend an act entitled 'an act prohibiting the establishment of election precincts upon military reservations within the Territory of Wyoming,' approved December 2, 1875;"

Enrolled act No. 34, entitled "a bill for an act to authorize and empower Robert Harper to build a bridge over Snake River and collect toll on the same;"

Enrolled act No. 42, entitled "a bill for an act legalizing the acts of Charles F. Miller, judge of probate of Laramie county, Wyoming Territory, in the adjourning of the probate court of said county for more than one day, instead of from day to day;"

Enrolled bill No. 20, entitled "an act to establish the salaries and compensation of county officers, and for other purposes;"

Enrolled act No. 1, entitled "a bill for an act to authorize and empower the board of county commissioners of Laramie county to issue the bonds of said county to the Colorado Central Railroad Company, and for other purposes.

Very respectfully,  
JOHN M. THAYER.  
*Governor.*

On motion of Mr. Holliday, H. B. No. 66 was taken up, and under a suspension of the rule, the report of the committee adopted, the bill read a third time and unanimately passed the Council.

*Ayes*—10 votes.

*Noes*—None.

Absent—3.

The President announced that H. B. No. 66 had unanimately passed the Council.

On motion of Mr. Hays, the Council adjourned.

C. W. BRAMEL,  
*Secretary.*

### THIRTY-FIRST DAY.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 15, 1877. }

Council met.

President in the chair.

Roll called.

Present—Messrs. Cheney, Downey, Draper, Dyer, Friend, Haas, Hays, Holliday, Keller, Mertsheimer, Pease, Swan and Mr. President.

The journal of yesterday read and approved.

The following communications were received from the House :

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Dec. 14, 1877. }

*To the Hon. President of the Council:*

SIR:—Herewith are transmitted House bills of the following described titles, which this afternoon passed the House, by the votes hereinafter stated:

H. B. No. 60, a bill for an act entitled "an act to protect the stock growers of Sweetwater county," as amended, and amendments attached to bill, under suspension of the rules; ayes, 19; noes, 4; absent, 4.

H. B. No. 48, a bill for an act to amend an act entitled "an act concerning county licenses," approved December 13, 1873, under suspension of the rules; ayes, 15; noes, 10; absent, 2, and the concurrence of your honorable body is solicited.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 14, 1877. }

*To the Hon. President of the Council:*

SIR:—I am instructed to inform the Council that the House this afternoon concurred in C. F. No. 33, a bill for an act to amend an act regulating the fees of officers, under the suspension of rules, by the following vote: ayes, 23; absent 4, and the same is herewith returned to your honorable body.

Respectfully,  
 H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—I transmit herewith H. B. No. 64, a bill for an act for regulating the salaries and fees of officers of Sweetwater county, which passed the House on December 13, 1877, under suspension of the rules, by the following vote: ayes, 24; noes, 1; absent, 2; the same being held over for one day, notice of re-consideration having been given, and the concurrence of your honorable body is solicited.

Respectfully,  
 H. W. FOGLESONG,  
*Chief Clerk.*

Mr. Friend offered C. J. R. No. 10, relating to the re-districting the Territory of Wyoming into judicial districts.

Resolution adopted.

On motion of Mr. Pease, under unanimous suspension of rules, H. B. No. 48 was read first, second and third times and unanimously passed the Council.

H. B. No. 64 was read first, second and third times by title and referred to Mr. Cheney.

Same order as to H. B. No. 60.

The following committee report was received and read:

COUNCIL CHAMBER, }  
 CHEYENNE, W. T., Dec. 15, 1877. }

*Mr. President:*

Your committee No. 1, to which was referred H. B. No. 20, respectfully report the same back to the Council, with a recommendation that said bill be amended by striking out all that portion of section one after the word "clerk" in the twenty-first line, on the fourth page thereof, and that the same bill pass the Council, as amended.

Very respectfully,  
 L. D. PEASE,  
*Chairman.*

On motion of Mr. Downey, the fee bills of the different committees were ordered printed.

Mr. Downey offered C. J. R. No. 11, relating to the Governor and his salary.

Same referred to committee No. 2.

The following communication was received from the House and read:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 14, 1877. }

*To the Hon. President of the Council:*

SIR:—Herewith are returned Council files of the following described titles, which were this morning concurred in by the House, by votes as follows, viz:

C. F. No. 36, a bill for an act providing for the keeping of Territorial prisoners, and for other purposes, under suspension of the rules, amended and amendments attached; ayes, 21; noes, 3; absent, 3.

C. F. No. 45, a bill for an act to amend an act entitled "an act concerning county licenses;" ayes, 13; noes, 11; absent, 3.

C. F. No. 31, an act concerning chattel mortgages; ayes, 17; noes, 1; absent, 9.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

On motion of Mr. Holliday, the Council concurred in first amendment to C. F. No. 36, and the same was returned to the House for correction in amendment.

Mr. Downey introduced C. F. No. 59, relating to water works of Laramie City.

Passed; ayes, 11.

The following communications were received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 14, 1877. }

*To the Hon. President of the Council:*

SIR:—House bills of the following described titles passed the House this afternoon, by votes as hereinafter stated, and the same are herewith transmitted for the consideration and concurrence of your honorable body:

H. B. No. 38, a bill for an act to fix the time of holding general elections, and for other purposes; ayes, 18; noes, 6; absent, 3.

H. B. No. 56, a bill for an act to dissolve the bonds of matrimony heretofore existing between Samuel M. Preshaw and Josephine Preshaw, and for other purposes; ayes, 15; noes, 5; absent, 7.

H. B. No. 54, a bill for an act for the relief of Laramie, Albany,

Carbon, Sweetwater and Uinta counties, and for other purposes; ayes, 21; noes, 2; absent, 4.

