

Category: COLORADO HISTORY GENERAL

Published: Monday, 16 February 2009 20:58

Written by Super User

Hits: 10001

Legislative Assembly of Colorado

Council Journal

SECOND SESSION

Source Information: Council Journal of the Legislative Assembly of the Territory of Colorado, Second Session (Denver: Rocky Mountain News Printing Company, 1862), 3-11. Original in the Special Collections and Archives of Colorado College Tutt Library, Colorado Springs, Colorado. Begun at Colorado City, July 7th, A.D. 1862, pursuant to a Joint Resolution of the Congress of the United States, as follows:

TUESDAY, July 8th, 1862.

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

WEDNESDAY, July 9th, 1862.

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

THURSDAY, July 10th, 1862

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

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FRIDAY, July 11th, 1862.

Council met at 2 o'clock p.m. pursuant to adjournment.

***Resolved*, That the second session of the Legislative Assembly of the Territory of Colorado, now fixed by law for the first Monday in June, One Thousand Eight Hundred and Sixty-Two, shall be postponed by proclamation of the Governor of said Territory until the first Monday in July, A.D. One Thousand Eight Hundred and Sixty-Two.**

President *pro tem*. in the Chair.

President, *pro tem*, in the chair.

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President in the Chair.

President in the chair.

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Approved May 21st, 1862.

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And in pursuance thereof, the Governor issued the following proclamation:

Having been informed, by a telegram from the Hon. H.P. Bennet, Delegate in Congress for Colorado Territory, that a Joint Resolution became a law on the 16th instant, requiring a proclamation for the postponement of the meeting of the Legislative Assembly of Colorado Territory, from the time fixed by law--i. e. the first Monday in June--to the first Monday in July, proximo;

Now, Therefore, I, John Evans, Governor of Colorado Territory, do issue this my proclamation, giving notice to all persons concerned, of the postponement of said meeting, as above set forth.

Done in Executive Department, at Denver City, this 24th day of May, A.D. 1862.

JNO. EVANS,

Governor of Colorado Ter.

By order of the Governor,

W.D. ANTHONY,

For the Secretary.

And, in pursuance of said proclamation, the Council met in their Hall, at 2 o'clock, p.m., and was called to order by Mr. Willis; and, on motion, Mr. Bond was elected President *pro tem.*, and Mr. Loveland, Secretary *pro tem.*

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

Messrs. Willis, Colby, Bond, Loveland, Steck, Woodson and Graham.

A quorum being present, on motion of Mr. Colby, the Council then adjourned until tomorrow, at 2 o'clock, p.m.

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Roll called.

Present--Messrs. Colby, Graham, Bond, Steck, Loveland, Woodson and Willis.

Mr. Colby moved that a committee of three be appointed on credentials.

Messrs. Colby, Willis and Graham were elected such committee.

On motion of Mr. Willis,

The Council adjourned to 10 o'clock, a.m., on Wednesday.

Roll called.

Present--Messrs. Colby, Francisco, Graham, Loveland, Steck, Woodson, Willis and Mr. President.

Journal read and approved.

The committee on credentials, through their chairman, Mr. Colby, reported as follows:

To the Legislative Council of Colorado Territory:

Your committee elected for the purpose of reporting upon credentials of members of this Council beg leave to submit the following report:

A.U. Colby, H.J. Graham, J.M. Francisco, R.B. Willis, A. Steck, W.A.H. Loveland, J.B. Woodson and N.J. Bond, are now present and entitled to seats, as members of this Council.

A.U. COLBY, Chairman.

On motion of Mr. Steck, the report was received, and on motion of Mr. Willis, the report was adopted.

The oath was administered to Messrs. Bond, Loveland and Woodson, by Hon. Chief Justice Hall.

On motion of Mr. Loveland, the papers in the contested seat of Baily vs. Altman, were considered by the Council, and after some debate, were on motion, withdrawn.

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

For President of the Council, Mr. Colby nominated N.J. Bond, and Mr. Loveland nominated H.J. Graham.

Whole number of votes cast, 8; Necessary to a choice, 5.

Mr. Bond received four votes, Mr. Graham received two votes, Mr. Loveland received one vote, Mr. Steck received one vote.

There being no choice the Council proceeded to a second ballot, which resulted as follows:

Mr. Bond received five votes, Mr. Graham received three votes.

