JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
COMMONWEALTH OF KENTUCKY,
BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY THE FIRST DAY OF NOVEMBER, 1824, AND OF THE COMMONWEALTH THE THIRTY-THIRD YEAR.

FRANKFORT:
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1824.
AT A GENERAL ASSEMBLY, begun and held for the State of Kentucky, at the Capitol in the town of Frankfort on Monday the first day of November, in the year of our Lord one thousand eight hundred and twenty four, and in the thirty third year of the Commonwealth.

On which day, (being that appointed by law for the meeting of the General Assembly) the following Members of the House of Representatives appeared, to wit:

From the county of Adair, Clayton Miller and William Patterson; from the county of Allen, Walter Thomas; from the county of Barren, Robert D. Maupin and George Galloway; from the County of Bath, Samuel Stone; from the county of Bourbon, William T. Buckner, James M. Clarkson and Joseph H. Holt; from the county of Breckinridge, Solomon Carter; from the county of Breckinridge, John Sterrett; from the county of Bullitt, Lewis Wilcoxen; from the county of Butler, John Porter; from the county of Caldwell, Enoch Prince; from the county of Campbell, Leonard Stephens; from the county of Christian, Nathan S. Dallam; from the county of Clarke, Silas Evans and James Simpson; from the counties of Clay and Perry, John Bates; from the county of Cumberland, Lemuel Williams; from the county of Daviess, Philip Trippett; from the county of Estill, Absalom Oldham; from the county of Fayette, Robert Wickliffe, James True and Henry C. Payne; from the county of Fleming, John Taylor and Jesse Summers; from the county of Franklin, James McBrayer and William Hunter; from the county of Gallatin, David Gibson; from the county of Garrard, George Robertson and Thomas Kennedy; from the county of Green, Samuel Brents & William T. Willis; from the county of Grant, John Marksberry; from the county of Grayson, Jeremiah Cox; from the counties of Hardin and Meade, Martin Hardin and Isaac C. Chenowith; from the counties of Harlan and Knox, James Farmer; from the county of Harrison, Nicholas D. Coleman; from the county of Hart, Dudley Roundtree; from the county of Henry, Robert Samuel and John Rodman; from the counties of Hickman, Graves and Calloway, Arthur H. Davis; from the county of Hopkins, William Wilson; from the counties of Jefferson and Oldham, John Rowan and Thomas Joyce; from the county of Jessamine Geo. I. Brown; from the counties of Lawrence and Morgan, Wiley
C. Williams; from the county of Lewis, Chauncey B. Shepherd; from the county of Lincoln, John Green; from the county of Livingston, William Gordon; from the county of Logan, Presley Morchear; from the county of Madison, Daniel Breck, Squire Turner and Archibald Woods; from the county of Mason, Robert Taylor and Jacob A. Slack; from the county of Mercer, Samuel Davies, William Robertson and William Wade; from the county of Monroe, Joseph G. Hardin; from the county of Montgomery, John Mason Jr. and Eli Shortridge; from the county of Muhlenberg, Edmond Watkins; from the county of Nelson, Benjamin Hardin; from the county of Nicholas, John S. Morgan and Samuel Fulton; from the county of Ohio, Robert Mosely; from the county of Owen, Cyrus Wingate; from the county of Pendleton, Stephen Mullens; from the county of Pulaski, Charles M. Cunningham and Bourne Goggin; from the county of Rockcastle, Uriah Grisham; from the county of Simpson, William Hodge; from the county of Shelby, Henry Crittenden, James Ford and Thomas P. Wilson; from the county of Scott, Robert J. Ward and James Patterson; from the county of Todd, Richard B. New; from the county of Trigg, Charles Caldwell; from the county of Union, William Spalding; from the county of Warren, Thomas Middleton and William C. Payne; from the county of Washington, William B. Booker, Dabney C. Cosby and Richard Forrest; from the county of Wayne, Rodes Garth; from the county of Whitley, Burton Litton; and from the county of Woodford, John Buford and James McConnell.

Who constituting a quorum, and having taken the several oaths required by the Constitution of the United States, and the Constitution and laws of this state, repaired to their seats.

Mr. Henry Crittenden, a member returned to serve in this House from the county of Shelby, and Mr. John Mason Jr., a member returned from the county of Montgomery, severally appeared, produced certificates of their election, and took the oaths prescribed by the Constitution of the United States and of this state, but declined taking the oath prescribed by the act of Assembly, more effectually to suppress the practice of duelling—and the act amendatory thereof—and claimed a right to take their seats without taking said oath.