H. B. No. 52, a bill for an act concerning the publication of county commissioners' proceedings, and for other purposes, amended and amendments attached; ayes, 22; absent, 5.

H. B. No. 61, a bill for an act to provide compensation and inducements for some person to accept the office of justice of the peace in the Fort Laramie precinct, Laramie county, Wyoming Territory; ayes, 22; noes, 1; absent, 4.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—Mr. Hamma introduced this morning, without previous notice, H. B. No. 68, a bill for an act to repeal an act entitled "an act to incorporate the city of Cheyenne," approved December 10, 1869.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 14, 1877. }

*To the Hon. President of the Council:*

SIR:—Herewith is returned C. F. No. 44, a bill for an act to legalize certain acts of the county commissioners of Albany county," which this afternoon was indefinitely postponed by the House.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 14, 1877. }

*To the Hon. President of the Council:*

SIR:—Herewith are returned Council files of the following described titles, which were concurred in by the House this afternoon, as follows:

C. F. No. 39, a bill for an act in relation to deeds of trust; ayes, 19; absent, 8.

C. F. No. 43, a bill for an act to amend an act entitled "an act regulating the descent and distribution of property;" ayes, 19; absent, 8.

C. F. No. 57, a bill relating to school districts in Uinta county, under suspension of the rules; ayes, 13; noes, 3; absent, 11.

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

Mr. Dyer moved that H. B. No. 38, under suspension of the rules, be read first, second and third times and placed upon its final passage.

Mr. Holliday moved for a conference committee.

Carried.

Mr. Holliday appointed on the part of the Council.

Mr. Draper made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 15, 1877. }

*Mr. President:*

Your committee on Finance, Ways and Means, to whom was referred C. J. R. No. 12, have had the same under consideration and ask leave to report the same back, recommending that the same be adopted.

Respectfully,

G. A. DRAPER, *Chairman.*

W. H. HOLLIDAY,

A. H. SWAN,

J. C. FRIEND,

T. DYER.

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—Under suspension of the rules, the House this morning passed H. B. No. 68, a bill for an act to repeal an act entitled "an act to incorporate the city of Cheyenne," approved December 10, 1869, by the following vote: ayes, 20; absent, 7, and the same is herewith transmitted for the consideration and concurrence of your honorable body.

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

CHEYENNE, Dec. 15, 1877.

*Hon. Speaker of the House:*

SIR:—The accompanying bill returned; the first amendment agreed to; the second amendment incomprehensible, indefinite and uncertain; correction is requested.

Very respectfully,

C. W. BRAMEL,

*Secretary.*

Respectfully returned. See endorsement in amendment.

In section six, line two, strike out the words "two thousand" and insert the words "fifteen hundred" in lieu thereof.

Respectfully,

H. W. FOGLESONG,  
*Chief Clerk.*

*Hon. President of the Council.*

On motion of Mr. Downey, the rules were suspended and H. B. No. 54 was read first, second and third times and passed the Council.

The committee on enrolled bills made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 15, 1877. }

*Mr. President:*

Your committee on enrolled bills have examined C. F. No. 11 and report the same back to the Council as correctly enrolled.

H. HAAS,  
*Chairman.*

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 15, 1877. }

*Mr. President:*

Your committee on enrolled bills have delivered to the Governor, this day, at ten o'clock and forty minutes, a. m., C. F. No. 52 for his approval.

H. HAAS,  
*Chairman.*

Mr. Holliday moved that the Council do not concur in the House amendments to C. F. No. 36.

Mr. Pease moved to amend the motion by striking out the word "not" in said motion.

Carried.

The Council then concurred in the amendments of House to C. F. No. 36.

Mr. Downey introduced C. F. No. 60, relating to the pay and salaries of the members and officers of the Fifth Legislative Assembly.

Under a unanimous suspension of the rules, the bill was read first, second and third times and unanimously passed the Council.

On motion of Mr. Draper, the Council took a recess until two p. m.

#### AFTERNOON SESSION.

Council re-convened.

Mr. President in the chair.

Roll called.

All the members present.

The following messages were received from the honorable House and read:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—The House has this morning concurred in C. J. R. No. 11, and the Speaker has appointed Messrs. Hamma, Homer, Ferris, Gurney and Hoy on the part of the House.

Resolution herewith returned.

Respectfully,  
H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—The House has this morning concurred in Council files of the following described titles, by the vote hereinafter stated:

Substitute for C. F. No. 24, a bill for an act to amend an act concerning alienation by deed, of the proof and recording of conveyances and the cancelling of mortgages; ayes, 18; absent, 9.

C. F. No. 18, a bill for an act to establish a Territorial wagon road from Laramie City, in the county of Albany, through the Douglas Creek mining region, to the southern boundary of Wyoming, in the direction of Hahn's Peak, etc.; ayes, 16; noes, 9; absent, 2, and the same are herewith returned to the honorable Council.

Respectfully,  
H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—The House has this morning concurred in C. J. R. No. 9, to suspend rule No. 14, and the same is herewith returned to your honorable body.

Respectfully,  
ROBERT SMITH,  
*Assistant Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—The House this morning concurred in the amendments of

the Council to H. B. No. 41, a bill for an act to restrain bulls from running at large during certain seasons of the year.

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

On motion of Mr. Downey, the rules were suspended, and C. J. R. No. 12 was read a first, second and third time and unanimously passed the Council.

Mr. Draper moved that the rules be suspended for the consideration of H. B. No. 56.

Motion lost.

On motion of Mr. Pease, H. B. No. 68 was read a first, second and third time and, under suspension of the rules, passed the Council unanimously.

The following communications were received from the House and read, viz:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—Herewith is returned to your honorable body C. F. No. 26, a bill for an act to amend an act entitled “an act to establish a code of civil procedure for the Territory of Wyoming,” which, under suspension of the rules, was concurred in by the House, by the following vote: ayes, 20; noes, 1; absent, 6.

