

## Journal of the Council of the Territory of Kansas, 1855

### Section 8, Pages 211 - 240

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

Callnumber: SP 328.1 K13

KSHS Identifier: DaRT ID: 7060

Item Identifier: 7060

[www.kansasmemory.org/item/7060](http://www.kansasmemory.org/item/7060)

An act to incorporate the Richmond Town Company.

An act to incorporate the Columbia Town Company.

An act to incorporate the Washington Town Company.

And, that a bill has passed entitled, "An act to establish a Territorial road."

Also, that the House has disagreed to Council amendment to House bill entitled, "An act to provide for taking the census of the people of Kansas Territory."

Also, the following Council bills have passed:

An act respecting Notaries Public.

An act to incorporate the Leavenworth Insurance Company.

A bill to incorporate the Historical and Philosophical Society of Kansas.

An act concerning guardians and curators.

An act defining the punishment of crimes affecting property, public and private.

An act to incorporate the town of Benecia.

An act defining the punishment of offences against public morals and decency.

An act to establish a road from Iowa Point to the California road.

An act to incorporate the Tecumseh Town Association.

An act concerning dower.

An act to incorporate the Alexandria Coal Mining Company.

An act concerning landlord and tenant.

An act fixing the time of meeting of the Legislative Assembly.

An act authorizing the Council and House of Representatives to punish for contempt, and for other purposes.

An act concerning bills of exchange and negotiable promissory notes.

An act to regulate actions on penal bonds.

An act regulating practice in the Supreme Court.

An act to regulate practice at law.

Also, that the House has rejected Council bill entitled, "An act to license and tax merchants," and introduced into and passed a substitute of the same title.

Also, that the House has agreed to Council amendments to House bill entitled, "An act to charter a ferry across the Missouri river at the town of Palermo."

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 enrolled House bill of the following title:



## Journal of the Council of the Territory of Kansas, 1855

### THE COUNCIL.

213

An act to define the boundaries of the several counties of the Territory of Kansas.

Council bill—

An act providing for the office of Sheriff, and prescribing his duties.

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 House is now ready and waiting to go into joint session for the election of officers.

On motion of Mr. Rees,

A bill defining the boundaries of the Judicial Districts was taken up, read the first time, rule suspended, read a second time, rule again suspended, read a third time, and passed.

On motion of Mr. Richardson,

The Council insisted on Council amendments to a bill entitled, "An act to regulate elections."

Mr. Eastin offered the following resolution:

*Resolved by the Council, (the House of Representatives concurring therein,)* That the following shall be *pro hac vice* the order of business for the joint session in the election of civil officers, to wit:

First, District officers—beginning with the First Judicial District and ending with the Third.

Second, County officers—beginning with the counties of the First Judicial District, at the north-east corner of the Territory, in the following order:—Doniphan, Atchison, Jefferson, Calhoun, Leavenworth, and Douglas.

Second Judicial District—Johnson, Lykins, Bourbon, Allen, Anderson, Franklin, and Shawnee.

Third Judicial District—Nemaha, Marshall, Riley, Breckenridge, and Madison.

Which was read the first time, rule suspended, read a second time, and adopted.

The following message was received from Dan'l Woodson, acting Governor:

EXECUTIVE DEPARTMENT, August 25, 1855.

To the Honorable the Council of the Territory of Kansas:

I have the honor to announce that I have signed Council bills of the following titles:

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



## Journal of the Council of the Territory of Kansas, 1855

214

### JOURNAL OF

An act concerning contracts and promises.

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

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

An act regulating oaths and prescribing the forms of oaths of office.

An act regulating weights and measures.

An act to declare a certain road a Territorial road.

An act for the organization of townships.

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

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

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

An act establishing a ferry at the town of Douglas, in the Territory of Kansas.

An act to incorporate the city of Pawnee.

An act to provide for the support of the poor.

An act designating the pay of officers.

An act giving meaning to the word State.

An act to incorporate the Doniphan Town Company.

An act to establish a Probate Court, with the powers and duties of a Board of Commissioners, and to define its jurisdiction.

An act to provide for the office of Sheriff, and prescribing his duties.

DAN'L WOODSON,

Acting Governor.

Messrs. Halsey and Boyle were sworn and qualified as enrolling clerks for the Council.

On motion of Mr. Rees,

The vote by which was adopted a concurrent resolution prescribing the order of business for the joint session, was reconsidered.

Whereupon, Mr. Eastin offered the following amendment to the resolution, in the order of business:

Strike out the word "second" and insert the word "first," and strike out the word "first" and insert the word "second."

Amendment read the first time, rules suspended, read a second time and adopted.

On motion of Mr. Eastin,

The resolution was laid on the table.

### THE COUNCIL.

215

On motion of Mr. Strickler,

The Council proceeded to the House of Representatives, to meet in joint session.

Joint session was called to order, Mr. Johnson in the chair.

Mr. Eastin offered the following resolution :

*Resolved by the Joint Session*, That the following shall be the order of business in the election of civil officers, to-wit : First, County officers—beginning with the First Judicial District, at the north-east corner of the Territory, in the following order : Doniphan, Atchison, Jefferson, Calhoun, Leavenworth and Douglas.

Second Judicial District — Johnson, Lykins, Bourbon, Allen, Anderson, Franklin and Shawnee.

Third Judicial District — Nemaha, Marshall, Riley, Breckenridge, and Madison.

Second, District officers—beginning with the First and ending with the third Judicial District.

Mr. Eastin offered the following resolution :

*Resolved by the Joint Session*, That, in the elections of civil officers, the nominations offered by the representatives of the respective districts and counties shall be first acted upon ; and in case no nominations should be made for any district or county office, or in case of failure of making a choice from the nominations so made, then it shall be allowable to offer other nominations till all district and county offices shall have been provided for.

Sec. 2. All votes in joint session shall be given *viva voce*.

Upon which resolution, the Councilmen voted as follows :

**AYES**—Messrs. Chapman, Coffey, Eastin, Grover, Lykins, McDonald, and Strickler—7.

**NOES**—Messrs. Barbee, Donaldson, Forman, Rees, Richardson, and Mr. President.—6.

The resolution having failed to receive a majority of the votes cast, was lost.