Mr. Bond having received the majority of the votes cast was declared duly elected President of the Council.

Mr. Bond, on taking the chair, thanked the Council for the honor conferred upon him, in electing him their permanent presiding officer, and urged upon the Council the importance of harmony in all their deliberations.

The President announced as the first business in order, the election of Secretary.

John Howard was nominated for Secretary, and having received the whole number of votes cast was declared duly elected Secretary of the Council.

Mat. Riddlebarger was nominated for Ass't Secretary, and having received all the votes cast, was declared duly elected.

Mr. Widner and Mr. Elmer were nominated for Sergeant-at-Arms.

Whole number of votes cast, 8; of which, Mr. Widner received four, and Mr. Elmer received four.

There being no choice a second ballot was had.

Mr. Colby then withdrew the name of Mr. Elmer.

Mr. Widner having received a majority of the votes was declared duly elected.

The Council then proceeded to the election of a Page, and James McNasser having received a majority of the votes cast was declared duly elected.

Chief Justice Hall then administered the oath of office to the officers elected.

Mr. Colby moved that a committee of three be appointed to inform the House that the

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Council was permanently organized and ready to co-operate with them.

The Chair appointed Messrs. Colby, Loveland and Graham, said committee.

The committee reported that the House was not organized, and asked further time.

On motion of Mr. Willis, Mr. Altman, contestant for the seat made vacant by the resignation of S.M. Robbins, was allowed to present to the Council his claims to said seat.

On motion of Mr. Willis, the Council went into the committee of the whole.

Mr. Colby in the chair.

On the evidence and papers of Mr. Altman, showing his right to said seat.

The committee arose, reported progress and asked leave to sit again.

On motion of Mr. Willis, Mr. Altman's case was referred to a special committee.

Messrs. Wilis, Loveland and Woodson were appointed said committee.

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

AFTERNOON SESSION

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

President in the chair.

Quorum present.

Mr. Willis, chairman of the special committee, on the contested seat of Altman and Baily, made the following report:

The undersigned, the committee of the Council, to whom was referred the case of Baily vs. Altman, contestants for a seat in this body, beg leave to report as follows, to-wit:

That they have examined in detail the evidence submitted, which shows conclusively, in the opinion of the undersigned, that the said Baily is ineligible to a seat in this body, as councilman for the sixth council district, it appearing by the testimony submitted, that the said Baily is not a citizen of the United States.

It appears further, by testimony submitted, that the said Altman received a majority of the legal votes cast at the election to fill the vacancy in the sixth council district in pursuance of the proclamation of the Governor of this Territory.

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Your committee are therefore of the opinion, that the said Altman is entitled to the seat in this body made vacant by the resignation of S.M. Robbins.

Your committee further report that Mr. Altman is the only one of the contestants present.

The committee beg leave to submit for the use of the Council, the papers etc., in the case.

All of which is respectfully submitted.

ROBERT B. WILLIS, Ch'n.

On motion of Mr. Colby, the evidence and all the papers of Mr. Altman in regard to the contested seat, were then read.

On motion of Mr. Colby, Mr. Altman was allowed to argue his right to the contested seat.

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

On motion of Mr. Colby, the further consideration of the report was continued.

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

Quorum present.

Mr. Loveland presented the credentials of H.R. Hunt, from First Council District.

On motion of Mr. Loveland, Mr. Hunt was sworn in by Chief Justice Hall.

Journal read and approved.

On motion of Mr. Loveland, the contested case of Altman vs. Bailey was taken up, and on motion of Mr. Willis, the evidence in the case was read, for the benefit of the Council.

A committee on the part of the House of Representatives appeared, and notified the Council of its permanent organization, and its readiness to co-operate with the Council.

On motion of Mr. Willis, the contested case of Altman vs. Baily was made the special order for to-morrow, at 10 o'clock, a.m.

Mr. Loveland offered the following resolution:

***Resolved*, That when this Council adjourns,--the House of Representatives concurring--it adjourns to meet in Golden City, on Wednesday, the 16th instant, at 2 o'clock, p.m.**

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After some debate thereon, the resolution was withdrawn.

Mr. Willis offered the following resolution:

***Resolved*, That the committee appointed to wait upon the House of Representatives, and inform them that the Council was permanently organized, in addition to that duty be instructed to select from the House a committee of three persons to act with this committee, and wait upon His Excellency, the Governor, at the Capital of the Territory, and inform him of the organization of the Legislative Assembly, and their readiness to hear any communication he may have to make to them.**

On motion, the resolution was adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

July 10th, 1862.