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, DEC. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—C. F. No. 53, a bill for an act to provide extra compensation for Hon. J. B. Blair, associate justice of the supreme court, was this afternoon concurred in by the House, under suspension of the rules, by the following vote: ayes, 21; noes, 1; absent, 5, and the same is herewith returned to your honorable body.

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—Herewith is returned to the Council C. J. R. No. 10, in

regard to adjournment, which was laid on the table by the House.

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

Without previous notice, Mr. Friend introduce the following :

C. F. No. 61, a bill for an act to provide for the organization of Crook and Pease counties, and to provide for holding court therein.

On motion of Mr. Pease, C. F. No. 61, under suspension of the rules, was read a first, second and third time and unanimously passed the Council.

On motion of Mr. Dyer, H. B. No. 61, under a unanimous suspension of the rules, was read a first, second and third time and unanimously passed the Council.

The following communications were received from the House and read :

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—The Speaker has appointed as committee of conference on the part of the House on H. B. No. 38, Messrs. Hamma and Stone.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, DEC. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—Herewith is returned to the Council C. F. No. 58, a bill for an act to provide extra compensation for Hon. J. W. Fisher, chief justice of the supreme court of the Territory of Wyoming, which this afternoon was concurred in by the House, under suspension of the rules, by the following vote: ayes, 22; absent, 5.

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

On motion of Mr. Downey, H. B. No. 20, as amended, was read a third time and passed the Council unanimously.

Mr. Holliday, without previous notice, introduced the following:

C. F. No. 62, a bill for an act providing for paying certain expenses; read a first time in full, and on motion of Mr. Holliday, the same, under suspension of the rules, was read a second and third time and unanimously passed the Council.

On motion of Mr. Holliday, C. F. No. 63 was introduced, a bill

for an act concerning the office of Chaplain for the Territorial penitentiary, at Laramie City, and otherwise providing therefor.

Mr. Dyer moved that C. F. No. 63 be referred to Mr. Mertsheimer.

Mr Holliday moved to lay the same on the table.

Motion lost.

Mr. Dyer's motion was then put and carried.

On motion of Mr. Holliday, the Council then went into executive session.

FOUR O'CLOCK, P. M.

Council re-convened, executive session having dissolved.

On motion of Mr. Mertsheimer, the Council took a recess for ten minutes.

The special committee on H. B. No. 64 reported as follows:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 15, 1877. }

*Mr. President:*

Your special committee to whom was referred H. B. No. 64, appertaining to fees and salaries of county officers of Sweetwater county, respectfully recommend the following amendments, viz:

Strike out of said bill sections two, five, seven, nine and twelve, and in lieu of section two insert the following, to wit: The sheriff of said county shall receive three-fourths of the fees and emoluments as provided by chapter forty-nine, compiled laws of Wyoming, approved December 10, 1869, except that for board of each prisoner per day, shall be seventy-five cents in lieu of one dollar, as therein provided, and in section six strike out "one thousand two hundred" and insert "fifteen hundred;" in section fourteen, strike out the words "*Provided*, That this section shall apply to Sweetwater county only," and insert the following in lieu thereof: including sections one, two, three and five of an act providing compensation for the members of the board of county commissioners for each county, approved December 10, 1875, and the act entitled an act regulating the fees of officers of Wyoming Territory, approved December 6, 1877, is hereby repealed, and your committee recommend that said bill pass, as amended.

E. F. CHENEY,  
*Committee.*

The following communications were received from the House and read:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—Under suspension of the rules, C. F. No. 56, a bill for an act entitled "an act providing for a just and equitable apportion-

ment of the indebtedness of the counties from the territory of which are formed and organized other counties in the Territory of Wyoming," was this afternoon concurred in by the House, by the following vote: ayes, 18; noes, 5; absent, 4, and the same is herewith returned to your honorable body.

Respectfully,  
ROBERT SMITH,  
*Assistant Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—Under the suspension of the rules, C. F. No. 61, a bill for an act to provide for the organization of Crook and Pease counties and to provide for holding court therein, was concurred in by the House, by the following vote: ayes, 21; noes, 1; absent 5, and the same is herewith returned to your honorable body.

Respectfully,  
ROBERT SMITH,  
*Assistant Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—Herewith is transmitted for the consideration and concurrence of your honorable body, H. B. No. 55, a bill for an act to locate and establish a Territorial wagon road from Evanston, Uinta county, to Henry's Fork, which passed the House this afternoon, by the following vote: ayes, 19; noes, 3; absent, 5.

Respectfully,  
ROBERT SMITH,  
*Assistant Clerk.*

On motion of Mr. Mertsheimer, the rule was unanimously suspended and H. B. No. 55 was read first, second and third times and unanimously passed the Council.

On motion of Mr. Cheney, H. B. No. 64 was read a third time and, as amended, passed the Council unanimously, under a suspension of the rule, after the adoption of the report of the committee.

The President so announcing.

On motion of Mr. Downey, H. B. No. 52, under a suspension of the rule, was read first, second and third times and passed the Council by the following vote:

*Ayes*—11 votes.

*Noes*—Messrs. Holliday and Keller—2 votes.

The committee on enrolled bills made the following report:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 15, 1877. }

*Mr. President:*

Your committee on enrolled bills have delivered to the Governor, at three o'clock and fifteen minutes, p. m., C. F's Nos. 11, 47, 45 and 33 for his approval.

H. HAAS,  
*Chairman.*

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 15, 1877. }

*Mr. President:*

Your committee on enrolled bills have delivered to the governor this day, at four o'clock and ten minutes, p. m., C. F's Nos. 36 and 43 for his approval.

