

Journal of the Council of the Territory of Kansas, 1855

Section 4, Pages 91 - 120

This document identified the actions of the First Territorial Council (Senate), which first met at the town of Pawnee near Fort Riley on Monday July 2, 1855. On July 6, 1855, the House of Representatives approved a resolution sent to them by the Council that moved the meeting of the Legislature to the Shawnee Manual Labor School beginning July 16, 1855. This session of the Council concluded this first session on August 30, 1855. Included in the volume were various messages from the Governor and Acting Governor. The appendix contained reports of various committees--judiciary, special committee on exempting slaves from execution, bounds of counties and districts, elections, convention, public printing. The appendix also had the "opinion of the Supreme Court in regard to the legality of the present session" by Samuel Leconte and Rush Elmore, a memorial from the legislature of Kansas to the President of the United States requesting the removal of Andrew Reeder, and the Rules and Orders under which the House of Representatives conducted business. The last fifty-two pages were an index to the volume. The members of the Council were: Thomas Johnson and Edward Chapman, 1st Council District; A. M. Coffey and David Lykins, 4th Council District; William Barbee, 5th Council District; John W. Forman, 7th district; William P. Richardson, 8th district; D. A. N. Grover, 9th district; L. J. Eastin and Richard R. Rees, 10th district. The elections in the 2nd, 3rd, and 6th Council Districts were disputed, but Andrew Macdonald, 2nd Council district, H. J. Strickler, 3rd district; and John Donaldson, 6th district, were sworn in as members of the Council. John A. Haldeman served as the Chief Clerk.

Date: July 2 through August 30, 1855

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"Persons who have heretofore or may hereafter obtain from the Legislature the privilege of keeping a ferry, shall pay annually to the clerk of the tribunal transacting county business, such tax as said county tribunal may impose, not less than two dollars, nor more than five hundred, for the use of the Territory."

The amendment was read the first and second time, the rules being suspended, on motion of Mr. Coffey, and the bill ordered to be engrossed.

The committee further reported an act to provide for the support of the poor, with the following amendments, which were read the first time :

"Strike out, after the word county, to the sixth line of section 3d."

Transpose the words "tribunal county transacting," so as to read "tribunal transacting county," in sections 4, 5, 6 and 7.

In the 12th section, strike out the words, "in the same," where there is a repetition of them.

On motion of Mr. Coffey,

The rules were suspended, and the amendments read a second time, when the bill was ordered to be engrossed.

Mr. Grover introduced a bill, entitled, "An act to establish a ferry in Kansas Territory, opposite the town of Iatan, in Missouri."

Which was read the first time, rule suspended, read a second time, and referred to the Committee on Corporations and County Organizations.

Mr. Grover introduced a bill entitled, "An act concerning evidence."

Which was read the first time, rule suspended, read the second time, and referred to the Committee on Judiciary.

Mr. Grover introduced "An act concerning witnesses,"

Which was read the first time, rule suspended, read the second time, and referred to the Committee on Judiciary.

Mr. Richardson introduced a bill entitled, "An act to incorporate a ferry at Whitehead, in Kansas Territory."

Which was read the first time, rule suspended, read the second time, and referred to the Committee on Corporations and County Organizations.

Mr. Rees introduced a bill entitled "An act to organize the county of Leavenworth."

Which was read the first time, rule suspended, on motion of Mr. Rees, and referred to the Committee on Corporations and County Organizations.

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Mr. Rees introduced a bill entitled "An act concerning slaves."

Which was read the first time, and, on motion of Mr. Rees, the rule suspended, read a second time, and referred to the Committee on Judiciary.

On motion of Mr. Strickler,
The Council adjourned.

AFTERNOON SESSION.

The Council met pursuant to adjournment.

Mr. Rees offered a bill entitled an act for the punishment of certain crimes and offences, and for the protection of slave property.

Which was read the first time, and, on motion of Mr. Rees, rule suspended, read a second time, and referred to the Committee on Judiciary.

Mr. Strickler introduced an act concerning the plats of towns and villages, which was read the first time, rule suspended, read the second time, and referred to the Committee on Corporations and County Organizations.

On motion of Mr. Donaldson,

Resolved, That the Clerk of the Council be instructed to spread upon the journal all amendments offered to bills which have been proposed and seconded, together with all other motions.

Mr. Barbee moved to take up a bill entitled an act to organize the county of Arapahoe, and to define the boundaries thereof, and that one hundred copies of the same be printed.

Mr. Rees moved that the vote by which all matter to be printed should be reported upon by a Committee on Printing previous to having the same done, be now reconsidered.

Which was agreed to.

The resolution in regard to the same, adopted yesterday, was taken up, and on the passage, the ayes and noes being called for, the members voted as follows:

AYES—Messrs. Rees, Richardson, Strickler, and Mr. President.

NOES—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Grover and Lykins.

ABSENT—Mr. McDonald, on leave.

And so the said resolution was rejected.

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The question recurring upon Mr. Barbee's motion to print one hundred copies of the bill, it was carried.

The Committee on Enrolled Bills, through Mr. Chapman, reported that the following bills had been examined and found truly enrolled :

An act to incorporate the Mount Aurora Cemetery and Town Association.

An act to incorporate the Tecumseh Lyceum and Library Association.

An act concerning apprentices.

An act to establish a public ferry at the town of Iowa Point, in Kansas Territory.

An act in relation to county organizations, powers and privileges.

An act in relation to county buildings.

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

House bill entitled an act to establish a road from Osawkee to Grasshopper Falls, was taken up, read the first time, and, on motion of Mr. Rees, the rule was suspended, the bill read a second time, and referred to the Committee on Roads and Highways.

House concurrent resolution was taken up and read as follows :

Resolved by the Council, the House of Representatives concurring therein, That the enacting clause of all laws passed by the Legislative Assembly of Kansas shall be : " Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows."

Which was read the first and second time, by suspension of rules, and adopted.

A bill entitled, an act concerning divorce and alimony, was taken up, read the first time, rule suspended, read a second time, together with the amendments, which were agreed to, read a third time, and passed.

A House bill, entitled, an act concerning marriage contracts, was read the first time, and,

On motion of Mr. Donaldson,

The rules were suspended, and the bill read the second time, and referred to the Committee on Judiciary.