Nominations being in order, Mr. Waterson nominated Joel P. Blair for Probate Judge of Doniphan county.

On motion of Mr. Stringfellow,

*Resolved*, That the votes be taken by ballot.

The Councilmen voted as follows :

For Mr. Blair — Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.



Whole number of votes cast, 37.

For Mr. Blair, 35 votes.

For Mr. Forman, 2 votes.

Mr. Blair having received a majority of all the votes, was declared duly elected Probate Judge of Doniphan county.

Mr. Richardson nominated A. Dunning and E. B. Rogers for county commissioners of Doniphan county.

Upon which, the Councilmen voted as follows:

For Messrs. Dunning and Rogers—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 37.

For Messrs. Dunning and Rogers, 36.

Messrs. Dunning and Rogers having received a majority of all the votes cast, were declared duly elected county commissioners of Doniphan county.

Mr. Waterson nominated Carey B. Whitehead for sheriff of Doniphan county.

Upon which, the Councilmen voted as follows:

For Mr. Whitehead—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 37.

For Mr. Whitehead, 36 votes.

Mr. Whitehead having received a majority of the votes cast, was declared duly elected sheriff of Doniphan county.

Nominations for Atchison county being in order, Mr. Kirk nominated Mr. James Headley for Probate Judge of Atchison county.

Upon which, the Council voted as follows:

For Mr. Headley—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 37.

For Mr. Headley, 37 votes.

Mr. Headley having received a majority of all the votes cast, was declared duly elected Probate Judge of Atchison county.

Mr. Kirk nominated Messrs. William Young and James M. Givens for county commissioners of Atchison county.

### THE COUNCIL.

217

Upon which, the Councilmen voted as follows :

For Messrs. Young and Givens—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 37.

For Messrs. Young and Givens, 37 votes.

Messrs. Young and Givens having received a majority of all the votes cast, were declared duly elected county commissioners of Atchison county.

Mr. Kirk nominated Mr. Wm. C. McVay for sheriff of Atchison county.

Upon which, the Councilmen voted as follows :

For Mr. McVay—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 37.

For Mr. McVay, 37 votes.

Mr. McVay having received a majority of all the votes cast, was declared duly elected sheriff of Atchison county.

Nominations for Jefferson county being in order, Mr. McMeekin nominated Mr. O. B. B. Tebbs for Probate Judge of Jefferson county.

For Mr. Tebbs—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 37.

For Mr. Tebbs, 37 votes.

Mr. Tebbs having received a majority of all the votes cast, was declared duly elected Probate Judge of Jefferson county.

Mr. McMeekin nominated Messrs. Napoleon Hopewell and Sam'l C. Hudson for county commissioners of Jefferson county.

Upon which, the Councilmen voted as follows :

For Messrs. Hopewell and Hudson—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 37.

For Messrs. Hopewell and Hudson, 37.

C. J.—28



## Journal of the Council of the Territory of Kansas, 1855

218

### JOURNAL OF

Messrs. Hopewell and Hudson having received a majority of all the votes cast, were declared duly elected county commissioners of the county of Jefferson.

Mr. McMeekin nominated Mr. Geo. Dyer for sheriff of the county of Jefferson.

Upon which, the Councilmen voted as follows:

For Mr. Dyer—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 37.

For Mr. Dyer, 37 votes.

Mr. Dyer having received a majority of all the votes cast, was declared duly elected sheriff of Jefferson county.

Nominations for the county of Calhoun being in order, Mr. Tebbs nominated Mr. James Kuykendall for Probate Judge of Calhoun county.

Upon which, the Council voted as follows:

For Mr. Kuykendall—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 37.

For Mr. Kuykendall, 37 votes.

Mr. Kuykendall having received a majority of all the votes cast, was declared duly elected Probate Judge of Calhoun county.

Mr. Tebbs nominated Messrs. R. J. Fulton and R. D. Beeler for county commissioners of Calhoun county.

Mr. McMeekin nominated Mr. William Alley.

Upon which, the Councilmen voted as follows:

For Beeler and Alley—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 37.

For Messrs. Beeler and Alley, 37 votes.

Messrs. Beeler and Alley having received a majority of all the votes cast, were duly elected county commissioners of Calhoun county.

Mr. Tebbs nominated James Wilson for sheriff of Calhoun county.

Upon which, the Councilmen voted as follows:



### THE COUNCIL.

219

For Mr. Wilson—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 37.

For Mr. Wilson, 37 votes.

Mr. Wilson having received a majority of all the votes cast, was declared duly elected sheriff of Calhoun county.

Nominations for Leavenworth county being in order; Mr. Eastin nominated Mr. John A. Halderman for Probate Judge of Leavenworth county.

Mr. Richardson nominated Mr. Amos Rees.

Upon which the Councilmen voted as follows:

For Mr. Halderman—Messrs. Barbee, Chapman, Eastin, Grover, Lykins, and McDonald.

For Mr. Rees—Messrs. Coffey, Donaldson, Forman, Rees, Richardson, and Mr. President.

Mr. Strickler was excused from voting.

Whole number of votes cast, 36.

For Mr. Halderman, 24 votes.

For Mr. Rees, 12 votes.

Mr. Halderman having received a majority of all the votes cast, was declared duly elected Probate Judge of Leavenworth county.

Mr. Grover nominated Mr. J. M. Hall for county commissioner of Leavenworth county.

Mr. Harris nominated Mr. Horace Gray.

Upon which, the Councilmen voted as follows:

For Messrs. Hall and Gray—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Richardson, Strickler, and Mr. President.

For Mr. Long—Mr. Rees.

Messrs. Hall and Gray having received a majority of all the votes cast, were declared duly elected county commissioners of Leavenworth county.

Mr. McMeekin nominated G. D. Todd for sheriff of Leavenworth county.

Upon which, the Councilmen voted as follows:

For Mr. Todd—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 37.