H. HAAS.  
*Chairman.*

The following messages were received from the House and read:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 14, 1877. }

*To the Hon. President of the Council:*

SIR:—Herewith is returned to your honorable body C. F. No. 59, a bill for an act to authorize the town of Laramie City to control the water works therein and to regulate the water supply, which this afternoon was concurred in by the House, by the following vote: ayes, 22; absent, 5.

Respectfully,  
ROBERT SMITH,  
*Assistant Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—The House this afternoon concurred in C. F. No. 32, a bill for an act to amend an act to establish a Territorial wagon road from Rawlins to Camp Brown, by the following vote: ayes, 19; noes, 3; absent, 5, and the same is herewith returned to your honorable body.

Respectfully,  
ROBERT SMITH,  
*Assistant Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—Under suspension of the rules, C. F. No. 60, a bill for an act to provide for the payment of the amounts due the members of

the Council and House of Representatives of the Fifth Legislative Assembly, and for other purposes, was this afternoon concurred in by the House; ayes, 19; noes, 3; absent, 5, and the same is herewith returned to your honorable body.

Respectfully,  
**ROBERT SMITH,**  
*Assistant Clerk.*

Mr. Downey introduced C. F. No. 64, a bill for an act entitled "an act concerning county licenses," approved December 13, 1873.

On motion of Mr. Downey, the rule was suspended and the same read first, second and third times and unanimously passed the Council.

On motion of Mr. Downey, the Council took a recess until seven o'clock, p. m.

EVENING SESSION.

Council re-convened.

President in the chair.

Roll called.

All the members present.

Mr. Friend called to the chair.

The following messages were received from the House and read:

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—The Ways and Means committee introduced in the House this afternoon, without previous notice, H. B. No. 70, a bill for an act making divers appropriations.

Respectfully,  
**ROBERT SMITH,**  
*Assistant Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—The House this afternoon concurred in C. F. No. 10, a bill for an act entitled "an act to repeal an act in reference to the compensation of county commissioners," approved December 10, 1875, under the suspension of the rules, by the following vote: ayes, 21; noes, 0; absent, 6, and the same is herewith returned to your honorable body.

Respectfully,  
**ROBERT SMITH,**  
*Assistant Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 15, 1877. }

To the *Hon. President of the Council*:

SIR:—Mr. Hamma, from joint conference committee on H. B. No. 38, made the following report:

“We, your joint conference committee on H. B. No. 38, ask leave to report, as a majority report, that we believe the bill should pass without amendment, and we ask that this report shall be sent to the honorable Council.

PETER HAMMA,  
 CHAS. STONE.”

Which was adopted by the House.

Respectfully,  
 ROBERT SMITH,  
*Assistant Clerk.*

Mr. Mertsheimer, without previous notice, introduced the following bill:

C. F. No. 65, a bill for an act amending an act entitled “an act regulating the herding and care of stock,” chapter 105, stock laws, approved December 5, 1873, and on his own motion, the same was, under suspension of rule, read first, second and third times and unanimously passed the Council.

On motion of Mr. Pease, of Albany, the Council took a recess for ten minutes.

Council re-convened.

President in the chair.

All the members present.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 15, 1877. }

To the *Hon. President of the Council*:

SIR:—Herewith is transmitted H. J. R. No. 14, relating to the printing of the election and school laws of the Territory of Wyoming, etc., which this afternoon was adopted by the House, and the concurrence in the same, of your honorable body is solicited.

Respectfully,  
 ROBERT SMITH,  
*Assistant Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 15, 1877. }

To the *Hon. President of the Council*:

SIR:—The House this afternoon concurred in the amendments made by the Council to H. B. No. 20, a bill for an act to amend an

act entitled "an act providing for the organization of school districts, schools and for other purposes."

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, }  
CHEYENNE, WYO., Dec. 15, 1877. }

*To the Hon. President of the Council:*

I have the honor to inform the Council that I have approved enrolled act No. 11, entitled "a bill for an act for the appointment of a Territorial stenographer and the preservation of evidence."

Enrolled act No. 43, entitled "a bill for an act to amend an act entitled 'an act regulating the descent and distribution of property.'"

Enrolled act No. 33, entitled "an act to amend an act entitled 'an act regulating the fees of officers,' approved December 10, 1869, being chapter forty-nine of the compiled laws of Wyoming."

Enrolled act No. 47, entitled "a bill for an act regulating the fees of the county and precinct officers of Carbon county."

Enrolled act No. 45, entitled "a bill for an act to amend an act entitled "an act concerning county licenses."

Enrolled act No. 4, entitled "an act to prevent frauds upon travelers."

Enrolled act No. 52, entitled "a bill for an act to provide fees and salaries for the officers of Albany county and for other purposes."

Very respectfully,

JOHN M. THAYER.

*Governor.*

On motion of Mr. Holliday, rule was unanimously suspended and H. J. R. No. 14 was unanimously passed by the Council.

Mr. Mertsheimer introduced the following C. J. R. and M. No. 13, a memorial for the removal of Hon. Wm. Ware Peck from office as associate justice of Wyoming Territory.

On motion of Mr. Keller, the same was read first, second and third times and passed the Council.

The following messages were received from the House and read:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—The House has refused to concur in the amendments offered by the Council to H. B. No. 64, a bill for an act entitled "an act for regulating the salaries and fees of officers of Sweetwater county,"

except in the amendment to section six, which was concurred in, and the bill is herewith returned to your honorable body.

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

The following committee report was received and read:

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 15, 1877. }

*Mr. President:*

Your committee on Territorial Affairs and Internal Improvements, to whom was referred H. B. No. 36, beg leave to report the same back to the Council with the recommendation that the same bill do pass.