On motion of Mr. Donaldson,

A House bill entitled, an act to license and tax peddlers, was read the first time, and,

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On motion of Mr. Rees,

The rules were suspended, the bill read the second time, and referred to the Committee on Judiciary.

Mr. Eastin asked leave to present a memorial from William Walker and others, praying for an act to incorporate a Historical and Philosophical Society in Kansas Territory, in which memorial were mentioned some of the beneficial results to be expected from such a Society, and the expediency of incorporating it at the earliest possible period. It was referred to the Committee on Education.

In connection with the memorial, was introduced a bill entitled, an act to incorporate the Historical and Philosophical Society of Kansas, which was read the first time, and,

On motion of Mr. Eastin,

The rules were suspended, the bill read the second time, and referred to the Committee on Education.

Business from the House was resumed, and the following bills were read the first time, and the rules suspended, read the second time, and referred to the Committee on Judiciary, to-wit:

An act concerning arbitrations and awards.

An act concerning marriage.

The following House concurrent resolution, in regard to the printing of bills, was read the first time:

Whereas, The practice of printing bills (which is only for information) with wide spaces between the lines, is productive of three-fold more expense than if printed solid; and, *whereas*, the appropriation made to defray the contingent expenses is limited; therefore, be it

Resolved by the House of Representatives (the Council concurring,) That hereafter all bills and other matters ordered to be printed, shall be printed solid.

On motion of Mr. Donaldson,

The rules were suspended, and the resolution read the second time, and,

On motion of Mr. Eastin, it was referred to the Committee on Ways and Means.

On motion of Mr. Donaldson,

The Council adjourned.

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THURSDAY MORNING, August 2, 1855.

Council met pursuant to adjournment.

Prayer by the Rev. Mr. Peery.

The roll was called.

ABSENT—Messrs. Eastin and Grover.

Mr. McDonald, on leave.

The Journal was read and approved.

Mr. Lykins presented a petition from Baptiste Peoria, and others, praying to be admitted as citizens, with all the rights and privileges thereto belonging.

On motion, the petition was referred to the Committee on Indian Relations.

Mr. Richardson presented a petition from Louis P. Chouteau, and others, which had on a former occasion been presented by Mr. Barbee.

It was then, on motion, referred to the Committee on Indian Relations.

Mr. Richardson, from the Committee on Roads and Highways, reported back House bill entitled, "An act to establish a road from Osawkee to Grasshopper Falls," and recommended its passage.

The bill was considered as engrossed, by motion of Mr. Richardson, read a third time, and passed.

The passage of House bill entitled, "An act to establish a Territorial road from St. Joseph to Marysville," was farther recommended.

On motion of Mr. Richardson,

The bill was considered as engrossed, read the third time, and passed.

Mr. Strickler, from the Committee on Engrossed Bills, reported back a House bill entitled, "An act to view and mark out a road from the eastern boundary of the Territory of Kansas, near Westport, Jackson County, Missouri, a part of the way, and declare a part of the road running to Fort Leavenworth, a Territorial road."

On motion of Mr. Rees, the report was accepted.

The following message was received from the House of Representatives by Mr. Lyle, Chief Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council that bills with the following titles have passed the House:

An act concerning strays.

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An act granting to Louis Trombly exclusive right to a bridge across the Vermillion Branch of the Big Blue river, at the crossing of the Independence and California road.

An act to establish a road from Kickapoo to Money creek, in the Territory of Kansas.

An act to establish a Territorial road from Atchison to Pawnee, by the way of Grasshopper Falls, in the Territory of Kansas.

An act appropriating certain funds for the support of common schools.

An act to establish a Territorial road from Leavenworth to Indianola, by the way of Money creek and Grasshopper Falls, in the Territory of Kansas.

An act to authorize Thomas N. Stinson to establish a ferry across the Kansas river, at the town of Tecumseh.

An act to establish a Territorial road from a point opposite St. Joseph, in Missouri, to Indianola, in the Territory of Kansas.

An act regulating enclosures.

An act respecting seed horses.

And that the following Council bills have passed the House:

An act concerning Coroners.

An act preventing the firing of woods, marshes, and prairies.

An act to declare a certain road a Territorial road.

A bill to incorporate the City of Leavenworth.

An act regulating the authentication of statutes, and the taking effect of laws.

An act to incorporate the Kansas Valley Railroad Company.

An act to incorporate a railroad from the Missouri State line to the western Kansas line.

And, that the House has amended the bill passed by both Houses, entitled, "An act to incorporate the Lecompton Bridge Company."

And that the House has concurred in the Council amendment to the House bill entitled, "An act to establish a Territorial road from a point opposite Westpoint, in Missouri, to Cofachique, in Kansas Territory."

The following message was received from the House of Representatives by Mr. Lyle, Chief Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council that the following bills have been introduced into the House:

An act to establish a ferry across the Missouri river.

An act to establish a Territorial road in the Territory of Kansas.

An act for the entire prohibition of lotteries.

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An act to establish a Territorial road from a point above Franklin, on the California road, via the lake and Kansas river, then to the town of Leecompton, in Kansas Territory.

An act entitled "An act to locate and establish a Territorial road from the town of Atchison to the town of Osawkee."

Mr. Rees, from the Committee on Judiciary, reported that the committee had before them a bill of the following title:

"An act concerning slaves," introduced into the Council. Your committee find in the 7th and 8th sections of the 4th article, the punishment is left blank; and your committee report back the bill, with the recommendation that it pass when these blanks are filled.

On motion of Mr. Rees, the bill was laid on the table.

Your committee have had before them Council bill entitled, "An act respecting lost money and goods;" and also a House bill with the same title, which, upon examination, your committee find to be substantially the same; they would therefore recommend that the House bill be passed, and that the Council bill be laid on the table indefinitely.

On motion of Mr. Rees, the Council bill was laid on the table.

On motion of same, the House bill was considered as engrossed, read a third time, and passed.

Your committee have also had before them a House bill, entitled "An act concerning arbitrations and awards," which has been duly considered; and your committee recommend its passage.

Which was, on motion, considered as engrossed, read a third time, and passed.

Your committee have been considering a bill entitled, "An act to establish Probate Courts and to define their powers and jurisdiction," and will in a short time report a substitute.

And your committee have had before them a bill entitled "An act regulating contracts and promises."