For Mr. Todd, 37 votes.

Mr. Todd having received a majority of all the votes cast, was declared duly elected sheriff of Leavenworth county.

Nominations for Douglas county being in order, Mr. Banks nominated Mr. John P. Wood for Probate Judge of Douglas county.

Upon which, the Councilmen voted as follows:

For Mr. Wood—Messrs. Barbee, Chapman, Coffey, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 37.

For Mr. Wood, 37.

Mr. Wood having received a majority of all the votes cast, was declared duly elected Probate Judge of Douglas county.

Mr. Brown nominated Messrs. Geo. W. Johnson and John M. Banks for county commissioners of Douglas county.

Upon which, the Councilmen voted as follows:

For Messrs. Johnson and Banks—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 37.

For Messrs. Johnson and Banks, 35.

Messrs. Johnson and Banks having received a majority of all the votes cast, were declared duly elected county commissioners of Douglas county.

Mr. McDonald nominated Mr. J. N. Hargus for sheriff of Douglas county.

Mr. Whitlock nominated Mr. J. M. Wallace.

Mr. Brown nominated Mr. Samuel J. Jones.

Upon which, the Councilmen voted as follows:

For Mr. Hargus—Messrs. Chapman, Coffey, Forman, Lykins, and McDonald—5.

For Mr. Jones—Messrs. Barbee, Donaldson, Eastin, Grover, Rees, Richardson, and Mr. President—8.

Whole number of votes cast, 37.

For Mr. Jones, 23 votes.

For Mr. Hargus, 11 votes.

For Mr. Wallace, 3 votes.

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

On motion of Mr. McGee,

Joint Session adjourned until 2 o'clock, P. M.



### THE COUNCIL.

221

### EVENING SESSION.

The Joint Session met pursuant to adjournment.

On motion of Mr. Stringfellow,

The roll was called.

Messrs. Chapman, Coffey, McDonald and Strickler absent.

On motion of Mr. Weddle, of the House, it was

*Ordered*, That the nomination for all county officers be ballotted for at the same time.

Nominations for the county of Johnson being in order, Mr. Lykins nominated A. S. Johnson for Probate Judge, John T. Peery and Joseph Parks for county commissioners, and Ben. F. Johnson for sheriff.

Upon which, the Councilmen voted as follows:

For Messrs. Johnson, Peery, Parks, and Johnson—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 32.

For Messrs. Johnson, Peery, Parks and Johnson, 30.

Mr. Johnson having received a majority of all the votes cast, was declared duly elected Probate Judge of Johnson county.

Messrs. Peery and Parks having received a majority of all the votes cast, were declared duly elected county commissioners of Johnson county.

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

Nominations for Lykins county being in order, Mr. Coffey nominated I. Jacobs for Probate Judge, Henry Snyder and Jes. Beets for county commissioners, and B. P. Campbell for sheriff of Lykins county.

Upon which, the Councilmen voted as follows:

For Messrs. Jacobs, Snyder, Beets and Campbell—Messrs. Barbee, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Mr. Chapman absent.

Whole number of votes cast, 33.

Mr. Jacobs having received a majority of all the votes cast, was declared duly elected Probate Judge of Lykins county.





## Journal of the Council of the Territory of Kansas, 1855

222

### JOURNAL OF

Messrs. Snyder and Beets having received a majority of all the votes cast were declared duly elected county commissioners of Lykins county.

Mr. Campbell having received a majority of all the votes cast, was declared duly elected sheriff of Lykins county.

Nominations for Bourbon county being in order, Mr. Anderson nominated S. A. Williams for Probate Judge.

Mr. Williams nominated H. L. Wilson and Chas. Wingfield for county commissioners.

Mr. Barbee nominated Mr. B. F. Hill for sheriff.

Upon which the Councilmen voted as follows:

For Messrs. Williams, Wilson, Wingfield and Hill—Messrs. Barbee, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Mr. Chapman absent.

Mr. Williams having received a majority of all the votes cast, was declared duly elected Probate Judge of Bourbon county.

Messrs. Wilson and Wingfield having received a majority of all the votes cast, were declared duly elected county commissioners of Bourbon county.

Mr. Hill having received a majority of all the votes cast, was declared duly elected sheriff of Bourbon county.

Nominations for Allen county being in order, Mr. Williams nominated Mr. Chas. Passmore for Probate Judge.

Mr. Barbee nominated B. Owen and B. W. Cowden for county commissioners, and Wm. J. Godfroy for sheriff.

Upon which, the Councilmen voted as follows:

For Messrs. Passmore, Owen, Cowden and Godfroy—Messrs. Barbee, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Mr. Chapman absent.

Whole number of votes cast, 34.

Mr. Passmore having received a majority of all the votes cast, was declared duly elected Probate Judge of Allen county.

Messrs. Owen and Cowden having received a majority of all the votes cast, were declared duly elected county commissioners of Allen county.

Mr. Godfroy having received a majority of all the votes cast, was declared duly elected sheriff of Allen county.

### THE COUNCIL.

223

Nominations for Anderson county being in order, Mr. Barbee nominated Mr. G. Wilson for Probate Judge, Wm. R. True and John Clark for county commissioners, and Mr. P. D. Cummings for sheriff of Anderson county.

Upon which, the Councilmen voted as follows:

For Messrs. Wilson, True, Clark and Cummings—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 34.

Mr. Wilson having received a majority of all the votes cast, was duly declared Probate Judge of Anderson county.

Messrs. True and Clark having received a majority of all the votes cast, were duly declared county commissioners of Anderson county.

Mr. Cummings having received a majority of all the votes cast, was duly declared sheriff of Anderson county.

Nominations for Franklin county being in order, Mr. Coffey nominated for Probate Judge, J. Yocum; Wm. McDow and James M. Robinson, for county commissioners; Richard Golding, for sheriff.

Upon which, the Councilmen voted as follows:

For Messrs. Yocum, McDow, Robinson, and Golding—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Mr. Yocum having received a majority of all the votes cast, was declared duly elected Probate Judge of Franklin county.