W. H. HOLLIDAY,

*Chairman.*

Mr. Downey moved that the Council refuse to concur with the House in H. B. No. 64, and called for a committee of conference.

Mr. Keller moved an amendment, that the same be referred to Mr. Cheney, of Sweetwater.

Carried.

On motion of Mr. Holliday, H. B. No. 36 was read three times, and on question of suspension of the rule, the same was lost.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—The following Council files were this afternoon laid on the table by the House:

C. F. No. 62, a bill for an act to provide for paying certain expenses.

C. F. No. 65, a bill for an act to amend an act entitled "an act regulating the branding, herding and care of stock," chapter 105. stock laws, approved December 5, 1873.

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

Mr. Friend moved that the Council take a recess for ten minutes.

Carried.

The Governor sent the following message:

EXECUTIVE DEPARTMENT,  
CHEYENNE, WYO., Dec. 15, 1877. }

*To the Hon. President of the Council:*

I have the honor to inform the Council that I have approved

enrolled act No. 61, entitled "a bill for an act to provide for the organization of Crook and Pease counties and to provide for holding court therein.

Very respectfully,

JOHN M. THAYER.

*Governor.*

On motion of Mr. Keller, the Council took a recess for ten minutes.

Council re-convened.

Mr. Holliday in the chair.

Roll called.

All the members present.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—The House has concurred in C. J. R. No. 12, and the same is herewith returned to the Council.

Also, C. F. No. 54, a bill to amend an act to provide for elections, the manner of conducting the same, and for other purposes, was concurred in by the House, by the following vote: ayes, 19; absent, 8.

Also, C. F. No. 64, a bill for an act to amend an act concerning county licenses, approved December 13, 1873, was concurred in, under suspension of the rules, by the following vote: ayes, 21; noes, 1; absent, 5, and the same are herewith returned.

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—The House this afternoon concurred in C. F. No. 55, a bill for an act to amend an act entitled "an act to provide a Territorial and county revenue," by the following vote: ayes, 15; noes, 2; absent, 10, and the same is herewith returned to your honorable body.

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—Herewith is transmitted to the Council C. F. No. 46, a bill for an act to amend chapter forty-seven of the revised statutes of

Wyoming Territory, which this afternoon was concurred in by the House, by the following vote: ayes, 16; noes, 2; absent, 9.

C. F. No. 30, a bill for an act entitled "an act to authorize the board of county commissioners of Albany county to stock the streams and lakes of Albany county with fish," was by the House laid on the table.

H. B. No. 67, a bill for an act to amend an act entitled "an act to organize and establish a Territorial treasury department," passed the House this afternoon, by the following vote: ayes, 16; noes, 6; absent, 5, and the concurrence of your honorable body in the same is solicited.

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

Under suspension of rule, H. B. No. 67 was read first and second times and referred to Mr. Mertsheimer.

Mr. Haas moved that C. J. R. No. 12 and C. F's. Nos. 51, 55, 46, 64, 12, and 54 be considered the enrolled bills.

Carried.

The following communication was received from the House and read:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—C. F. No. 49, a bill for an act amending an act entitled "an act concerning county licenses," was this afternoon by the House laid on the table.

C. F. No. 51, a bill for an act to amend an act entitled "an act to establish a code of civil procedure for the Territory of Wyoming," was this afternoon concurred in by the House, by the following vote: ayes, 13; noes, 2; absent, 12, and the same is herewith returned to your honorable body.

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

The President resumed the chair.

The following communications were received from the House, and on motion of Mr. Holliday, the Council resolved itself into a committee of the whole for the consideration of the same, viz: H. B. No. 70, an act making divers appropriations, Mr. Keller in the chair.

Pending the consideration of H. B. No. 70, the following communications were received from the House and read:

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—Herewith is transmitted for the consideration and concurrence of your honorable body H. B. No. 70, a bill for an act making divers appropriations, which this afternoon passed the House, under suspension of the rules, by the following vote: ayes, 23; Noes, 2; absent, 2.

Respectfully,  
 ROBERT SMITH,  
*Assistant Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—The enclosed memorial to Congress for an appropriation to complete the penitentiary in Wyoming Territory, this afternoon passed the House, by the following vote: ayes, 10; noes, 7; absent, 10, and the same is herewith transmitted for the consideration of your honorable body.

Also, H. B. No. 28, a bill for an act to amend an act entitled “an act to establish a code of civil procedure for the Territory of Wyoming,” approved December 11, 1873, passed the House this afternoon, by a vote as follows: ayes, 17; noes, 1; absent 9, and the same is herewith transmitted to your honorable body for your consideration and concurrence.

Respectfully,  
 ROBERT SMITH,  
*Assistant Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, DEC. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—Mr. Gurney, without previous notice, introduced in the House this afternoon H. B. No. 71, a bill for an act approved December 16, regulating the fees of county and precinct officers.

Respectfully,  
 ROBERT SMITH,  
*Assistant Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—C. F. No. 50, a bill for an act amending an act entitled “an act to create a lien for mechanics and others in certain cases,” was

this afternoon concurred in by the House, by the following vote: ayes, 12; noes, 8; absent 7, and the same is herewith returned to your honorable body.

Respectfully,  
**ROBERT SMITH,**  
*Assistant Clerk.*

The committee rose and made the following report:

*Mr. President:*

Your committee of the whole have had under consideration H. B. No. 70, and report the same back, with amendments attached, and request that the same do pass, as amended.

**J. N. KELLER,**  
*Chairman.*

Mr. Cheney made the following report:

COUNCIL CHAMBER,  
 CHEYENNE, WYO., Dec. 15, 1877. }

*Mr. President:*

Your special committee to whom was referred H. B. No. 64, have had the same under consideration and report the same back, with the recommendation that the Council do concur in the action of the House.