Which was, on motion, considered as engrossed, read a third time, and passed.

An act concerning evidence has been duly considered, and the same is respectfully recommended for passage.

Which was, on motion, considered as engrossed, read a third time, and passed.

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The Committee on Corporations and County Organizations, through Mr. Forman, reported back bills of the following titles :

An act to organize the county of Monroe, in the Territory of Kansas ;

An act to organize the county of Leavenworth ;

An act to organize the county of Sullivan, in the Territory of Kansas, and to define the boundaries thereof ;

And recommended that the same be referred to a select committee, to consist of the members of the Council north of Kansas river.

On motion, the report was adopted, and the committee accordingly appointed, consisting of Messrs. Donaldson, Eastin, Forman, Grover, Rees, and Richardson.

The same committee made a second report as follows :

The committee recommend the passage of House bill No. 56, entitled "An act to incorporate the city of Kickapoo."

Which was, on motion, considered as engrossed, read a third time, and passed.

Council bill entitled "An act to incorporate a ferry at Whitehead, in Kansas Territory."

Which was, on motion, considered as engrossed, read a third time, and passed.

Council bill entitled "An act to incorporate a ferry in the Territory of Kansas, opposite the town of Iatan, in Missouri."

Which was, on motion, considered as engrossed, read a third time, and passed.

The Committee on Ways and Means, through Mr. Coffey, reported that they had had under consideration the concurred resolution of the House of Representatives, relating to printing, and report it back, with the recommendation that the preamble be non-concurred in ; but recommend that the Council concur in the resolution. They also recommend the appointment of a Committee on Printing, who shall have a general supervision of the printing done for the Council, and audit and settle the accounts of the public printer, for printing done for the Council.

The separate parts of the report were then taken up. That part relating to the preamble of the House resolution was, on motion, rejected, as recommended by the committee. The committee recommended to be appointed was, on motion of Mr. Donaldson, made a select committee.

The chair appointed the following members as that committee :
Messrs. Donaldson, Grover, and Lykins.

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Mr. Rees introduced a bill entitled "An act giving meaning to the word State."

On motion of Mr. Rees,

The rule was suspended, the bill read a second time, considered as engrossed, read a third time, and passed.

Mr. Rees offered a bill entitled, "An act supplemental to an act, entitled, 'An act to incorporate the city of Leavenworth,'" which was, on motion, read a second time by suspension of rule, and referred to the Committee on Corporations and County Organizations.

Mr. Donaldson introduced a bill entitled, "An act to incorporate the city of Pawnee," which was, on motion of Mr. Donaldson, read a second time, considered as engrossed, read a third time, and passed.

Mr. Rees introduced a bill entitled, "An act regulating the practice in courts of chancery," which was read the first time, and, on motion of Mr. Rees, the rules were suspended, the bill read the second time, rules again suspended, bill read the third time, and passed.

Mr. Barbee introduced a bill entitled, "An act to incorporate the Cofachique association," which was read the first time, and, on motion of Mr. Barbee, the rules were suspended, and the bill read the second time, and referred to the Committee on Corporations and County Organizations.

Mr. Barbee introduced a bill entitled, "An act to incorporate the Eujatah association," which was read the first time, and, on motion of Mr. Barbee, the rules were suspended, the bill read the second time, and, on motion, referred to a select committee composed of Messrs. Coffey, Forman, and Rees.

"An act to incorporate the city of Leavenworth," as amended by the House' was taken up, and the amendments, on motion of Mr. Rees, were read the first, second, and third times, and approved.

And so the bill passed.

Mr. Barbee moved that two hundred copies of the bill organizing the Territory of Kansas, approved May 30, 1854, together with subsequent acts in relation to Kansas, be printed for the use of the Council. Lost.

Mr. Donaldson moved that the sergeant-at-arms be, and is hereby instructed to purchase one dozen spittoons for the use of the Council. Lost.

On motion of Mr. Strickler,

Resolved, That three hundred copies of the catalogue of the members of the Council and House of Representatives be printed for the use of the Council.

On motion of Mr. Chapman,

The Council adjourned.

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The Council met pursuant to adjournment.

House bill entitled, "An act to view and mark out a road from the eastern boundary line of the Territory of Kansas, near Westport, Jackson county, Missouri, a part of the way, and to declare a part of the road as the present road, which now runs to Fort Leavenworth, a Territorial road," was taken up, read the third time, and passed.

House bill entitled, "An act to establish a road from Kickapoo to Money creek, in the Territory of Kansas," was read the first time, rule suspended, read the second time, and referred to the Committee on Roads and Highways.

House bill entitled, "An act to establish a Territorial road from Atchison to Pawnee, by the way of Grasshopper Falls, in the Territory of Kansas," was read the first time, rule suspended, read the second time, and referred to the Committee on Roads and Highways.

House bill entitled, "An act appropriating certain funds for the support of common schools," was read the first time, rule suspended, read a second time, and referred to the Committee on Education.

House bill entitled, "An act to establish a Territorial road from Leavenworth to Indianola, by the way of Money creek and Grasshopper Falls, in the Territory of Kansas," was read the first time, rule suspended, read a second time, and referred to the Committee on Roads and Highways.

House substitute entitled, "An act to establish a Territorial road from a point opposite St. Joseph, in Missouri, to Indianola, in the Territory of Kansas," was read the first time, rule suspended, read the second time, and referred to the Committee on Roads and Highways.

House bill entitled, "An act respecting seed horses," was taken up, read the first time, rule suspended, read the second time, and referred to the Committee on Agriculture.

House bill entitled, "An act regulating enclosures," was read the first time, rule suspended, read a second time, and referred to the Committee on Agriculture.

House bill entitled, "An act concerning strays," was read first time, rule suspended, read the second time, and referred to the Committee on Agriculture.

House bill entitled, "An act granting to Louis Trombly exclusive right to a bridge across the Vermillion branch of the Big Blue river, at the crossing of

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the Independence and California roads," was read the first time, rule suspended, read a second time, and referred to the Committee on Corporations and County Organizations.

To the act concerning strays, Mr. Eastin moved to strike out "25 cents," where it occurs, and insert "50 cents." Carried.

Mr. Chapman moved to strike out the words "free white person," and insert "citizen." Carried.