Whereupon, Resolved, That they be admitted to exercise the rights and privileges of members, until the further order of this House.

Mr. Mosely nominated Mr. Robert J. Ward as a proper person to fill the office of Speaker, during the present session; Mr. Brents nominated Mr. George Robertson, and Mr. M. Hardin nominated Mr. Dabney C. Cosby, and upon a taking a vote it stood thus:

For Mr. Robert J. Ward—Messrs. Buckner, Buford, Cald.


For Mr. Dabney C. Cosby—Messrs. Booker, Chenowith, Forrest, Garth, B. Hardin, M. Hardin, Middleton, Rowan, Spalding, Watkins, and Wilcoxen—11.

No one having received a majority of all the votes, the house proceeded to another vote between the two, standing highest on the first; when the vote stood thus:


Mr. Robert J. Ward having received a majority of all the votes present, was declared duly elected, and conducted to the chair, from whence he made acknowledgments for the honor conferred, and recommended the observance and preservation of good order and decorum.

Mr. Charles M. Thurston a member returned to serve in this house from the counties of Jefferson and Oldham, appeared, produced a certificate of his election, and of his having taken the oaths prescribed by the constitution of the United States and the constitution and laws of this state, and took his seat.
Mr. James McConnell nominated Mr. Robert S. Todd as a proper person to fill the office of clerk to this house during the session; and Mr. Holt nominated Mr. John Payne; and after taking a vote, a majority appearing in favour of Mr. Robert S. Todd, he was thereupon declared duly elected—and directed to give his attendance.

Mr. Richard Taylor was elected Sergeant-at-arms; and Mr. Roger Devine door-keeper.

Ordered, That a committee of propositions and grievances be appointed, and a committee was appointed, consisting of Messrs. Daviess (of Mercer,) Buford, Turner, Mason, Mosely, Breck, Patterson (of Scott,) Crittenden, Caldwell, Buckner and Prince; and such other members as may, from time to time, choose to attend, who are to meet and adjourn from day to day and to take under consideration all propositions and grievances which may legally come before them, and all such matters as shall, from time to time, be referred to them, and report their proceedings, with their opinion thereupon, to the house. And the said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee of privileges and elections be appointed, and a committee was appointed, consisting of Messrs. Cosby, New, Simpson, Morehead, McBrayer, Summers, Cox, Mullens and Shepherd; who are to meet and adjourn from day to day, and take under consideration and examine all returns for members to serve in this house during the present session of the General Assembly, and all questions concerning privileges and elections, and report their proceedings, with their opinion thereupon, to the house. And the said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee of claims be appointed; and a committee was appointed, consisting of Messrs. Cunningham, Hunter, Holt, McConnell (of Greenup,) Galloway, Rodman, Bates, Wade and Wingate; who are to meet and adjourn from day to day, and take under consideration all public claims and such other matters as may, from time to time, be referred to them, and report their proceedings, with their opinion thereupon, to the house. And the said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee for courts of justice be appointed; and a committee was appointed, consisting of Messrs. Robertson (of Garrard,) Rowan, Shortridge, Wickliffe, B. Hardin, Booker, Brents, H. O. Brown, T. P. Wilson, Coleman and Triplet; who are to meet and adjourn from day to day, and take under consideration all matters relating to courts of justice, and such other as may, from time to time, be referred to them, and
report their proceedings, with their opinion thereupon, to the house. And the said committee are to inspect the journals of the late session, and draw up a statement of the matters then depending and undetermined, and the progress that was made therein; also to examine what laws have expired since the last session, and inspect such temporary laws as will expire with this, or are near expiring; and report the same to the house with their opinion thereupon, which of them ought to be revived and continued. And the said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee of religion be appointed; and a committee was appointed, consisting of Messrs. McConnell, Woodford, M. Hardin, W. Robertson, Kennedy, Taylor (of Mason), H. C. Payne, Stephens, W. Patterson, L. Williams, Dallam and Fulton; who are to meet and adjourn from time to time and take under consideration all matters and things relating to religion and morality, and such other as may, from time to time, be referred to them, reporting their proceedings, with their opinion, to the house. And the said committee shall have power to send for persons, papers and records, for their information.

Mr. Brents nominated Mr. William Dickinson as a proper person to fill the office of clerk to the committees of propositions and grievances, and privileges and elections; Mr. McBrayer nominated Mr. Lewis Sanders; Mr. Booker nominated Mr. James Stonestreet; Mr. Shortridge nominated Mr. Richard W. Webber; and Mr. Hunter nominated Mr. Asbion Tarrant. And after taking three several votes, (the candidate having the smallest number on each, being dropped, and Mr. Dickinson having been withdrawn upon the termination of the first vote,) a majority appearing in favour of Mr. Lewis Sanders, he was therefore declared duly elected.