**E. F. CHENEY,**  
*Committee.*

On motion of Mr. Draper, the report of the committee on H. B. No. 64 was adopted.

H. B. No. 70 then, on motion of Mr. Swan, was read the third time and passed the Council by a unanimous vote.

The President so announcing.

Mr. Keller moved to amend H. B. No. 64.

Motion lost.

H. B. No. 64 was then read the third time and passed the Council, under suspension of the rule.

The Council again went into executive session.

Executive session dissolved.

Council re-convened.

All the members present.

On motion of Mr. Pease, the vote by which the Council passed H. B. No. 70 was reconsidered.

Mr. Downey then moved an amendment to H. B. No. 70, that Mr. Slack be allowed twenty-four dollars for papers, *Sun*.

Amendment allowed.

Mr. Downey offered the following amendment, which was adopted:

Amendment by Mr. Downey to H. B. No. 70: amend section eight by adding the following, "there is hereby appropriated to

Herman Haas, chairman of the contested election committee one hundred and seventy-seven dollars.”

The following communications were received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—Herewith is transmitted to the Council C. F. No. 38, a bill for an act to amend an act to establish the boundary lines of Carbon county, and for other purposes, which was this afternoon concurred in by the House, by the following vote: ayes, 14; noes, 1; absent, 12.

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—C. J. R. No. 13, memorial for removal of Hon. Wm. Ware Peck from office as associate justice of Wyoming Territory, this afternoon was concurred in by the House, under suspension of the rules, by the following vote: ayes, 21; noes, 2; absent, 4, and the same is herewith returned to your honorable body.

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, }  
CHEYENNE, WYO., Dec. 15, 1877. }

*To the Hon. President of the Council:*

I have the honor to inform the Council that I have approved enrolled act No. 31, entitled “an act concerning chattel mortgages.”

Enrolled act No. 18, entitled “a bill for an act to establish a Territorial wagon road from Laramie City, in the county of Albany, through the Douglas Creek mining region, to the southern boundary of Wyoming, in the direction of the North Park and Hahn’s Peak road, over the most practicable route.”

Enrolled act No. 60, entitled “a bill for an act to provide for the payment of the amounts due the members of the Council and House of Representatives of the Fifth Legislative Assembly, and for other purposes.”

Enrolled act No. 59, entitled “a bill for an act relating to school districts in Uinta county.”

Enrolled act No. 32, entitled “a bill for an act to amend an act to

establish a Territorial wagon road from Rawlins, in Carbon county, to Camp Brown, in Sweetwater county."

Enrolled act No. 39, entitled "a bill for an act in relation to deeds of trust."

C. F. No. 51, entitled "a bill for an act to establish a code of civil procedure for the Territory of Wyoming, approved December 11, 1873."

C. F. No. 54, entitled "a bill for an act to amend chapter forty-five of the compiled laws of Wyoming, being an act to provide for elections, and for other purposes, approved Decemberrer 10, 1869."

C. F. No. 46, entitled "a bill for an act to amend chapter forty-seven of the revised statutes of Wyoming Territory, approved December 10, 1869."

Enrolled act No. 56, entitled "a bill for an act entitled 'an act providing for a just and equitable apportionment of the indebtedness of counties from the territory of which are or may be formed and organized other counties in the Territory of Wyoming.'"

Enrolled act No. 26, entitled "a bill for an act to amend an act entitled 'an act to establish a code of civil procedure for the Territory of Wyoming.'"

Enrolled act No. 53, entitled "a bill for an act to provide extra compensation for Hon. J. B. Blair, associate justice of the supreme court."

Enrolled act No. 69, entitled "a bill for an act to authorize the town of Laramie City to control the water works therein and to regulate the water supply."

Enrolled act No. 58, entitled "a bill for an act to provide extra compensation for the Hon. J. W. Fisher, chief justice of the supreme court of the Territory of Wyoming."

C. F. No. 64, entitled "a bill for an act to amend an act entitled 'an act concerning county licenses,' approved December 13, 1873."

C. F. No. 55, a bill for an act to amend an act entitled "an act to provide a Territorial and county revenue."

C. J. R. No. 12.

Very respectfully,

JOHN M. THAYER.

*Governor.*

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—I am instructed to transmit herewith, for the concurrence of your honorable body, H. J. R. No. 15, in relation to adjourn-

ment, which this afternoon passed the House, under suspension of the rules.

Respectfully,  
**ROBERT SMITH,**  
*Assistant Clerk.*

On motion of Mr. Friend, Mr. Holliday was, per order of the Council, ordered under arrest for disobeying the orders of the Council in to return H. B. No. 38.

Mr. Haas moved that C. F. No. 38 and C. J. R. No. 13 be considered the enrolled bills and that they be sent to the Governor.

Carried.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—I am instructed to transmit, for the consideration of your honorable body, H. B. No. 70 and inform you that the House has adopted the accompanying report of the committee of conference; also, adopted section thirteen, which is attached to the bill, and ask your concurrence.

Respectfully,  
**H. W. FOGLESONG,**  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—I am directed to inform your honorable body that the House refuses to recede from its action in adopting the report of the joint committee of conference.

Respectfully,  
**H. W. FOGLESONG,**  
*Chief Clerk.*

H. B. No. 28, on motion of Mr. Friend, was referred to Mr. Mertsheimer.

The following communication was received from the House:

CHEYENNE, Dec. 15, 1877.

*Hon. Speaker of the House:*

The joint committee appointed to confer on amendments made by Council to H. B. No. 70, have to report that we have agreed to allow the bill of the Leader Printing Company, twenty-two dollars; bill of E. A. Slack, twenty-four dollars; the claim of Herman Haas for mileage, as chairman of the committee on contested election

case, one hundred and seventy-seven dollars, we agree on one-half the amount, or eighty-eight dollars and fifty cents; the claim of the judiciary of 1875, we disallow; we agree to the claim of W. E. Wheeler, twenty-four dollars.