House bill entitled, "An act to incorporate the Lecompton Bridge Company," as amended by House after first passage in Council, was taken up and read.

The amendments were read the first, second, and third time, and passed with the bill.

Council bill entitled, "An act to prevent the firing of woods, marshes, and prairies," was read the first time, rule suspended, read a second time, and referred to the Committee on Judiciary.

"An act to declare a certain road a Territorial road," with House amendments, was read the first, second, and third times, and passed.

"An act concerning coroners," with House amendments, was read the first time, rule suspended, read a second time, and referred to the Committee on Judiciary.

"An act to incorporate a railroad from the Missouri State line to the western Kansas line," was read with amendments.

Mr. Barbee offered to amend by striking out all of the amendments after the word "estate," and inserting the words, "Provided that nothing in this act shall be so construed as to authorize said company to receive any such real estate for any other purpose than to carry out the provisions of this act;" which was incorporated with the bill, and then referred to the Committee on Judiciary.

On motion of Mr. Richardson,

Mr. Rees was, on his application, excused from serving on the Committees on Indian Relations, and Internal Improvements.

Mr. Grover introduced a bill entitled, "An act concerning bills of exchange and negotiable promissory notes," which was read the first time, rule suspended, read a second time, and referred to the Committee on Judiciary.

Mr. Forman introduced a bill entitled, "An act establishing a ferry at the town of Doniphan, which was read the first time, rule suspended, read a second time, and referred to the Committee on Corporations and County Organizations.

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THURSDAY MORNING, AUGUST 3, 1855.

The Council met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Peery.

The roll was called, and all the members answered to their names except Messrs. Barbee and McDonald, absent; the latter on leave.

The journal was read and amended.

The following message from the House, by Mr. Lyle, Chief Clerk, was received:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council that the House has passed House bills of the following titles, to wit:

An act to authorize James Findley to establish a bridge across the Waka-rusa river.

An act to incorporate the Atchison Town Company.

An act to incorporate the Fort Scott Town Company.

An act to incorporate the Wyandotte Lyceum.

An act to incorporate a Territorial road.

Also, the following Council bills have passed the House:

An act concerning inquests.

An act concerning costs.

An act regulating weights and measures.

An act concerning bonds and notes.

An act incorporating the city of Lawrence, in Kansas Territory.

An act concerning contracts and promises.

Also, that the following bills have been introduced into the House:

An act allowing suits against officers for services rendered under illegal orders.

An act to establish a Territorial road from the Willow Springs to Douglas.

An act to locate a Territorial road.

An act to declare a certain road a Territorial road.

An act to grant pre-emptions on school lands in certain cases.

Also, that the Speaker of the House has signed enrolled Council bills of the following titles:

An act to establish a public ferry at the town of Iowa Point, in Kansas Territory.

An act regulating the erection of county buildings.

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An act in relation to county organizations, powers, and privileges.
An act concerning apprentices.
An act to incorporate the Mount Aurora Cemetery and Town Association.
An act to incorporate the Tecumseh Lyceum and Library Association.

Reports of Committees.

The Committee on Judiciary respectfully report that they have had before them a bill, entitled, "An act to prevent the firing of woods, marshes, and prairies," and find the same to be in a very peculiar position.

We learn that in Council the fifth section was stricken out, and the bill so amended passed the Council. The bill came back from the House with the fifth section, purporting to have passed the Council, and a House amendment to the fifth section.

We, therefore, respectfully refer the same back to the Council for their action.

They have had before them a bill entitled, "An act concerning bills of exchange," which they have considered, and recommend its passage.

They have had before them a Council bill entitled, "An act concerning coroners," which is returned from the House with amendments as follows :

Section 1st. Add to beginning "The County Commissioners, or."

Your committee state that it is not yet certain that there will be such a tribunal, called the County Commissioners.

On motion of Mr. Rees, the Council

Resolved, That a bill entitled an act to prevent the firing of woods, marshes, and prairies be sent back to the House with a message showing amendments that passed the Council upon its passage in Council.

"An act concerning bills of exchange and negotiable promissory notes," came up for its third reading.

Mr. Richardson moved to amend the bill by inserting "every promissory note, for the payment of money expressed on the face thereof, to be for 'value received, negotiable and payable without defalcation,' shall be due and payable as therein expressed, and shall have the same effect and be negotiable in like manner as inland bills of exchange."

The amendment was read the first and second time, and adopted, when on motion, the bill was laid on the table.

The committee further report that they have had before them a Council bill entitled,

An act concerning Coroners, which is returned from the House with an amendment, as follows :

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Sec. 1. Add at the beginning "The County Commissioners, or."

Your committee state that it is not yet certain that there will be a tribunal called the County Commissioners; that the tribunal transacting county business will comprise any tribunal that may be established, and they therefore recommend that the Council disagree to the House amendment.

All of which is respectfully submitted.

On motion, the report was received, and the House amendment disagreed to.

The Committee on Roads and Highways, through Mr. Richardson, reported that they had examined the following bills, the passage of which is recommended without amendment:

House bill No. 64 entitled, "An act to establish a Territorial road from Atchison to Pawnee, by the way of Grasshopper Falls, in the Territory of Kansas."

Which was, on motion of Mr. Richardson, considered as engrossed, read a third time and passed.

House bill No. 89 entitled, "An act to establish a territorial road from a point opposite St. Joseph, Mo., to Indianola, in the Territory of Kansas.

Which was, on motion, considered as engrossed, read a third time and passed.

House bill No. 65, entitled "An act to establish a Territorial road from Leavenworth to Indianola, by the way of Money creek and Grasshopper Falls, in the Territory of Kansas.

Which was, on motion, considered as engrossed, read a third time, and passed.

The following message was received from the House of Representatives, by Mr. Lowe, Assistant Clerk:

Mr. President—

I am instructed by the House of Representatives to inform the Council that the Speaker of the House has signed the following enrolled bills:

An act concerning corporations.

A bill entitled, an act establishing Territorial roads.

An act establishing a Territorial road from Leavenworth City to Osawkee, via Alexandria.

An act to provide for laying out and establishing a Territorial road from the point where the Atchison, Kickapoo and Leavenworth roads converge, by way of Osawkee and Tecumseh, to intersect the Santa Fe road at or near One Hundred and Ten.

