

JOURNAL

THE SENATE
OF THE
COMMONWEALTH OF KENTUCKY

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Ky. Gen'l assembly, Senate

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON THURSDAY THE THIRTY FIRST DAY
OF DECEMBER, IN THE YEAR OF OUR LORD, 1846, AND OF
THE COMMONWEALTH, THE FIFTY FIFTH.

FRANKFORT, KY:
A. G. HODGES—STATE PRINTER.
1846.

trial of the case now depending in said court, of Benjamin Hardin against Thomas S. Page Second, Auditor, on an application for a mandamus; and continue said term until said case is disposed of.

SEC. 2. *Be it further enacted*, That the Judges of the Court of Appeals, or a majority of them, shall hold a special term of said court, commencing on the 25th day of January, 1847, for the trial of an appeal or writ of error, in the case of Benjamin Hardin against Thomas S. Page, Second Auditor, on an application for a mandamus, should an appeal be taken, or a writ of error sued out, in said case, from the judgment of the Franklin Circuit Court; and said court shall continue its session until said case is disposed of.

SEC. 3. *Be it further enacted*, That upon the decision being rendered by said Franklin Circuit Court, as aforesaid, it shall and may be lawful for either plaintiff or defendant to appeal or sue out a writ of error, and upon the record being filed in the office of the Clerk of the Court of Appeals, said Court of Appeals shall have full power and competent authority to try and determine said case, without the service or return of process; and upon such appeal being taken, or writ of error sued out, no bond shall be required.

Mr. Helm moved to lay the said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harris and Peyton, were as follows, to-wit:

Those who voted in the affirmative were—

Messrs. Ballard,	Harris,	Rice,
Bradley,	Hawkins,	Russell,
Bramlette,	Heady,	Slaughter,
Brien,	Helm,	Speed Smith,
Bristow,	James,	South,
Butler,	Marshall,	Swope,
Driffin,	Patterson,	Thurman—22.
Hardin,		

Those who voted in the negative, were—

Messrs. Boyd,	Holloway,	Thornton,
Crenshaw,	Key,	Todd,
Evans,	McNary,	Walker,
Fox,	Peyton,	Wall,
Henderson,	Taylor,	Williams—15.

On the motion of Mr. J. Speed Smith, Mr. McNary was added to the committee on Internal Improvement.

Three messages in writing, were received from the Governor, by Mr. Kinkead, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up, and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, J. G. Smith to be Lieutenant Colonel, and A. J. Bartlett to be Major of 22d Regiment, 6th Brigade, Kentucky Militia.

John L. Bailey to be Colonel of 6th Regiment, 9th Brigade.

J. M. Glenn to be Major of 77th Regiment, 6th Brigade.

Jerry Powers to be Lieutenant Colonel, and Henry C. Greenup, Major of 12th Regiment, 6th Brigade.

Nathan K. Harris to be Colonel, J. H. Spencer, Lieutenant Colonel, and R. D. Hampton, Major of 107th Regiment, 11th Brigade.

John H. Cloyd to be Lieutenant Colonel, and Levi Hubble, Major of 44th Regiment, 16th Brigade.

Moses Riley to be Colonel, Lewis Henderson Lieutenant Colonel, and Jesse D. W. Page, Major of 111th Regiment, 28th Brigade.

Joel H. Chubb to be Major of 88th Regiment, 2d Brigade.

David M. Carly to be Lieutenant Colonel, and Wm. O. Gilbert, Major of 23d Regiment, 11th Brigade.

Madison Boleware to be Colonel, Alexander Cornelison, Lieutenant Colonel, and Jonathan Park, Major of 19th Regiment, 13th Brigade.

J. P. Miller to be Colonel, and Shadrack R. Chick, Lieutenant Colonel of 122d Regiment, 29th Brigade.

Richard Wooley to be Colonel, Wm. Russell, Lieutenant Colonel, and John E. Robertson, Major of 129th Regiment, 12th Brigade.

The said nominations being made to fill vacancies in the specified Regiments and Brigades.

WM. OWSLEY.

Gentlemen of the Senate :

The term of the present Sheriff of Lawrence county being about to expire, and the County Court of that county having failed to recommend a suitable person, according to the law, I nominate for your advice and consent, George E. Chadwick, the senior Justice of said county, to be Sheriff of said county.

WM. OWSLEY.

Gentlemen of the Senate :

I nominate for your advice and consent, E. C. Phister to be Mayor of the city of Maysville.

WM. OWSLEY.

Resolved, That the Senate advise and consent to the said appointments except the appointment of Jerry Powers to be Lieutenant Colonel of the 12th Regiment.

Mr. South moved the following resolution, to-wit:

Resolved, That the Clerk of the Senate inform the House of Representatives that the Senate will now receive the articles of impeachment against John A. Duff, Surveyor of Perry county, who stands impeached, by said House, for high crimes and misdemeanors.

And then the Senate adjourned.