Mr. Joyce nominated Mr. John L. Moore as a proper person to fill the office of clerk to the committees of claims, religion, and courts of justice; Mr. Slack nominated Mr. John Anderson; Mr. Shortridge nominated Mr. Edward B. Bibb; and Mr. Brents nominated Mr. Robert J. Waggoner. And upon taking three several votes between them, (the candidate having the smallest number on each, being dropped,) a majority appearing in favour of Mr. John L. Moore, he was therefore declared duly elected.

Ordered, That a message be sent to the Senate informing that body, that this house having met, formed a quorum and elected its officers, is now ready to proceed to legislative business; and that Mr. Rowan carry the said message.

Ordered, That the rules of the last be adopted as those of the present session; and that the public printer print 150 copies thereof, for the use of the members of this house.
A message from the Senate by Mr. Crutcher:

Mr. Speaker—I am directed by the Senate to inform this house, that the Senate, having met, formed a quorum, and elected its officers, is now ready to proceed to legislative business. And then he withdrew.

On motion, ordered, That Messrs. Rowan, Brents, Cunningham, Shortridge, McConnell, and Kennedy be appointed a committee on the part of this house to meet such committee as may be appointed on the part of the Senate, to wait on the Governor and inform him that the General Assembly has convened, and is now ready to receive any communication he may think proper to make; and that Mr. Rowan inform the Senate thereof.

A message from the Senate by Mr. Allan (of Clarke):

Mr. Speaker—The Senate has appointed a committee of three on its part, to act in conjunction with the committee appointed on the part of this house, to wait on the Governor and inform him that the General Assembly has convened, and is now ready to receive any communication he may think proper to make.

The committee then retired and after a short time returned, when Mr. Rowan reported that the committee had discharged the duty assigned them, and were informed by the Governor, that he would be ready to make a written communication to both houses of the General Assembly in a few minutes.

After a short time, a message was received from the Governor by Mr. Secretary Barry, which was received and read as follows, viz:

Gentlemen of the Senate,

and of the House of Representatives.

Under the protection of a kind providence, the representatives of the people are again assembled to exercise one of the highest prerogatives known to freemen. Although during the last season, sickness has visited some portions of our state, and we have to lament the death of several citizens, yet our country in general, has been blessed with its usual degree of health, and our habitations are filled with plenty. In all this, as well as in the preservation and extension of our free institutions, we have abundant cause of gratitude to the Author of all good.

While indulging these feelings, I should be untrue to myself, did I not acknowledge the deep sense of obligation with which I receive the marks of confidence and respect which were bestowed upon me by my fellow citizens on a late occasion. It is an obligation which I can only discharge by a faithful and fearless performance of the duties of that high office which their partiality has entrusted to me. With diffidence in my own powers, but with a full determination to devote them all, such as they are, to the public service, I shall proceed in the discharge
of my constitutional functions, relying on your indulgence and that of my fellow citizens in general to pardon errors and overlook imperfections.

Our situation invites you to a circumspect and deliberate review of the laws of the state. Complication of law is always a disadvantage to the community and favourable only to the artful and designing. To guard the people against violations of the laws, and expensive and vexations law suits it is essential that they be made as concise as possible, and easy of comprehension by the substantial part of the community, the honest and industrious. It is thus only that activity and energy can be infused into the administration of Justice, and that public peace and private happiness can be secured and promoted. In connection with these principles, permit me, gentlemen, to call your attention to the present situation of our Execution Laws. Owing in part to Legislative enactments induced by the pressure of the times, and in part to the decisions of the courts, they have become so complicated that none but lawyers can understand them; and in some cases they are extremely perplexing even to them. Intricacy in the laws of a state, however it may suit the convenience and interest of some, must eventuate in a serious evil to the community. A general review of the whole system of execution laws, and their reduction into one statute, would, it is believed, prevent much difficulty and in a high degree promote the interest of the people.

The policy of delay laws has been doubted by many. Although it is believed that benefits, in many instances, have resulted from them: that public calamities have been alleviated; that the debtors have been preserved from ruin and the creditor secured in the final payment of doubtful debts, yet they are attended with evils in the accumulation of costs and the multiplication of securityship which will induce a wise legislature to approach them with caution. Happily our state is no longer in a situation to demand long delays in the collection of debts. By an act of the last session of the Gen. Assembly all debts now contracted are recoverable with a replevin of only three months. Permit me to suggest for your consideration, whether the enormous increase of costs and the involving of innocent persons as securities, the vortex which has engulfed so many in its ruinous consequences under the present system, does not make it true policy to abolish the three months replevin, and in lieu thereof, grant a stay of execution for three months, or for such time as the Legislature may think expedient—giving the judgment, from its rendition, the force of a lien upon the defendants property.