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An act to grant to F. J. Marshall and Albert G. Woodward, exclusive privilege to establish a ferry across the Big Blue river, at the crossing of the Great Military road leading from Fort Leavenworth to Forts Kearney and Laramie ; and also at the crossing of the Independence and California road across the same river.

An act to establish a Territorial road from opposite Boston, Missouri, to a point on the California road at or near the Half-Way Grove, in said Kansas Territory.

An act to establish a Territorial road from a point opposite Westpoint, in Missouri, to Cofachique, by the way of Ballard and Taylor's Ford, and the Catholic Mission.

An act to declare the Santa Fe road a Territorial road.

An act entitled, "An act to declare the road now leading from the California road, near Wakefield's to Lecompton, along the ridge between Snyder's and Wm. Todhunter's, and marked out by a double furrow, a public highway.

An act to establish a Territorial road from a point opposite St. Joseph, Missouri, to the Great Nemaha river.

An act to incorporate Leavenworth Lodge No. 150, of Ancient Free and Accepted Masons.

An act to establish a Territorial road from the Territorial line, near Westport, Missouri, to Fort Scott, in the Territory of Kansas.

An act entitled, "An act to declare a certain road from the Shawnee Methodist Church South, to the town of Tecumseh, a Territorial road.

The following message was received from the House, by Mr. Martin, Assistant Clerk :

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Council that the Speaker of the House of Representatives has signed enrolled House bills of the following titles :

An act declaring certain roads public highways.

An act to view and mark out a road from One Hundred and Ten via Glendale and the town of Douglas, to intersect the military road from Fort Leavenworth to Fort Riley.

The Committee on Corporations and County Organizations, through Mr. Forman, reported back the following bills, without amendment, and recommend their passage :

House bill No. 58, entitled, "An act to authorize Thos. N. Stinson to establish a ferry across the Kansas river, at the town of Tecumseh."

Which was, on motion, considered as engrossed, read the third time, and passed.

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House bill No. 69, entitled, "An act granting to Louis Trombley exclusive right to a bridge across the Vermillion branch of the Big Blue river, at the crossing of the Independence and California road."

Which was, on motion, considered as engrossed, read a third time, and passed.

Also, Council bill, entitled, "An act establishing a ferry at the town of Doniphan, in Kansas Territory."

Which was, on motion, considered as engrossed, read the third time, and passed.

Also, Council bill, entitled, an act supplementary to an act entitled "An act to incorporate the City of Leavenworth."

Which was, on motion, considered as engrossed, read the third time, and passed.

Also, an act to establish the office of County Treasurers.

Which was, on motion, considered as engrossed, read the third time, and passed.

Mr. Chapman, from the Committee on Enrolled Bills, reported as follows:

Mr. PRESIDENT—

From the Joint Committee on Enrolled Bills, I beg leave to report: That, at 11 o'clock this morning, (Friday,) I placed in the hands of his Excellency, Governor Andrew H. Reeder, Council bills, signed by the Speaker of the House and President of the Council, of the following titles:

An act to incorporate the Mount Aurora Cemetery and Town Association.

An act to incorporate the Tecumseh Lyceum and Library Association.

An act concerning apprentices.

An act to establish a public ferry at the town of Iowa Point, in Kansas Territory.

An act in relation to county organizations, powers and privileges.

An act in relation to the erection of county buildings.

On motion of Mr. Rees, the report was received.

The Committee on Agriculture, through Mr. Coffey, reported back and recommended the passage of an "Act concerning strays," with amendment in section 2. Strike out "free white person," and insert the words, "a citizen."

Section 15. Strike out, in last line, the words, "twenty-five," and insert "fifty."

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On motion, the amendments were read the first and second time, incorporated with said bill, which was considered as engrossed, read a third time, and passed.

The committee have also considered House bill, entitled, "An act regulating enclosures," and recommend its passage.

Which was, on motion, considered as engrossed, read the third time, and passed.

The committee ask further time for the consideration of House bill, entitled, "An act respecting seed horses," and ask further time to report thereon.

The Committee on Ways and Means, through Mr. Coffey, reported back an act to establish the "Treasury Department" and to define the powers and duties of treasurer and auditor, and recommended the following amendments:

Strike out, in sec. 1, the words, "they shall receive a certificate of their election, signed by the President of the Council, and attested by the Chief Clerk;" and insert, "they shall be commissioned by the Governor."

In section 5, strike out "December," and insert "November."

In section 10, strike out "Secretary of the Territory," and insert "Governor."

In section 13, strike out "Secretary of the Territory," and insert "Governor."

In section 16, strike out "Secretary," and insert "Governor."

All of which is respectfully submitted.

The amendments recommended by the committee were taken up, read the first and second time, by suspension of rule, and incorporated into the bill, which was ordered to be engrossed.

On motion of Mr. Richardson,
The Council adjourned.

AFTERNOON SESSION.

Council met pursuant to adjournment.

Mr. Rees introduced a bill entitled, "An act to regulate proceedings in criminal cases," which was read the first time, and, on motion of Mr. Richardson, the rule was suspended, read a second time, and referred to the Committee on Judiciary.

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An act concerning inquests, with House amendments, read the first, second and third time, and passed.

Mr. Grover moved to suspend the rules for reasons expressed. Carried.

Mr. Grover moved to reconsider the vote by which a concurrent resolution of the House passed the Council, in which was set forth the determination of the Legislative Assembly not to grant divorces in any case.

Motion lost.

The following message was received from the House of Representatives, by Mr. Lyle, Chief Clerk:

Mr. PRESIDENT—

I am instructed by the House to inform the Council that the House has passed bills of the following titles, to-wit:

An act to establish a ferry across the Missouri river.

An act to locate and establish a Territorial road from the town of Atchison to the town of Osawkee.

An act to locate a Territorial road.

An act to declare a certain road a Territorial road.

An act to establish a Territorial road from a point above Franklin, on the California road, via the Lake and Kansas river, then to the town of Leecompton, Kansas Territory.

An act to establish a Territorial road from Atchison, via Mount Pleasant and Hickory Point, to a point on the Kansas river, opposite the town of Leecompton, Kansas Territory.

The House insists on the amendment to the Council bill, entitled, "An act concerning Coroners."

Also, that the following bills have been introduced into the House, to-wit:

An act to establish a Territorial road from a point on the old California road, on the west side of Wakarusa to Mathew Rule's, on Big Wakarusa.