PETER HAMMA, }  
 PETER McKAY, } of *House*.  
 J. P. CALDWELL, }  
 G. A. DRAPER, of *Council*.

The Council refused to adopt the report.

On motion of Mr. Downey, another on H. B. No. 70 was appointed to confer with a like committee.

Carried.

Mr. Downey was appointed on the part of the Council.

The Council, on motion of Mr. Haas, took a recess for fifteen minutes.

Council re-convened.

The following communication was received from the House and read:

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—I am directed to inform you that the Speaker has appointed as committee of conference on H. B. No. 70, on the part of the House, Messrs. Foglesong, Carter and Kinney.

Respectfully,  
 H. W. FOGLESONG,  
*Chief Clerk.*

H. B. No. 72, on motion of Mr. Pease, under a suspension of the rule, was read first, second and third times and passed the Council.

The following communications were received from the House:

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—Mr. Caldwell, this afternoon, introduced in the House, without previous notice, H. B. No. 72, a bill for an act in reference to the Territorial auditor.

Respectfully,  
 H. W. FOGLESONG,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—I am instructed to transmit herewith, for the consideration and concurrence of your honorable body, H. B. No. 72, a bill for an

act in reference to the Territorial auditor, which this afternoon passed the House, under suspension of the rules, by the following vote: ayes, 15; absent, 12.

Respectfully,  
 H. W. FOGLESONG,  
*Chief Clerk.*

The committee on H. B. No. 70 made the following report:

CHEYENNE, Dec., 15, 1877.

*Hon. President of the Council.*

Your joint committee to whom was referred H. B. No. 70, have had the same under consideration and have taken testimony in reference to the claim of six hundred and forty-eight dollars claimed by the judiciary committee, and after due investigation have failed to agree on said appropriation, and do recommend that the said amendment be not concurred in, and recommend that the appropriation bill do pass without said judiciary bill being allowed.

S. W. DOWNEY,	} <i>Committee.</i>
A. H. SWAN,	
S. W. FOGLESONG,	
P. KINNEY,	
P. H. CARTER,	

H. B. No. 70, under a unanimous suspension of the rule, on motion of Mr. Downey, was read first, second and third times, as amended, and the same concurred in by the following vote:

*Ayes*—Messrs, Cheney, Downey, Draper, Dyer, Friend, Hays, Keller, Mertsheimer, Pease and Swan—10 votes.

*Absent*—Messrs. Haas, Holliday and Mr. President.

The President resumed his seat, and announced that H. B. No. 70 had unanimously passed the Council.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }  
 CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—The following resolution was this afternoon adopted in the House, viz:

*Be it Resolved by this House,* That the honorable Council be most respectfully requested to report what action has been taken by the honorable Council in H. B's. Nos. 10, 15, 26, 36, 40, 42, 44, 46, 54, 58 and 60.

Respectfully,  
 H. W. FOGLESONG,  
*Chief Clerk.*

Mr. Mertsheimer reported back H. B. No. 58, recommending that it do pass.

On motion of Mr. Haas, the same was read a third time, and under suspension of the rule, unanimously passed the Council.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, }  
CHEYENNE, WYO., Dec. 15, 1877. }

To the Hon. President of the Council:

SIR:—I have the honor to inform the Council that I have approved C. F. No. 50, entitled “an act amending an act entitled “an act to create a lien for mechanics and others in certain cases.’”

Enrolled act No. 10, entitled “a bill for an act entitled ‘an act to repeal an act in reference to the compensation of county commissioners,’ approved December 10, 1875.”

C. F. No. 38, entitled “a bill for an act to amend an act entitled ‘an act to organize the county of Carbon and to establish the boundary line thereof, and for the appointment of officers therein.’”

Very respectfully,

JOHN M. THAYER.

Governor.

The following resolution was offered by Mr. Pease:

*Resolved,* That the Secretary be instructed to notify the House that the Council will adjourn *sine die* in thirty minutes.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

To the Hon. President of the Council:

SIR:—I am instructed to inform the Council that the House has adopted the report of the last committee of conference, and herewith transmit H. B. No. 70 and ask the concurrence of your honorable body in the bill as agreed upon by the committee of conference.

I am further instructed to strike out the word “repudiate,” in the report of the first committee, and insert the word “disallow” in lieu thereof.

Respectfully,

H. W. FOGLESONG,

Chief Clerk.

On motion of Mr. Keller, the journal was approved as far as read. The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

To the Hon. President of the Council:

SIR:—I herewith send copy of H. B. No. 38, a bill for an act to

fix the time of holding general elections, and other purposes, as per the request of your honorable body.

Respectfully,

ROBERT SMITH,

*Assistant Clerk.*

And then, on motion of Mr. Keller, the rule was suspended and H. B. No. 38 was read first, second and third times and passed the Council, by the following vote:

*Ayes*—10 votes.

*Noes*—Messrs. Mertsheimer and Pease, of Albany.

On motion of Mr. Mertsheimer, H. B. No. 35 was indefinitely postponed.

Mr. Downey introduced the following resolution, which was unanimously adopted:

*Be it Resolved by the Council of the Territory of Wyoming, That the thanks of the Council are due and are hereby tendered the Hon. E. L. Pease, the President of the Council, for the impartial, courteous and competent manner with which he has discharged his duties in the presiding officer's chair.*

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

*To the Hon. President of the Council:*

SIR:—I am instructed to inform you that the House has refused to concur in Council amendments to H. B. No. 70. A committee of conference, consisting of two members of the Council and three members of the House, is asked for, and Messrs. Hamma, McKay and Caldwell are appointed as such committee on the part of the House.