Messrs. McDow and Robinson having received a majority of all the votes cast, were duly elected county commissioners of Franklin county.

Mr. Golding having received a majority of all the votes cast, was declared duly elected sheriff of Franklin county.

Nominations for Shawnee county being in order, Mr. Strickler nominated Mr. Wm. O. Yager for Probate Judge; E. Hoagland and W. Yocum for county commissioners.

Mr. McGee nominated Mr. Geo. W. Berry for sheriff.

Upon which, the Councilmen voted as follows:

For Messrs. Yager, Hoagland, Yocum, and Berry—Messrs. Barbee, Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 35.



Mr. Yager having received a majority of all the votes cast, was declared duly elected Probate Judge of Shawnee county.

Messrs. Yocum and Hoagland having received a majority of all the votes, were declared duly elected county commissioners of Shawnee county.

Mr. Berry having received a majority of all the votes cast, was declared duly elected sheriff of Shawnee county.

Nominations for Nemaha county being in order, Mr. Kirk nominated J. C. Thomson for Probate Judge; Jesse Adamson and John Ballou, county commissioners; James E. Thomson, for sheriff.

Upon which, the Councilmen voted as follows:

For Messrs. Thomson, Adamson, Ballou, and Thomson—Messrs. Chapman, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Whole number of votes cast, 35.

Mr. J. C. Thomson having received a majority of all the votes cast, was declared duly elected Probate Judge of Nemaha county.

Messrs. Adamson and Ballou having received a majority of all the votes cast, were declared duly elected county commissioners of Nemaha county.

Mr. Jas. E. Thomson having received a majority of all the votes cast, was declared duly elected sheriff of Nemaha county.

Nominations for Marshall county being in order, Mr. Marshall nominated James Doniphan for Probate Judge; A. G. Woodward and S. J. Cramer, for county commissioners; and A. S. Clark, sheriff.

Upon which, the Councilmen voted as follows:

For Messrs. Doniphan, Woodward, Cramer and Clark—Messrs. Barbee, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Mr. Chapman absent.

Whole number of votes cast, 34.

Mr. Doniphan having received a majority of all the votes cast, was declared duly elected Probate Judge of Marshall county.

Messrs. Woodward and Cramer having received a majority of all the votes cast, were duly elected county commissioners of Marshall county.

Mr. Clark having received a majority of all the votes cast, was declared duly elected sheriff of Marshall county.



## Journal of the Council of the Territory of Kansas, 1855

### THE COUNCIL.

225

Nominations for Riley county being in order, Mr. Donaldson nominated Mr. Clay Thompson for Probate Judge; Thos. Reynolds, sr., and Wm. Cuddy, for county commissioners, and John S. Price for sheriff.

Upon which, the Councilmen voted as follows:

For Messrs. Thompson, Reynolds, Cuddy and Price—Messrs. Barbee, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Mr. Chapman absent.

Whole number of votes cast, 34.

Mr. Thompson having received a majority of all the votes cast, was declared duly elected Probate Judge of Riley county.

Messrs. Reynolds and Cuddy having received a majority of all the votes cast, were declared duly elected county commissioners of Riley county.

Mr. Price having received a majority of all the votes cast, was declared duly elected sheriff of Riley county.

Nominations for Madison county being in order, Mr. McGee nominated Mr. Thos. Huffaker, for Probate Judge; H. B. Elliott and C. H. Withington, for county commissioners, and Mr. J. Forman, for sheriff of Madison and those attached.

Upon which the Councilmen voted as follows:

For Messrs. Huffaker, Elliott, Withington, and Forman—Messrs. Barbee, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Mr. Chapman absent.

Whole number of votes cast, 34.

Mr. Huffaker having received a majority of all the votes cast, was declared duly elected Probate Judge of Madison county.

Messrs. Elliott and Withington having received a majority of all the votes cast, were declared duly elected county commissioners of Madison county.

Mr. Forman having received a majority of all the votes cast, was duly declared sheriff of Madison county.

Nominations for District Attorneys being in order, Mr. Richardson nominated Mr. Chas. H. Grover for District Attorney of the First Judicial District.

Upon which, the Councilmen voted as follows:

C. J.—29

For Mr. Grover—Messrs. Barbee, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Richardson, Strickler, and Mr. President.

For Mr. D. J. Johnson, Mr. Rees.

Mr. Chapman absent.

Whole number of votes cast, 32.

Mr. Grover having received a majority of all the votes cast, was declared duly elected District Attorney of the First Judicial District.

Nominations for District Attorney of the Second Judicial District being in order, Mr. Johnson nominated Mr. H. A. Hutchison.

Upon which, the Councilmen voted as follows :

For Mr. Hutchison—Messrs. Barbee, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, Richardson, and Mr. President.

For Mr. J. W. Martin—Messrs. McDonald and Strickler.

Absent, Mr. Chapman.

Whole number of votes cast, 33.

For Mr. Hutchison, 28 votes.

For Mr. Martin, 5 votes.

Mr. Hutchison having received a majority of all the votes cast, was declared duly elected District Attorney of the Second Judicial District.

Nominations for District Attorney of the Third Judicial District being in order, Mr. McGee nominated John Martin.

Mr. Donaldson nominated Mr. John T. Brady.

Mr. Strickler withdrew the name of Mr. Martin.

Upon which, the Councilmen voted as follows :

For Mr. Brady—Messrs. Barbee, Chapman, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Richardson, Strickler, and Mr. President.

For Mr. Martin—Messrs. Coffey and Rees.

Whole number of votes cast, 29.

Mr. Brady having received a majority of the votes cast, was declared duly elected District Attorney of the Third Judicial District.

On motion of Mr. Anderson,

The Joint Session was dissolved.

The Council met in their hall.

### THE COUNCIL.

227

The Committee on Corporations and County Organizations, through Mr. Forman, reported back House bill entitled, "An act concerning field notes," and recommended that it be laid on the table, as a Council bill, containing the same provisions, has already passed both houses.

On motion, the bill was laid on the table.