An act to prevent non-residents from grazing stock in Kansas Territory.

Also, that the House has passed the Council bill, entitled, an act supplemental to an act entitled, "An act to incorporate the City of Leavenworth."

Business from the House of Representatives being again resumed, the following concurrent House resolution was taken up and read, to-wit:

Resolved by the House of Representatives (the Council concurring therein.) that the two Houses of this Legislative Assembly go into joint session on the eighth day of August, and proceed to select a suitable place for the perma-

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ment seat of government; and, so soon as any point shall be selected, then the session to be dissolved, and such law be enacted as will locate by law the permanent seat of government at the point thus selected.

Which resolution, it was, on motion of Mr. Strickler, proposed to amend, by striking out the word "eighth," in the third line, and inserting the word "sixteenth." The amendment was lost, and the question on the resolution recurring, it was concurred in.

Mr. Coffey moved to suspend the rules, in order to the presenting and reading of a bill entitled, "An act concerning statutes and Legislative proceedings."

Which, on motion, was carried, and the bill read the first time; and the rules being again suspended, the bill was read the second time, and referred to the Committee on Judiciary.

Mr. Strickler moved that the Council resolve itself into a Committee of the Whole, on Monday next, at 2 o'clock, P. M., for the purpose of taking into consideration the subject of county organizations and county boundaries.

Mr. Donaldson moved to lay the resolution on the table, which motion was lost, and the vote being taken on the previous motion, it was carried.

Mr. Strickler moved to adjourn until Monday next.

The ayes and noes being called, resulted as follows:

AYES—Messrs. Barbee, Forman, Grover, Strickler, and Mr. President,
—5.

NAYS—Messrs. Chapman, Coffey, Donaldson, Lykins, Rees and Richardson—6.

The motion was lost.

Mr. Grover moved to adjourn,

Which motion was also lost—the first ballot resulting as follows:

AYES—Messrs. Chapman, Grover, Lykins—3.

NAYS—Messrs. Barbee, Coffey, Donaldson, Forman, Rees, Richardson, Strickler, and Mr. President—8.

And so the motion was lost.

Mr. Grover moved that the Select Committee, to whom was referred the establishing of the boundary lines for the counties on the northern side of Kansas river, be instructed to report thereon, on Monday next.

Which motion was carried.

On motion of Mr. Strickler,

The Council adjourned until Monday next, at 10 o'clock.

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MONDAY MORNING, AUGUST 6, 1855.

Council met pursuant to adjournment.
Prayer was offered by Rev. Mr. Peery.
The roll was called.

ABSENT—Messrs. Barbee, Eastin, and McDonald; the latter on leave.
The journal was read and approved.

On motion of Mr. Eastin, the Council

Resolved, (the House of Representatives concurring therein,) That the Public Printer be and is hereby authorized and directed to print five hundred copies of the journals of each House.

The Committee on Judiciary, through Mr. Rees, chairman, beg leave respectfully to report: That they have under consideration sundry bills, among which, an act entitled, "An act to regulate proceedings in criminal cases," to which they report an amendment, by adding to the close of the bill the following:

"This act to take effect and be in force from and after its passage."

The amendment was read the first and second time, and incorporated into the bill, which was considered as engrossed, read a third time and passed.

"An act concerning witnesses," to which they report amendment marked (A,) as follows: Amend section 13. Insert after the word "record," where it first occurs, the words, "or any judge or other officer authorized by law to grant writs of *habeas corpus*."

Amend section 16. Strike out the words, where they first occur, "General Circuit Attorney," and insert the words, "of the Territory, or other prosecuting attorney."

Amend section 18. Add to section the words, "but no such answer shall be used as evidence against such witness."

Amend section 21. Add to section the words, "but such opinions shall only go to the credibility of such witness."

And, as amended, recommend its passage.

The amendments were read the first and second time, and adopted.

The main bill was, on motion, considered as engrossed, read a third time, and passed.

An act entitled, "An act to incorporate a railroad from the Missouri State line to the western Kansas line."

They report that the Council amendment to the House amendment means

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precisely the same thing as the amendment, only expressed in different words; it ought, therefore, to be stricken out, and when stricken out, they recommend the passage of the bill.

On motion, the report relating to this bill was adopted, and the Council amendment non-concurred in.

The bill was considered as engrossed, read a third time, and passed.

A bill entitled, "An act to prevent trespass on the possessions of settlers on public lands."

They have carefully examined the bill, and recommend its passage.

On motion, the bill was considered as engrossed, read a third time, and passed.

An act entitled, "An act regulating contracts."

They have examined the bill and recommend its passage.

Which was, on motion, considered as engrossed, read a third time, and passed.

An act entitled, "An act regulating marriages."

They have examined the bill, and recommend the passage of the same.

Which was accordingly taken up, considered as engrossed, read a third time and passed.

Your committee have had before them a bill entitled "An act to provide for the publishing and distribution of the laws and journals."

And also, a bill entitled, "An act concerning the statutes and Legislative proceedings."

Which they find to be on the same subject, and, as the last mentioned act is preferable to the first, they recommend its passage.

And they recommend that the first named act be laid upon the table indefinitely.

On motion of Mr. Rees,

An act entitled, "An act to provide for the publishing and distribution of the laws and journals," was postponed indefinitely.

An act entitled, "An act concerning the statutes and Legislative proceedings," was, on motion, considered as engrossed, read a third time, and passed.

They have before them an act entitled, "An act to license and tax peddlers."

The bill imposes erroneous, and, as your committee think, excessive taxes upon peddlers, as they cannot conceive that there is any more crime in peddling and selling goods, at several places, than at one place.

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They respectfully offer amendment marked (A,) see appendix, and when the bill is so amended, they recommend its passage.

All of which is respectfully submitted.

The amendments proposed to the last mentioned act were read the first and second time, and incorporated with the bill, which was considered as engrossed, read a third time, and passed.

The following message was received from the House of Representatives, by Mr. Lyle, Chief Clerk:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Council that the following House bills have passed the House:

An act allowing suits against officers for services rendered under illegal orders.

An act for a Territorial road from the town of Atchison to the town of Marysville.

An act to establish a Territorial road from a point opposite St. Joseph, in Missouri, to Fort Riley, in the Territory of Kansas.