An enquiry into our present system of judicature, is worthy of your early attention. It may be questioned whether the or-
ganization of our Circuit Courts is not calculated to promote the ends of justice, or is most accordant with the spirit of our institutions, and the feelings of the people. To vest in one man the power of deciding questions, on which the lives of our citizens absolutely depend, or even to give him in many instances a control almost unlimited over their property, has too much the appearance of a remaining germ of monarchy, and ill accords with the principles of our government. Independent of its appearance and its actual repugnance to republican principles, it is in many instances attended with much practical inconvenience. The sickness of a single man, or even of his family, and other causes which prevent his attendance, produce delays which in some instances amount almost to a denial of justice and always increase the burdens and expenses of litigation. Permit me to suggest whether the ends of justice would not be better consulted by a return to the former system of Associate Justices, making our courts consist of one Judge learned in the law and its technicalities, and two others conversant in the principles of Justice, but untrammeled with nicely refined technical distinctions.

The wealth of a government is an industrious people, its strength their love and respect. By justice and liberality in the acts of the government, it secures the affections of the people, and may at all times draw from them an adequate revenue to meet all the exigencies of government. With a view to an increase in our wealth and strength permit me to call your attention to the existing laws relative to the sale of the lands below the Tennessee river. From the information I have been able to obtain as well as from personal observation, I feel justified in saying that the existing regulations do not promote the sale of those lands, or the settlement of that section of the country. With the exception of some spots, the lands are poor and cannot be sold at the minimum price heretofore fixed by the Legislature. In addition to this the good lands are frequently divided by the lines of sections and quarter sections, in such a manner as to render such division unsuitable for a separate farm. Few can afford, at the present price, to buy three or four quarter sections for the purpose of securing out of parts of them a small plantation of good land; and thus the land will remain unsold. To obviate these difficulties, and promote the settlement of the country, are objects worthy of the careful attention of the Legislature. It is believed these objects may be accomplished by opening a Land Office in that country, reducing the minimum price of the land, permitting purchasers to take up one, or more quarter sections, and on payment of a part of the purchase money allowing such credit for the residue, and on such conditions as the Legislature in their wisdom, may deem expedient. It is
also worthy of consideration whether those who have settled on the lands and made them more valuable by their labour, ought not to be allowed a pre-emption to a definite number of acres, on their paying the state price, in the manner required of other purchasers.

Our Occupying Claimant laws, measures in which the state of Kentucky, and many individual citizens are deeply interested, together with the decision of the Supreme Court of the United States had thereon, call for the particular attention of the Legislature. That decision affects so materially the sovereignty of the state, degrades us so far below the condition of our sister states, and operates such manifest injustice to the bona fide occupants of our soil under titles honestly derived from our own or our parent state, that we cannot be said to be a free people while it hangs over us. The cupidity of speculators has received a new impulse. Land litigation, which has heretofore been the severest scourge which our state has endured, derives new motives, from this decision, to push and extend its ravages throughout our land, which if not checked, will palsy the efforts of the farmer and devastate the country. It therefore becomes our duty to adopt every peaceful mode of obtaining redress for this violation of our rights, and this breach upon the interest and quiet of our citizens. While we avoid rash measures it may not be improper to repeat our remonstrances to the Congress of the Union until our case is fully examined into and completely understood. Our sister states will on a thorough examination, see the evils that will inevitably result from sanctioning the dangerous principle of implication on which the decision of the Supreme Court of the United States, in relation to our occupying claimant laws, appears to be bottomed; and will give aid in applying the proper corrective, lest they ultimately fall victims to this monstrous principle, so well calculated to destroy state rights and bring about consolidation. The remonstrance adopted by the General Assembly at its last session was forwarded to our members of Congress by my predecessor, and promptly laid before that body. Notwithstanding the lateness of the period at which it arrived, and the engrossment of the attention of Congress by other great national questions, it was taken up and sufficiently discussed to evince that the evil of which we complain has been deeply felt by some of our sister states. It gives me pride and pleasure to say that the representatives of our parent state, whose immediate interest has been supposed to be hostile to ours on this particular question, with a magnanimity which does them great honour, discarded all local considerations, and nobly sustained the efforts of Kentucky in an attempt to curtail the power which is so rapidly engulfing the rights of the states. By these circumstances as well as by our own peculiar interests we
are stimulated to renewed and persevering exertions. It may indeed be worthy of consideration whether any effectual barrier can be erected against the encroachments of the Federal Court short of depriving it, by an amendment to the constitution, of all jurisdiction in cases involving rights to lands. Our state courts may be made fully competent to the decision of all such controversies, & it may well be contended, that in leaving them to the exclusive jurisdiction of these tribunals, we may provide the surest check to the consolidating spirit which seems to pervade the national authorities. The perpetuation of American liberty depends principally, if not entirely, on having state rights well secured. And as our fellow citizens cannot rest contented in their present degraded situation, in being deprived of the freedom of legislation over their own soil, it is to be hoped that the subject will not be lost sight of, but that all reasonable measures will be resorted to, in order to produce a reorganization of the Supreme Court, making at least a concurrence of two-thirds of its members necessary in all cases in which state rights are involved, or a curtailment of its power in cases where lands are the subject of controversy.