The committee recommended the passage of a bill entitled, "An act to incorporate the Leavenworth Improvement Association."

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

On motion of Mr. Strickler,

The Council adjourned.

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### MONDAY MORNING, AUGUST 27, 1855.

The Council met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Peery, chaplain.

The roll was called.

ABSENT—Messrs. Chapman and Donaldson.

The journal was read and approved.

Mr. Chapman, from the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—

The Committee on Enrolled Bills beg leave to report, that they have examined and found correctly enrolled, bills of the following titles:

An act regulating the practice in Courts of Chancery.

An act regulating ferries.

An act to establish the office of District Attorney, and to define his duties.

An act to incorporate the Central Railroad Company.

An act concerning perpetuating testimony.

An act providing for the office of Sheriff, and prescribing his duties.

An act for opening and keeping in repair roads and highways.

An act to establish a Territorial road from the town of Neosho, Missouri, to Council Grove.

An act to authorize Fox B. Booth to keep a ferry.

An act to regulate wills.



An act to incorporate Fort Scott University.

An act to declare certain roads public highways.

An act to regulate proceedings upon writs of *mandamus*.

An act defining the meaning of certain words.

An act to establish a Territorial road from the city of Kickapoo, through the valley of Salt creek to the city of Leavenworth.

An act respecting salvage.

An act to establish the office of County Treasurer.

An act concerning evidence.

An act to incorporate the Paola Town Company.

An act to establish a Territorial road from Wyandotte, via Jacksonville, to Osawkee.

An act to declare a certain road a Territorial road.

An act to incorporate the Occidental Telegraph Company.

An act concerning forcible entries and detainers.

An act providing a system of confinement and hard labor.

An act respecting aliens.

An act incorporating the Kansas River Telegraph Company.

An act providing for the county seat of Leavenworth county.

An act to incorporate the town of Delaware.

An act providing for the appointment of Constables, and prescribing their duties.

An act respecting Notaries Public.

An act to incorporate the town of Benecia.

An act to incorporate a ferry at the town of Palermo, in the Territory of Kansas.

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 Council bills have passed the House:

An act defining the punishment of crimes affecting currency, records and securities, public and private.

An act regulating judgments and decrees.

An act defining punishments for crimes affecting the administration of justice.

An act in relation to the general provisions regulating crimes and punishments.



## Journal of the Council of the Territory of Kansas, 1855

### THE COUNCIL.

229

An act in relation to insane persons.

An act for the regulating and managing the Territorial Library.

Also, the House has passed a concurrent resolution providing for the appointment of a joint committee for the purpose of memorializing Congress for a grant of public lands for the endowment of the Territorial University of Kansas.

On motion of Mr. Eastin,

House bill entitled, "An act to exempt homesteads and certain other property from execution," was taken up, and referred to the Committee on Judiciary.

Mr. Grover introduced a bill entitled, "An act to incorporate the town of Iola, in the county of Doniphan, in the Territory of Kansas."

Which was read the first time, rule suspended, read the second time, rule again suspended, considered as engrossed, read the third time, and passed.

On motion of Mr. Rees,

*Resolved*, That each member of the Council, who may introduce a bill, shall see that the same is enrolled, in the event of its passage.

Mr. Eastin introduced a bill entitled, "An act to authorize John G. McClelland and Clarkson Wallace to build a toll bridge."

Which was read the first time, rule suspended, read a second time, rule again suspended, considered as engrossed, read the third time, and passed.

Mr. Donaldson introduced a bill entitled, "An act to incorporate the Saline Gypsum Association."

Which was read the first time, rule suspended, read a second time, rule again suspended, considered as engrossed, read the third time, and passed.

Mr. Coffey introduced the following joint resolution:

*Resolved by the Council and House of Representatives of the Territory of Kansas*, That the Hon. R. R. Rees be and he is hereby authorized to prepare and publish a book of forms for the use of the civil officers and others in this Territory, and that he submit the same to the next Legislative Assembly for approval.

Which was read the first time, rule suspended, read a second time, rule again suspended, considered as engrossed, read the third time, and passed.

Mr. Grover introduced a bill entitled, "An act to define the meaning of certain words.

Which was read the first time, rule suspended, read the second time, rule again suspended, considered as engrossed, read the third time, and passed.



Mr. Coffey introduced a bill entitled, "An act to appropriate money for house rent."

Which was read the first time, rule suspended, read a second time, rule again suspended, considered as engrossed, read the third time, and passed.

Mr. Coffey introduced a bill entitled, "An act to amend 'An act to punish offences against slave property.'"

Which was read the first time, rule suspended, read a second time, rule again suspended, considered as engrossed, read the third time, and passed.

Mr. Forman introduced a bill entitled, "An act to prohibit the settling of free negroes and mulattoes in the Territory of Kansas."

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

Mr. Eastin introduced a bill entitled, "An act providing for the pay of the chief and assistant clerks of the Council and House of Representatives."

Which was read the first time, rule suspended, read the second time, rule again suspended, considered as engrossed, read the 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 following Council bills have passed the House:

An act to incorporate the Centreville Seminary and Town Association.

An act to incorporate the Town Company of Iola, in the county of Doniphan, in the Territory of Kansas.

An act concerning crimes and the punishment of offences against the persons of individuals.

An act to incorporate the Leavenworth Jail Association.

An act to provide for the pay of officers and others.

Also, the following House bill:

An act to incorporate the Leavenworth Bank.

And that the House adheres to disagreement with Council amendment (in relation to vote by ballot) to House bill entitled, "An act to regulate elections."

And that the following Council bill has passed:

An act to organize, discipline and govern the militia of this Territory.

### THE COUNCIL.

231

Mr. Rees introduced a bill entitled, "An act to fix the time of holding the Supreme Court."

Which was read the first time, rule suspended, read a second time, rule again suspended, considered as engrossed, read the third time, and passed.

Mr. Rees introduced a bill entitled, "An act providing the times and places of holding the United States District Court."

On motion of Mr. Coffey,

The bill was amended by striking out the word "Shawnee," wherever it occurs.