Respectfully,

H. W. FOGLESONG,

*Chief Clerk.*

Hon. L. D. Pease offered the following resolution:

COUNCIL CHAMBER, }  
CHEYENNE, WYO., Dec. 15, 1877. }

*Resolved, That the thanks of the Council be and the same are hereby tendered to Miss Gertie Patterson for the faithful performance of duties as page of the Council, and her lady-like deportment while in the discharge of her official duties demonstrates the principle that a lady will be a lady in all the walks of life.*

On motion, the aforesaid resolution was unanimously adopted.

Mr. T. Dyer offered the following resolution:

*Resolved, That a vote of thanks is hereby tendered the Secretary*

and Assistant Secretary of the Council for the able manner in which they have discharged their duties.

On motion, said resolution was adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

To the Hon. President of the Council:

SIR:—The following resolution was adopted in the House this afternoon:

*Resolved by the House of Representatives, the Council concurring therein,* That a joint committee, consisting of two members of the House and one member of the Council, be appointed to wait on his excellency, the Governor, and inform him that the Fifth Legislative Assembly is now ready to adjourn *sine die*, and ascertain if his excellency has any further communications to make to the Assembly.

The Speaker has appointed Messrs. McKay and Stone as such committee on the part of the House.

Respectfully,  
H. W. FOGLESONG,  
Chief Clerk.

HOUSE OF REPRESENTATIVES, }  
CHEYENNE, Dec. 15, 1877. }

To the Hon. President of the Council:

SIR:—I am directed to inform you that the House has adopted amendments to H. B. No. 70 and passed the bill, as amended.

Respectfully,  
H. W. FOGLESONG,  
Chief Clerk.

On motion of Mr. Friend, the journal was read and approved.

On motion of Mr. Pease, the Council adjourned *sine die*.

C. W. BRAMEL,  
Secretary of the Council.

We, E. L. Pease, President of the Council, and C. W. Bramel, Secretary of the same body, do hereby certify that the foregoing pages contain a full and true daily journal of the proceedings of the Council of the Fifth Legislative Assembly of Wyoming Territory, at its fifth biennial session, held at Cheyenne, the capital of Wyoming Territory, commencing on the sixth day of November, A. D., 1877, and ending on the fifteenth day of December, A. D., 1877, at twelve o'clock and thirty minutes, a. m.

E. L. PEASE,  
President of the Council.

C. W. BRAMEL,  
Secretary of the Council.

PROCEEDINGS OF EXECUTIVE SESSION OF COUNCIL.

COUNCIL CHAMBER,  
CHEYENNE, WYO., Dec. 15, 1877. }

The Council having, under the rule, closed its doors, and all members being present, the following communication was received from his excellency, the Governor, and read, viz:

EXECUTIVE DEPARTMENT,  
CHEYENNE, WYO., Dec. 15, 1877. }

*To the Honorable Council:*

I nominate Edward Ivinson, of Albany county, to be Territorial Auditor.

Very respectfully,  
JOHN M. THAYER,  
*Governor.*

EXECUTIVE DEPARTMENT,  
CHEYENNE, WYO., Dec. 15, 1877. }

*To the Honorable Council:*

I nominate Amasa R. Converse, of Laramie county, to be Territorial Treasurer.

Very respectfully,  
JOHN M. THAYER.  
*Governor.*

The following resolution was introduced:

*Resolved,* That the Secretary is hereby instructed to inform his excellency, Governor John M. Thayer, that the Council refuse to confirm Edward Ivinson, Auditor of the Territory and A. R. Converse as Treasurer, and respectfully request his excellency to send to the Council two other names for the positions aforesaid.

On motion, the resolution was adopted.

On motion, the executive session adjourned.

Executive session re-convened under the rule.

All the members present.

The following messages were received from the Governor:

EXECUTIVE DEPARTMENT,  
CHEYENNE, WYO., Dec. 15, 1877.

*To the Honorable Council:*

I nominate Amasa R. Converse, of Laramie county, to be Territorial Treasurer.

Very respectfully,  
JOHN M. THAYER,  
*Governor.*

EXECUTIVE DEPARTMENT,  
CHEYENNE, WYO., Dec. 15, 1877. }

*To the Honorable Council:*

I nominate Stephen W. Downey, of Albany county, to be Territorial Auditor.

Very respectfully,  
JOHN M. THAYER,  
*Governor.*

EXECUTIVE DEPARTMENT,  
CHEYENNE, WYO., Dec., 15, 1877. }

*To the Honorable Council:*

I nominate John Slaughter, of Laramie county, to be Territorial Librarian and Superintendent of Public Instruction.

Very respectfully,  
JOHN M. THAYER,  
*Governor.*

On motion of Mr. Haas, the council concurred in the nomination of Mr. Slaughter.

Also, on motion of Mr. Pease, the Council confirmed the nomination of Hon. S. W. Downey, and

Also, on motion of Mr. Dyer, the Council confirmed the nomination of Amasa R. Converse, as Treasurer.

Mr. Holliday then offered the following resolution, viz:

*Be it Resolved,* That the Secretary of the Council be and he is hereby instructed to inform his excellency, the Governor, that the Council has unanimously confirmed John Slaughter for Territorial Librarian and Superintendent of Public Instruction, Hon. Stephen W. Downey for Territorial Auditor and Amasa R. Converse for Territorial Treasurer.

On motion, said resolution was adopted, and the Secretary notified the Governor as per requirements of same.

Executive session then adjourned.

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I certify that the foregoing pages contain a correct journal of the proceedings of the executive (confidential) session of the Council for the Fifth Legislative Assembly of the Territory of Wyoming, which convened at Cheyenne on the sixth day of November, A. D., 1877.

C. W. BRAMEL,  
*Secretary of the Council.*