The condition of the banking institutions, in which the state has so deep an interest, will be made known to you by their annual reports. The defalcation in the revenues of the state caused by the universal depression in the prices of property, the diminution in the profits arising from the banks, as well as the curtailment of their business, renders it peculiarly expedient that you should enquire whether the expenses attending their management may not be materially diminished. While the state ought to pay an adequate compensation for the services rendered, she ought at all times, and especially at the present moment, to avoid all sinecure offices, as well as salaries disproportioned to the duties which she imposes. In relation to these institutions if the present plan for winding them up is steadily persevered in, as is ardently hoped and fully believed, their profits and their business will steadily diminish and that which was at first but an adequate compensation for their managers must become more than equivalent for the time and labor devoted to their concerns.

The evils that attend the banking system are multifarious and present themselves in a variety of shapes. As, on the one hand, local banks often deceive the public expectation and inundate the country with a spurious currency; so, on the other, a national bank embodies and concentrates a mass of power hostile to the state governments, which is eminently dangerous to the existence of our institutions. That bank is the creature of construction and implication and, from its very nature, is calculated to augment its power in proportion to the length of its duration. It is believed the branches located in Kentucky possess a
power and exert an influence eminently fitted to destroy state rights. Their removal has hitherto been attempted and must still be desirable to all those who wish to maintain our institutions in their purity. However convenient it may be to their debtors, the accumulation of the real property of the country by these agents of the general government, without the consent of the state, which is prohibited by the constitution to that government itself, must be alarming to all those who wish to maintain the dominion of the state over its own soil and preserve that independence in the local governments which was one of the principal objects of the national compact and is believed to be essential to the preservation of liberty. It is the duty of the Legislature to protect this government from all extraneous unconstitutional influence, & I have no doubt that by taking measures which shall cause the removal of these institutions from the state they will do much to preserve the purity of our institutions and perpetuate our liberties.

Internal improvements are objects of primary importance and of the first consideration in all well regulated governments.—They give facility to intercourse and activity to commerce. And as Kentucky from her inland situation must remain an exporting state, any impediment in her path to the ocean must necessarily obstruct her progress to wealth and power. New York has immortalised herself by her grand canal. A navigable communication is now opening between the Delaware and Chesapeake bays. The attention of our parent state is excited to this great object; and even the national government is about to adopt a general plan which shall pervade and bless the Union. Shall Kentucky rest supine while the whole nation is in activity? A canal around the falls of the Ohio at Louisville is but a small object compared with what some of our sister states have accomplished, and yet it is very essential to the interest not only of a large portion of Kentucky, but also of the Union.—It is hoped that the Legislature will in earnest set about providing the means for this undertaking, and will take measures to advance it to a speedy completion. Turnpike roads, extending from commercial points into the interior of the country, would also highly promote the interest of the people and deserve legislative attention. It is believed that all works of this description should be accomplished by the government, and not vested in private companies. Corporations are governments within a government, with interests distinct from those of the great body of the people, and ought not to be encouraged in a free country. Besides if there be a profit arising from them it is not only sound principle but good policy that they should be made; and the profits received by the community at large, instead of a few individuals. In this way one
improvement affords the means of entering upon another. The
profits of a canal may soon enable the state to make a turnpike,
and thus the system may be extended until every section of the
state shall share in the general benefit. But it is wise to begin
with that only which can be effected by present means, with the
state stock in the bank of Kentucky. By husbanding the re-
sources of the state a canal at Louisville and a turnpike from
that point through the principal towns to Maysville may be
speedily effected. By the income which these will afford
the system may be extended. When the whole shall be comple-
ted the profits it is believed would nearly or entirely relieve the
people from the burden of taxation, and not only support the
government, but also build up and maintain many liberal institu-
tions.