On motion of Mr. Donaldson,

The bill was referred to a Select Committee; whereupon the chair appointed as such committee, Messrs. Coffey, Barbee and Strickler.

Mr. Strickler introduced a bill entitled, "An act to incorporate the Kansas River Bridge Company."

Which was read the first time, rule suspended, read a second time, rule again suspended, considered as engrossed, read the third time, and passed.

Mr. Forman introduced a bill entitled, "An act supplemental to an act entitled, 'An act regulating elections.'"

Which was read the first time, rule suspended, read the second time, rule again suspended, considered as engrossed, read the third time, and passed.

On motion, the Council adjourned.

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### AFTERNOON SESSION.

The Council met at the usual hour.

Mr. Forman introduced a bill entitled, "An act to provide for holding Probate Courts."

Which was read the first time, rule suspended, read the second time, rule again suspended, considered as engrossed, read the third time, and passed.

Mr. Richardson introduced a bill entitled, "An act to incorporate the Whitehead Town Company."

Which was read the first time, rule suspended, read the second time, rule again suspended, considered as engrossed, read the third time, and passed.

House amendments to Council bill (157) entitled, "An act for the regulating and managing the Territorial Library," were read the first time, rule



## Journal of the Council of the Territory of Kansas, 1855

232

### JOURNAL OF

suspended, read the second time, rule again suspended, read the third time, and adopted.

House amendments to Council bill (131) entitled, "An act in relation to the general provisions regulating crimes and punishments," were read the first time, rule suspended, read the second time, rule again suspended, read the third time, and adopted.

On motion of Mr. Strickler,

House bill (133) entitled, "An act to prohibit incorporated companies from dealing in real estate," was laid on the table.

House bill (170) entitled "An act to encourage agriculture in the Territory of Kansas," was read the first time, rule suspended, read the second time, rule again suspended, read the third time, and passed.

House concurrent resolution, as follows:

*Resolved by the House of Representatives of the Territory of Kansas, (the Council concurring therein,) That a committee, consisting of two on the part of the House, and one on the part of the Council, be appointed for the purpose of memorializing the Congress of the United States, on the subject of a grant of public lands for the endowment of the Territorial University of Kansas.*

Was read the first time, rule suspended, read the second time, and concurred in.

The chair appointed as such Council committee, Mr. Strickler.

House bill (186) entitled, "An act supplemental to and amendatory of 'An act providing for the pay of the clerks of the present Legislature,'" was read the first time, rule suspended, read the second time, rule again suspended, read the third time and passed.

House bill (183) entitled, "An act to incorporate the Washington Town Company," was read the first time, rule suspended, read the second time, rule again suspended, read the third time, and passed.

House bill (169) entitled, "An act to establish a Territorial road," was read the first time, rule suspended, read a second time, rule again suspended, read the third time, and passed.

House amendments to Council bill (107) entitled, "A bill to incorporate the Historical and Philosophical Society of Kansas," were read the first time, rule suspended, read the second time, rule again suspended, read the third time, and adopted.

House bill (185) entitled, "An act to incorporate the Marysville Town Company," was read the first time, rule suspended, read the second time, rule again suspended, read the third time, and passed.



## Journal of the Council of the Territory of Kansas, 1855

### THE COUNCIL.

233

House bill (181) entitled, "An act to incorporate the Columbia Town Company," was read the first time, rule suspended, read the second time, rule again suspended, read the third time, and passed.

House amendments to Council bill (132) entitled, "An act defining the punishment of offences against public morals and decency," were disagreed to.

The ayes and noes being called for, on the motion to disagree, the members voted as follows:

**Ayes**—Messrs. Chapman, Coffey, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

**No**—Mr. Donaldson.

House amendments to Council bill (129) entitled, "An act defining the punishment for crimes affecting property, public and private," were read the first time, rule suspended, and read the second time.

On motion of Mr. Rees,

The amendments were amended as follows:

Strike out "in the Penitentiary."

The amendments were read the third time, and adopted.

House amendments to Council bill (123) entitled, "An act to incorporate the Alexandria Coal Mining Company," were read the first time, rule suspended, read the second time, rule again suspended, read the third time, and adopted.

House bill (184) entitled, "An act to license and tax merchants," was read the first time, rule suspended, read the second time, and referred to the Committee on Ways and Means.

House bill (187) entitled, "An act to incorporate the Richmond Town Company," was read the first time, rule suspended, and read the second time.

On motion of Mr. Donaldson,

The bill was amended as follows:

Insert the names of "John A. Dolman, Frederick I. Ebert, Cyrus Dolman, Jas. O. Donahue, Augustus Leiss, John Donaldson, and Daniel Vanderslice."

The amendments were read the third time, and adopted.

House bill (108) entitled, "An act regulating elections," was taken up, and, on motion, the Council insisted on their amendments.

On motion, a Committee of Conference was appointed, consisting of Messrs. Coffey, Forman and Rees.

C. J.—30



## Journal of the Council of the Territory of Kansas, 1855

234

### JOURNAL OF

House bill (166) entitled, "An act to incorporate the Port William Town Company," was read the first time, rule suspended, read the second time, rule again suspended, read the third time, and passed.

On motion of Mr. Barbee,

The rules were suspended, whereupon he introduced a bill entitled, "An act establishing the counties of Washington and Marion."

Which was read the first time, rule suspended, read the second time, rule again suspended, considered as engrossed, read the third time, and passed.

Mr. McDonald introduced a bill entitled, "An act concerning an act entitled, 'An act concerning corporations.'"

Which was read the first time, rule suspended, read the second time, rule again suspended, considered as engrossed, read the third time, and passed.

Mr. Strickler introduced a bill entitled, "An act attaching certain territory to the county of Madison."

Which was read the first time, rule suspended, read the second time, rule again suspended, considered as engrossed, read the third time, and passed.

House bill (172) entitled, "An act to incorporate the Leavenworth Bank," was read the first time, rule suspended, and read the second time.