An act authorizing officers to call to their assistance the power of the county.

An act to establish a Territorial road from Leavenworth City to Salem, in Kansas Territory.

An act to establish a Territorial road from Delaware, on the Missouri river, to Calhoun and other points.

An act to provide for the location of Territorial roads in the Territory of Kansas.

Also, that Council bills of the following titles have passed the House:

An act respecting public administrators.

An act concerning forcible entries and detainers.

An act regulating the interest of money.

An act concerning securities.

Messrs. Rees and Coffey, from the Committee on Judiciary, made a majority report on an act entitled, "An act to organize Probate Courts and to define their powers. For report, see appendix.

Mr. Grover, from the same committee, made a minority report. See appendix.

On motion of Mr. Forman,

The rules were suspended, in order to the reading of the bill entitled, "An act to organize Probate Courts, and to define their powers."

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Which was accordingly read the first and second time.

On motion of Mr. Grover,

One hundred copies of the majority and minority reports, from the Committee on Judiciary, together with the bill, were ordered to be printed.

The Committee on Public Printing, through Mr. Donaldson, chairman, respectfully report, that they have examined and find a copy of each document printed as correct to date, and ask to submit the same to the Secretary of the Territory.

August 6th, 1855.

For report of Public Printer, see appendix.

The Select Committee, to which was referred, the whole subject of organizing and defining the boundaries of the counties on the Missouri river, north of the Kansas river, through Mr. Rees, chairman, made a majority report. (See appendix.)

On motion of Mr. Donaldson,

h Council adjourned till half-past one o'clock.

AFTERNOON SESSION.

Messrs. Grover and Donaldson, from the Select Committee on County Boundaries, made a minority report.

On motion of Mr. Grover,

The rules were suspended, and the report read a first and second time.

Mr. Grover moved to substitute the minority report for the majority report.

On motion of Mr. Donaldson,

The whole subject was laid on the table till to-morrow morning, at 10 o'clock.

On motion of Mr. Rees,

The vote to go into the Committee of the whole House, this evening, at 2 o'clock, was reconsidered.

Mr. Rees moved to amend the resolution of going into the committee, by inserting "ten o'clock, Tuesday morning," instead of "Monday, at two o'clock, P. M."

Which was adopted.

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On motion, the rules were suspended, in order to the report of the Judiciary Committee.

Mr. Rees, from the Committee on Judiciary, reported that the committee had had before them House bill entitled,

"An act for the incorporation of towns, and to prevent the circulation of town and city script, and respectfully submit amendment marked (A,) as follows:

Section 33, art. 1. Strike out "Probate Court" and insert "County Treasurer."

Sec. 35, art. 1. Strike out "Probate Court," and insert "County Treasurer."

Amend sec. 1, art. 2: strike out all after the word "time" in next to last line.

Amend sec. 4, art. 2: strike out all after words "shall be," where they occur the second time, and insert "by endorsement thereon."

Strike out 5th sec., art. 2, entire, and when so amended, the committee recommend its passage.

On motion, the amendments were read the first and second time, and adopted. The bill was considered as engrossed, read a third time, and passed.

On motion of Mr. Donaldson,

Resolved, That fifty copies of the bill to organize counties in the House, together with majority and minority reports on the same subject in the Council, be printed, provided it can be done by to-morrow morning, at 9 o'clock.

On motion of Mr. Eastin,

Resolved, That the Public Printer is hereby directed and authorized to print five hundred copies of the Journal of the Council.

On motion of Mr. Strickler,

An act regulating conveyances was considered as engrossed, read a third time, and passed.

On motion of Mr. Donaldson,
The Council adjourned.

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TUESDAY MORNING, AUGUST 7, 1855.

Council met pursuant to adjournment.

Prayer by the Rev. Mr. Peery.

The roll was called.

ABSENT—Mr. Barbee.

The journal of the preceding day was read, amended and approved.

On motion of Mr. Rees,

The subject of county organizations, which was under consideration last evening, was referred to the Committee of the whole House.

On motion of Mr. Rees,

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

After considering the matters referred to them, the President resumed his seat, whereupon Mr. McDonald reported the progress of the committee, and asked leave to sit again at 2 o'clock this evening.

Which, on motion of Mr. Rees, was granted.

The following message was received from the House by Mr. Lyle, Chief Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council that the House has passed the following bills:

Council bill entitled, "An act concerning set-off," as amended.

Council bill entitled, "An act concerning descents and distributions," as amended.

Council bill entitled, "An act to define the duties of justices of the peace in cases of breach of the peace," as amended.

Council bill entitled, "An act concerning fraudulent conveyances," as amended.

Council bill entitled, "An act concerning the action of replevin," as amended.

Council bill entitled, "An act to establish a Territorial road from the town of Kickapoo, in the Territory of Kansas, to intersect the military road leading from Fort Leavenworth to Fort Riley."

Council bill entitled, "An act for the speedy recovery of debts due on bonds and notes," as amended.

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Council bill entitled, "An act concerning attorneys at law," as amended.
Council bill entitled, "An act concerning the action of detinue," as amended.

Also, House bills of the following titles :

An act to establish a Territorial road in the Territory of Kansas.

An act concerning debtors and their creditors.

On motion of Mr. McDonald,
The Council adjourned.

AFTERNOON SESSION.

The Council met at the usual hour.

On motion of Mr. Grover,

The Sergeant-at-Arms was instructed to enforce the attendance of absent members.

On motion of Mr. Chapman,

The rules were suspended, in order to receive the reports of Standing Committees.

Whereupon, Mr. Chapman, chairman, from the Committee on Enrolled Bills, presented his report.

Which was, on motion of Mr. Rees, received.

The Committee on Corporations and County Organizations, through Mr. Forman, chairman, reported back an act entitled, "An act to establish a ferry at Lewis' Point, in Kansas Territory," and recommend that it be laid on the table for the present.

Which was, on motion of Mr. Rees, accordingly done.

On motion of Mr. Chapman,

The rules were suspended, in order that Mr. Rees might introduce a bill of the following title :

An act entitled "An act concerning depositions."

Which was read the first time, and,

On motion of Mr. Rees,

The rules were suspended, the bill read a second time, and referred to the Committee on Judiciary.