It is of the highest importance that each department of our
government should move in the orbit which the constitution has
assigned to it, without infringing the rights or powers of either
of its co-departments. The representatives of the people are the
grand inquest, whose duty it is to ascertain whether the constitu-
tional land marks have been preserved, and if necessary, cor-
correct all alterations. To them therefore, might the question which
has agitated the country, relative to the decision of the Court of
Appeals, vacating not the replevin laws only, but denying to the
Legislature the power of granting relief to the debtor in any
emergency, be properly left. But there are some features in
the subject, which cannot be passed over in silence by any public
functionary, whose duty it is to watch over the rights and sove-
reignty of the state. It may well be inquired whether the de-
cision is not founded upon principles of construction only,
hitherto unknown, to the constitutionalist and lawyer:
which necessarily employs a process of reasoning acknowled-
ed to be unintelligible to the majority of the people,
and which could not, therefore, have entered into their minds
while discussing and adopting the constitution. It may be en-
quired whether the power denied to the state, in a mode so ob-
jectionable, was not exercised by the elder states, who were the
original parties to the constitution, prior to, contemporaneously
with and subsequent to, the ratification of that instrument as the
supreme law of the land; and whether almost every junior state
has not followed their example. It may be questioned whether
the exercise of this power, without dispute from that era to the
present moment, ought not to be conclusive evidence of the sense
in which the people understood the constitution, when they ad-
opted it, whether the practical disregard of this rule of con-
struction does not expose every right exercised by the state
however universally conceded at this moment, to be overturned
hereafter by the notions of Judges, as to what might possibly
have been the original meaning of the constitution, or is the technical definition of its words. Whether by this mode of construction the Judges do not usurp the prerogative of the people, in changing the constitution, and the right of the Legislature, in abrogating laws which have been sanctioned from time immemorial, by the voice of the country. These doctrines, in their own import so essentially objectionable, are rendered still more engaging from the state in which they are invented, and the manner in which they are promulgated. The people of Kentucky, whilst composing a part of the colony of Virginia subject to the crown of England, in their colonial assemblies exercised the power of enacting such laws as the Judges have attempted to vacate, and obtained for them even the royal sanction. They retained the power after the declaration of Independence, and exercised it without question through all the mutations in government down to the present era in our political history. It has sheltered us in embargo and war; has been used to avert the evils of commercial embarrassment and, although liable to be abused, is essential to the welfare of the people and the existence of government. It is believed that the opinions of the people on this subject have undergone no change since the constitution was adopted; and if on investigation you should find that the judiciary have wandered from their prescribed orbit, I have only to promise my hearty co-operation in any measure calculated to rectify the error and restore that harmony which is so desirable between the departments of government.

The situation of our treasury demands the early and efficient attention of the Legislature. Although when the report of the Commonwealth's Bank shall be received, it may appear that there is little or no actual defalcation, yet it is a subject of serious consideration whether the government shall be permitted to rely for its support on a source of revenue somewhat precarious and continually diminishing in the amount of its supply, or whether this essential interest shall be placed on a more certain and permanent basis. It is not my province to suggest the means by which this end can be effected, but you may rely on my co-operation in any measure calculated to improve the condition of the treasury.

The shortness of the period which has elapsed since I came into office has precluded my obtaining that information which is necessary to exhibit to you the state of the Penitentiary, of the public hospitals and seminaries of learning. Whatever may come to my knowledge relative to these institutions, which may seem to be useful to you in the course of your deliberations, shall be cheerfully and promptly submitted.

The scene which is now exhibiting in the eastern states on the arrival upon our shores of General Lafayette, the uniform friend
of liberal institutions, the early champion of our liberties, and the companion of Washington, is without a parallel in the history of nations, and gives to the friends of liberty in Europe the pleasing consolation, that, although free institutions have been there for a time suppressed by the power of the Holy Alliance, the fire still burns in America with a pure flame, which cannot fail in the progress of years to have a salutary influence on all mankind. I need not tell you with what pleasure I shall accord with any measure adopted by you to honor this distinguished stranger, and swell the volume of a nation's gratitude. Surely he will not fail to visit the new world which has sprung into existence on this side the Alleghenies since he fought on the Atlantic border, and witness with his own eyes how widely and how rapidly the tree of liberty is extending its branches.