On motion of Mr. Richardson,

The bill was laid on the table until the meeting of the next Legislative Assembly, upon which motion the members voted as follows:

**AYES**—Messrs. Chapman, Coffey, Forman, Lykins, McDonald, Richardson, Strickler, and Mr. President.

**NOES**—Messrs. Barbee, Donaldson, Eastin, Grover, and Rees.

Mr. Forman moved to reconsider the vote.

Mr. Coffey moved to lay the motion on the table, upon which the members voted as follows:

**AYES**—Messrs. Chapman, Coffey, Forman, Lykins, McDonald, Richardson, Strickler, and Mr. President.

**NOES**—Messrs. Barbee, Donaldson, Eastin, Grover and Rees.

And so the motion was laid on the table.

Mr. Rees introduced a bill entitled, "An act in relation to Arapahoe county, and attaching certain territory."

Which was read the first time, rule suspended, read the second time, rule again suspended, read the third time, and passed.

### THE COUNCIL.

235

Mr. Rees introduced a bill entitled, "An act prescribing the times of holding the District Courts."

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

Mr. Rees introduced a bill entitled, "An act in relation to Clerks of the District Courts."

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

On motion of Mr. Richardson,  
The Council adjourned.

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### TUESDAY MORNING, AUGUST 28, 1855.

The Council met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Peery, chaplain.

The roll was called.

ABSENT—Messrs. Chapman and Richardson.

The journal was read and approved.

The following communication was laid before the Council by the President:

*To the Honorable the Council of the Territory of Kansas:*

The undersigned respectfully tenders his resignation as Chief Clerk of the Council, to take effect at the end of sixty days from the adjournment of the present session of this Legislative Assembly.

JOHN A. HALDERMAN.

August 28, 1855.

On motion of Mr. Rees,

The resignation was accepted.

The Committee on Judiciary, through Mr. Rees, reported back "An act to incorporate the Missouri and Kansas River Navigation Company."

And, in lieu, they report a substitute entitled, "An act to incorporate the Missouri and Kansas River Navigation Company."

Which was read the first time, rule suspended, read the second time, rule again suspended, read the third time, and passed.



"An act to prevent illegal banking, and the circulation of depreciated paper currency," with the following amendment:

Strike out 4th section, and, as amended, recommended its passage.

The amendment was read the first time, rule suspended, read the second time, and adopted.

The bill was read the third time and passed.

An act prescribing the times of holding the District Courts.

Which was read the third time, and passed.

An act to prohibit the settling of free negroes and mulattoes.

Which was read the third time, and passed.

Your committee have had before them a concurrent resolution providing for the appointment of a committee of revision, which they recommend should be laid on the table.

Which was accordingly done.

Mr. Donaldson, from the Committee on Printing, submitted the following report:

The Committee on Printing have examined the account submitted by the Public Printer, and find the same to be correct, as far as they have any knowledge of ascertaining, and ask of the Council to receive the report, as the printing is still referred to the Secretary of the Territory for further investigation. (See Appendix.)

On motion, the report was received.

The Committee on Internal Improvements, through Mr. McDonald, chairman, reported back "An act to incorporate the Kansas River Railroad Company," and recommended its passage, provided said road should not interfere with a franchise already granted to the Leavenworth and Pawnee road.

On motion of Mr. Rees,

The bill was laid on the table.

Mr. Coffey submitted the following report:

The Committee of Conference on the part of both houses, in the disagreement as to the mode of voting, agree to report the following provision as a substitute for the Council amendment to a bill entitled, "An act regulating elections:"

"All voting shall be by ballot, until the first day of November, 1856; and from and after that time, all voting shall be *viva voce*."

## Journal of the Council of the Territory of Kansas, 1855

### THE COUNCIL.

237

The substitute was read the first time, rule suspended, read the second time, rule again suspended, read the third time, and adopted.

The Committee on Ways and Means, through Mr. Coffey, reported back a substitute for House bill (184) entitled, "An act to tax merchants."

Which was read the first time, rule suspended, read the second time, rule again suspended, read the third time, and passed.

On motion, the House bill was laid on the table.

Mr. Coffey, from the Select Committee to whom was referred "An act providing the times and places of holding the United States District Courts," reported the following amendment:

Fill the blank occasioned by striking out the word "Shawnee," with "Paola, in the county of Lykins," for the Second Judicial District.

The amendment was read the first time, rule suspended, read the second time, rule again suspended, read the third time and adopted.

Mr. Richardson introduced a bill entitled, "An act supplemental to an act entitled, 'An act to provide for the location and establishment of Territorial roads in the Territory of Kansas.'"

Which was read the first time, rule suspended, read the second time, rule again suspended, read the third time, and passed.

On motion of Mr. Coffey,

A bill entitled, "An act to provide for the election of Public Printer," was taken up, and Council insisted on disagreement to House amendments to the bill.

Mr. Richardson, from the Committee of Conference, to whom was referred House amendment to Council bill entitled, "An act regulating the interest of money," reported back the same, and recommended its passage.

The amendment was read the third time, and adopted.

Mr. Johnson introduced a bill entitled, "An act to fix the salary of Auditor and Treasurer."

Which was amended, read the first time, rule suspended, read the second time, rule again suspended, read the third time, and passed.

Mr. Forman submitted the following report:

The Committee on Enrolled bills beg leave to report, that they have examined and found correctly enrolled bills of the following titles, viz:

An act providing for the pay of Chief and Assistant Clerks of the Council and House of Representatives.



## Journal of the Council of the Territory of Kansas, 1855

238

### JOURNAL OF

An act to incorporate the Town Company of the Town of Iola, in the county of Doniphan, Kansas Territory.

An act concerning the plats of towns and villages.

An act concerning gaming.

An act to incorporate a ferry at Whitehead, in Kansas Territory.

The following message was received from acting Governor Woodson :

EXECUTIVE DEPARTMENT, August 28, 1855.

*To the Honorable the Council of the Territory of Kansas :*

I have the honor to announce that I have signed Council bills of the following titles :

An act providing for the office of Sheriff, and prescribing his duties.

An act regulating conveyances.

An act concerning the action of replevin.