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On motion of Mr. Richardson,

The Council resolved itself into a Committee of the whole House, Mr. Coffey in the chair.

After considering the matters referred to them, the President resumed his chair, whereupon Mr. Coffey reported that the committee had considered the subjects before them, and reported progress.

The following message from the House of Representatives, was received by Mr. Lyle, Chief Clerk:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Council, that the Speaker of the House has signed the following enrolled Council bills

An act regulating weights and measures.

An act to establish a ferry opposite the town of St. Joseph, in the Territory of Kansas.

An act for the organization of townships.

An act regulating oaths, and prescribing the form of oaths of office.

An act adopting the common law as the rule of action in this Territory.

An act concerning contracts and promises.

An act supplemental to an act entitled, "An act to incorporate the city of Leavenworth.

An act to declare a certain road a Territorial road.

An act regulating the authentication of statutes and the taking effect of laws.

And that the Speaker of the House has refused to sign the following enrolled Council bills, on account of alleged defects in enrolment:

An act to incorporate the Wathena Plank and Macadamized Road Company.

An act licensing and controlling auctioneers.

A bill to incorporate the City of Leavenworth, Kansas Territory.

An act concerning divorce and alimony.

On motion of Mr. Strickler,

Resolved by the Council, the House of Representatives concurring therein, That a Select Committee is hereby appointed to report what course should be adopted by both houses for the form of enrolled bills, which committee shall consist of one member of the Council and two of the House of Representatives.

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Whereupon, the Chair appointed Mr. Coffey as such Council Committee.

On motion of Mr. Eastin,
The Council adjourned.

WEDNESDAY MORNING, AUGUST 8, 1855.

Council met pursuant to adjournment.

Prayer was offered by Rev. Mr. Peery.

The roll was called.

Members all present.

The journal of the preceding day was read and approved.

On motion of Mr. Coffey,

The rules were suspended, in order that the opinion of a majority of the Supreme Court on the matters submitted to them, for their consideration, by both branches of the Legislative Assembly, might be presented and read.

Which was accordingly done, (for which, see appendix.)

On motion of Mr. Coffey,

Resolved, That ——— copies of the opinion of the Supreme Court, upon certain questions propounded to them by the Legislative Assembly, be printed for the use of the Council.

Mr. Rees proposed to fill the blank with one thousand copies. Carried.

On motion of Mr. Donaldson,

The Council proceeded to the hall of the House of Representatives to go into joint session on the location of the permanent seat of government for Kansas Territory.

In joint session, the President of the Council in the chair, announced the business for consideration.

On motion of Mr. Stringfellow, of the House,

Resolved, That we bind ourselves to support, in our separate sessions, that point for the permanent seat of government which may be selected by joint session.

On motion of Mr. Stringfellow,

The vote was taken, viva voce, upon nominations being made.

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Nominations being in order,

R. R. Rees nominated Leavenworth City.

E. Chapman nominated Lawrence.

A. S. Johnson nominated St. Bernard.

H. J. Strickler nominated Tecumseh.

M. W. McGee nominated "One Hundred and Ten."

H. B. C. Harris nominated Kickapoo City.

J. Whitlock nominated Lecompton.

O. H. Browne nominated Douglas.

W. P. Richardson nominated Whitehead.

On motion of Mr. McMeekin,

The joint session proceeded to vote upon the nominations already made.

On the first ballot, there appeared

For Leavenworth,	-	-	-	-	-	-	6 votes.
Lawrence,	-	-	-	-	-	-	2 "
St. Bernard,	-	-	-	-	-	-	11 "
Tecumseh,	-	-	-	-	-	-	3 "
Whitehead,	-	-	-	-	-	-	3 "
Kickapoo,	-	-	-	-	-	-	2 "
Lecompton,	-	-	-	-	-	-	9 "
Douglas,	-	-	-	-	-	-	2 "
One Hundred and Ten,	-	-	-	-	-	-	1 "

The names of the Councilmen voting for Leavenworth, were Messrs. Eastin, Forman and Rees.

The name of the Councilman voting for Lawrence, was Mr. Chapman.

The names of the Councilmen voting for Tecumseh, were Messrs. Strickler and President.

The names of the Councilmen voting for St. Bernard, were Messrs. Barbee, Coffey, Lykins and Richardson.

The names of the Councilmen voting for Lecompton, were Messrs. Donaldson and McDonald.

The name of the Councilman voting for Kickapoo, was Mr. Grover.

On the second ballot, there appeared

For Lawrence,	-	-	-	-	-	-	1 vote.
Lecompton,	-	-	-	-	-	-	19 "
St. Bernard,	-	-	-	-	-	-	13 "
Tecumseh,	-	-	-	-	-	-	5 "

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The name of the Councilman voting for Lawrence, was Mr. Chapman.

The names of the Councilmen voting for Lecompton, were Messrs. Donaldson, Eastin, Grover, McDonald and Rees.

The names of the Councilmen voting for St. Bernard, were Messrs. Barbee, Coffey and Lykins.

The names of the Councilmen voting for Tecumseh, were Messrs. Forman, Richardson, Strickler and Mr. President.

On the third ballot, there appeared

For Lecompton,	-	-	-	-	-	-	-	25 votes.
St. Bernard,	-	-	-	-	-	-	-	11 "
Tecumseh,	-	-	-	-	-	-	-	2 "

The names of the Councilmen voting for Lecompton, were Messrs. Barbee, Chapman, Donaldson, Eastin, Grover, McDonald and Rees—7.

The names of the Councilmen voting for St. Bernard, were Messrs. Coffey, Forman, Lykins and Richardson.

The names of the Councilmen voting for Tecumseh, were Messrs. Strickler and President.

Lecompton having received a majority of all the votes cast, was declared by the President as the place duly selected by the joint session as the permanent seat of government for the Territory of Kansas.

On motion of Mr. Strickler,

The joint session was dissolved, and the Council returned to its chamber and was called to order by the President.

On motion of Mr. Eastin,

The Council adjourned.

AFTERNOON SESSION.

The Council met at the appointed time.

The Committee on Judiciary, through Mr. Rees, chairman, reported that they had had before them a bill entitled, "An act concerning depositions;" and having considered the same, respectfully recommend its passage.

The bill was considered as engrossed, on motion of Mr. Rees, read a third time, and passed.

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