I have much satisfaction in noticing that a view of our state presents us with pleasing proofs of its substantial and increasing prosperity. To a thriving agriculture has been added a material extension of useful manufactures and a striking increase of domestic industry. Indeed the time is fast approaching when our nation, if not our state, will furnish within itself all the necessaries and comforts of life in such quality and abundance that in future emergencies we shall cease to feel the privation of foreign supplies. To this desirable end it is to be hoped the policy of our government will still continue to tend.

Be assured, gentlemen, that nothing shall be wanting on my part to give facility and despatch to your proceedings, and enable you, at an early day, to complete the public business and return to your families and friends.

Nov. 1st, 1824.

Ordered, That the public printer forthwith print 1000 copies of said message for the use of the members of this house.

And then the house adjourned.

TUESDAY, NOVEMBER 2, 1824.

Mr. Jacob Mayo, a member returned to serve in this house from the counties of Floyd and Perry, appeared, produced a certificate of his election and of his having taken the oaths required by the constitution of the United States and the constitution and laws of this state and took his seat.

Mr. W. Patterson presented the petition of Richard W. Shearley of Adair county, praying compensation for his trouble and expenses incurred in apprehending and bringing to justice Elisha Moon, who has been sentenced to confinement in the penitentiary, on a charge of Felony.
Mr. Brents presented the petition of Nathaniel Heizer and John Findley, praying compensation for their trouble and a re- numeration of their expences incurred in apprehending and bringing to justice Abraham Clarke, who has been convicted of felony, and now confined in the penitentiary therefor.

Mr. Joyce presented sundry petitions from the citizens of Oldham county, praying a removal of the seat of justice for said county from its present location.

And Mr. W. Patterson presented the petition of sundry citizens of Adair county, praying that a law may pass to authorize the appointment of an additional justice of the peace for said county.

Which petitions were severally received, read and referred: the first, second and fourth to the committee for courts of justice; and the third to the committee of propositions and grievances.

Mr. Galloway moved the following resolution:  
Resolved, That this house do now proceed to the election of an assistant clerk.

Which being twice read, was laid on the table until the first day of March next.

Mr. Shortridge moved the following resolution, viz:  
Resolved, That so much of the Governor's message as relates to the invitation of General Lafayette to this state, as "the Nation's Guest," be referred to a select committee.

Which being twice read, was adopted; and Messrs. Shortridge, Thrusten, Holk, New, and Woods were appointed a committee agreeably thereto.

Mr. Booker moved the following resolutions, viz:  
Resolved by the House of Representatives of the Commonwealth of Kentucky, That a committee of five be raised upon so much of the Governor's message, as relates to the revision of the execution laws of this commonwealth, with leave to report by bill or otherwise.

2. Resolved, That a committee of five be raised, to take into consideration so much of the Governor's message as relates to internal improvements, with leave to report by bill or otherwise.

3. Resolved, That a committee of seven be appointed, to take into consideration so much of the Governor's message as relates to the opinion of the Supreme Court of the United States, on our occupant claimant laws, with leave to report by bill or otherwise.

4. Resolved, That a committee of seven be appointed, to act on so much of the Governor's message as relates to the reorganization of the Judiciary, with leave to report by bill or otherwise.

5. Resolved, That a committee of five be appointed, to take
into consideration so much of the Governor's message as relates to the sale of the lands West of the Tennessee river.

6. Resolved, That a committee of seven be appointed, to take into consideration so much of the Governor's message as relates to the currency of the country.

Which being severally twice read, were adopted.

Whereupon Messrs. Booker, B. Hardin, S. Daviess, Thruston and Coleman were appointed a committee pursuant to the first resolution; Messrs. Wickliffe, Buford, Joyce, Clarkson and Crittenden pursuant to the second resolution; Messrs. Rowan, Woods, Moseley, Holt, Evans, Maupin and Ford pursuant to the third resolution; Messrs. Shortridge, G. Robertson, Cosby, Garth, Turner, Slack and Samuel pursuant to the fourth resolution; Messrs. New, Caldwell, Hodge, Wm. Wilson and Gordon pursuant to the fifth resolution; and Messrs. Brents, Green, Mason, G. I. Brown, W. C. Williams, Sterrett, and Wilcoxen pursuant to the sixth resolution.

On motion, Ordered, That Messrs. Amos Kendall and James G. Dana be severally permitted to take seats within the Representative Chamber, for the purpose of taking sketches of the proceedings and debates of this house.

Mr. Forrest read and laid on the table the following resolution, viz:  
Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on the —— day of this instant, proceed, by the joint vote of both branches of the General Assembly, to elect a Senator to serve in the Congress of the United States in the place of Mr. Isham Talbot, our present Senator, whose term of service will expire on the 4th day of March next.