Mr. President: I have the honor to inform you that the House has passed H.B. No. 1, a bill for an act entitled "An act to provide for the election of a delegate to Congress, and members of the House of Representatives of Colorado Territory."

Respectfully,

WM. TRAIN MUIR,

Chief Clerk of House.

Also, Joint Resolution No. 1.

And request your concurrence therein.

Respectfully,

WM. TRAIN MUIR.

***"Resolved by the House of Representatives of Colorado Territory, the Council concurring*, That a joint committee, consisting of three members on the part of the House and two members on the part of the Council, be appointed, to inform His Excellency the Governor, that this Legislative Assembly is duly organized, and ready to receive any communication which he may see proper to make."**

The Chair appointed Messrs. Colby and Hunt as said committee.

A committee from the House, through their chairman, Mr. Holly, reported that the House had appointed a committee of three to act with a committee on the part of the Council, to

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inform His Excellency that the Legislative Assembly was permanently organized, and ready to receive any communication he may wish to make.

The committee appointed to inform the House of the permanent organization of the Council, reported that they had discharged that duty.

On motion of Mr. Colby, the rules were suspended, and Joint Resolution No. 1 was taken up.

On motion of Mr. Colby, the resolution was adopted.

On motion, the Council adjourned until 2 o'clock, p.m.

AFTERNOON SESSION

Council called to order at 2 o'clock, by the President.

On motion of Mr. Willis, the vote by which the consideration of the contested seat of Altman vs. Bailey was made the special order for 10 o'clock to-morrow, was reconsidered.

Mr. Colby moved that the rules be suspended, and H.B. No. 1 be taken up and considered.

Objections being made, the rules were not suspended.

H.B. No. 1 was taken up and read first time.

On motion, the Council adjourned until to-morrow, at 2 o'clock, p.m.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

July 11th, 1862.

Mr. President: I have the honor to inform you that the House has passed H.B. No. 3, a bill for an act to provide for the districting of the Territory into judicial districts and assigning the judges thereof, and request your concurrence therein.

I have the honor to be your obedient servant,

WM. TRAIN MUIR,

Clerk of the House.

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On motion of Mr. Hunt, the contested case of Altman vs. Baily was taken up for consideration.

Mr. Graham moved a call of the Council.

Not seconded.

On motion of Mr. Hunt, the report of the committee recommending that Mr. Altman be admitted a member of this Council was adopted.

Mr. Altman appeared, was sworn in by the President, and took his seat as a member of the Council from the sixth council district.

Journal read and approved.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,

July 11th, 1862.

Mr. President: I have the honor to inform you that the House has passed Joint Resolution No. 2, herewith transmitted, to adjourn to Denver, and request your concurrence therein.

I have the honor to be your obedient servant,

WM. TRAIN MUIR,

Clerk of the House.

Mr. Steck moved that H.B. No. 2, be taken up, read second and third times and put upon its final passage.

Adopted.

The bill was then read second and third times and passed as follows:

Ayes--Messrs. Altman, Francisco, Graham, Loveland, Steck and Mr. President.

No--Mr. Hunt.

Ayes 6, no 1.

Mr. Loveland moved that H.B. No. 1, be taken up.

Carried.

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Mr. Steck moved that H.B. No. 1 be read second and third times and put upon its final passage.

Adopted.

The bill was then read second and third times and passed as follows:

Ayes--Messrs. Altman, Francisco, Graham, Hunt, Loveland Steck and Mr. President.

On motion of Mr. Graham, Joint Resolution No. 2, was taken up, the rules suspended, and put upon its final passage.

The resolution was then passed by the following vote:

Ayes--Messrs. Altman, Graham, Hunt, Loveland, Steck and Mr. President.

Noes--Mr. Francisco.

Ayes 6, noes 1.

Mr. Altman offered the following resolution, which was adopted;

***Resolved*, That the thanks of the Council is hereby tendered to Mr. Maggard, and to the citizens of Colorado City, generally, for the many courtesies extended by them.**

Mr. Altman offered the following resolution:

***Resolved*, That the Council do now adjourn to meet again at this place on the second Monday in August 1862.**

Lost.

On motion the Council adjourned.