An act concerning boatmen.

An act to organize the county of Arapahoe, in the Territory of Kansas, and to define the boundaries thereof.

An act to incorporate the Cofachique Association, Kansas Territory.

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

An act regulating the writ of *ad quod damnum*.

An act establishing a Territorial road from the town of Iowa Point to Eujatah, on the Arkansas river.

An act respecting executors and administrators.

An act concerning perpetuating testimony.

An act relating to the practice in Courts of Chancery.

An act for opening and keeping in repair roads and highways.

An act to incorporate the Central Railroad Company.

An act to establish the office of County Recorder.

An act concerning the statutes and Legislative proceedings.

An act regulating the action of ejectment.

An act concerning contracts and promises.

An act regulating ferries.

An act regulating oaths and prescribing the forms of oaths of office.

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 Council bills :

### THE COUNCIL,

239

An act to establish the Treasury Department, and to define the powers and duties of Treasurer and Auditor.

An act to incorporate the Centreville Seminary and Town Association.

An act to incorporate the Leavenworth Jail Association.

An act concerning depositions.

An act to incorporate the Tecumseh Town Association.

An act fixing the time of meeting of the Legislative Assembly.

An act to incorporate the Leavenworth Insurance Company.

An act concerning the plats of towns and villages.

An act concerning gaming.

An act to establish a ferry at Whitehead, on the Missouri river.

An act to incorporate the Town Company of Iola, in the county of Doniphan, in the Territory of Kansas.

An act providing for the pay of the Chief and Assistant Clerks of the Council and House of Representatives.

Also, the following House bills:

An act to incorporate the town of Fort Scott.

An act to permanently establish a Medical College at the town of Leecompton.

An act to provide for the institution and support of a University in Kansas Territory.

An act to incorporate the Delaware Town Company.

An act to incorporate the Kansas Mining Company.

On motion of Mr. Rees,

*Resolved*, That the Council now proceed to the election of a Chief Clerk, to fill the vacancy occasioned by the resignation of John A. Halderman.

Nominations being in order, Mr. Rees nominated D. Scott Boyle.

Mr. Grover nominated Thos. C. Hughes.

Mr. Richardson nominated B. F. Simmons.

Mr. McDonald nominated John Martin.

Mr. Donaldson nominated James M. Lyle.

Mr. Forman nominated S. A. Lowe.

Mr. Donaldson withdrew the name of James M. Lyle.

On the first ballot, the members voted as follows:

For Mr. Hughes—Messrs. Barbee, Donaldson, Eastin and Grover.



For Mr. Boyle—Mr. Rees.

For Mr. Martin—Messrs. Coffey, McDonald, Strickler, Mr. President.

For Mr. Simmons—Messrs. Lykins and Richardson.

For Mr. Lowe—Mr. Forman.

No candidate having received a majority of the votes cast, the Council proceeded to a second ballot, which resulted as follows:

For Mr. Hughes—Messrs. Barbee, Donaldson, Eastin and Grover.

For Mr. Martin—Messrs. Coffey, McDonald, Strickler and Mr. President.

For Mr. Simmons—Messrs. Lykins, Rees and Richardson.

For Mr. Lowe—Mr. Forman.

Mr. Chapman absent.

No candidate having received a majority, the Council proceeded to a third ballot, which resulted as follows:

For Mr. Hughes—Messrs. Barbee, Chapman, Donaldson, Eastin, Grover, McDonald and Strickler.

For Mr. Simmons—Messrs. Coffey, Forman, Lykins, Rees, Richardson, and Mr. President.

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

On motion of Mr. Eastin,

The Council adjourned.

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### AFTERNOON SESSION.

The Council met at the usual hour.

Nominations for Engrossing Clerk being in order, to fill the vacancy occasion by the election of Mr. Hughes to the Chief Clerkship, Mr. Rees nominated D. Scott Boyle.

On which, the members voted as follows:

For Mr. Boyle—Messrs. Barbee, Coffey, Donaldson, Eastin, Forman, Grover, Lykins, McDonald, Rees, Richardson, Strickler, and Mr. President.

Mr. Chapman absent.

### THE COUNCIL.

241

Mr. Boyle was accordingly declared Engrossing Clerk.

Mr. Grover, from the Committee on Judiciary, submitted the following minority report :

The undersigned, member of the Judiciary Committee, to whom was referred "An act to exempt homesteads and certain other property from execution," respectfully recommend its passage, without amendment.

Mr. Eastin offered the following amendment :

Amend sections 1 and 2, by way of ryder : "Provided nothing in this act shall be so construed as to apply to debts contracted before the first day of January next."

Mr. Richardson offered the following amendment :

Add to section 5th. "To entitle any property to such exemption, the conveyance of the same shall show that it is designed to be held as a homestead under this act ; or if already purchased, or the conveyance does not show such design, a notice that the same is designed to be so held shall be executed and acknowledged by the person owning the said property, which shall contain a full description thereof, and shall be recorded in the office of the Clerk of the Probate Court of the county in which the said property is situate, in a book to be provided for that purpose, and known as the homestead exemption book. But no property shall, by virtue of this act, be exempt from sale for non-payment of taxes or assessments, or for debts contracted for the purchase thereof."

The amendments were read the first time, rule suspended, read the second time, rule again suspended, read the third time, and adopted.

On the passage of the bill, the members voted as follows :

A<sub>YES</sub>—Messrs. Barbee, Donaldson, Eastin, Grover, Lykins and Strickler.

N<sub>A</sub>Y<sub>S</sub>—Messrs. Coffey, Forman, McDonald, Rees, Richardson and Mr. President.

And so the bill was lost.

House concurrent resolution was taken up and read as follows :

*Resolved by the House of Representatives, (the Council concurring therein,)*  
That the two houses go into joint session immediately, for the purpose of reconsidering the election of Horace Gray, as a Commissioner of Leavenworth county, and John T. Brady as District Attorney of the Third Judicial District.

Mr. Eastin proposed to amend by striking out all after the word "county."

Which was adopted.

C. J.—31