Leave was given to bring in the following bills:

On the motion of Mr. Mosely—1. A bill to provide for the publication of the decisions of the Court of Appeals.

And on the motion of Mr. Joyce—2. A bill authorizing a special term of the General Court, for the purpose of appointing a clerk to that court, which office is now vacant.

Messrs. Mosely, Wickliffe, S. Daviess, Shortridge and Willis were appointed a committee to prepare and bring in the first; and Messrs. Joyce, G. Robertson and Hunter the second.

Mr. Wickliffe moved the following resolutions:

Resolved, That the Sergeant-at-arms be directed to furnish ten additional writing tables and an additional number of chairs, for the use of the members, similar to those now in the chamber.

Resolved, That the clerk furnish stationary for the members at their tables.

Which being twice read, were adopted.

And then the house adjourned.
Mr. R. Taylor presented the petition of Robert Poage, representing that the state of Virginia delivered to General George Rogers Clarke a number of land warrants, for the purpose of raising funds to enable him to carry an expedition against the hostile Indians, and that said Clarke caused to be located, west of the Tennessee river, some of those warrants to the amount of 101,920 acres, in the name and for the benefit of the state of Virginia. That Joseph Lindsey (who intermarried with the petitioners mother) being the Commissary to the army commanded by said Clarke, upon the faith and with the understanding that he was to be paid out of said 101,920 acres of land, agreed with General Clarke, and accordingly did furnish supplies to the troops, and was in a short time thereafter killed at the battle of the Blue Licks, without ever having received any compensation for his services, or return of advances of money, made by him, to obtain those supplies. That said Lindsey devised to his wife Ann Lindsey the claim aforesaid among other things, who devised one half to Oswald Thomas and the other half to the petitioner, to whom the claim of said Thomas has been regularly assigned: That the papers of said Lindsey, after his death, were delivered to General Clarke, with a view to a settlement of said Lindsey's accounts, and have ever since been missing. And praying that a law may pass, granting to him the said 101,920 acres of land, or such portion thereof, as he may be found entitled to.

2. Mr. Shortridge presented the petition of Elisha McCormas, praying a divorce from his wife Rispha, late Rispha Ward.

3. Mr. Willis presented the petition of sundry citizens of the counties of Warren, Hart, Grayson and Butler, praying for the formation of a new county out of a part of each of said counties.

4. And Mr. Galloway presented a petition counter thereto.

5. Mr. Maupin presented the petition of sundry citizens of the counties of Barren, Monroe and Allen, praying for the formation of a new county out of a part of each of said counties.

6. And Mr. Thomas presented a petition counter thereto.

7. Mr. T. P. Wilson presented the petition of sundry citizens of Spencer county, praying that the town of Taylorsville may be established as the seat of justice for said county, instead of the town of Spencerville, selected by the commissioners appointed under the act establishing said county.

8. Mr. Joyce presented the remonstrance of the justices of the county court of Spencer, against a removal of the seat of justice from Spencerville to Taylorsville.
9. Mr. A. H. Davis presented the petition of sundry citizens of McCracken county, praying that a law may pass to organize said county, by the appointment of the different county officers, and of commissioners to fix upon a place for the seat of justice therein.

10. Mr. S. Daviess presented the petition of James Rogers of Mercer county, praying compensation for keeping and maintaining George Nixon, a lunatic, during the months of May and June last.

11. Mr. Willis presented the petition of sundry citizens of Warren county, praying that a law may pass to exempt the mill and dam of Henry G. Mitchell and Ezekiel Jenkins, from the operation of the act requiring the obstructions to the navigation of Big Barren river to be removed; the said mill being represented in said petition as of great public utility, and the dam as presenting no obstructions to the navigation of said river.

12. Mr. Spalding presented the petition of Patrick Clements, guardian of Peter Mills, praying that a law may pass to authorize the sale of a negro man, slave, the property of his ward, and the amount of sale placed out at interest, or otherwise beneficially invested.

13. Mr. L. Williams presented the petition of John Cocke of Cumberland county, praying that a law may pass, granting to him a piece of vacant land in said county, on which he is settled.

14. And Mr. Morehead presented the petition of James Herndon, praying that the state price on 200 acres of land, lying in Simpson county (the same having been twice paid for,) may be refunded to him.

Which said petitions were severally received, read and referred: the 7th, 12th, and 14th to the committee for courts of justice; the second to the committee of religion; the 3rd, 4th, 5th, 6th, 7th, 8th, 9th and 11th to the committee of propositions and grievances; the 10th to the committee of claims; and the 13th to a select committee of Messrs. L. Williams, Woods and Maupin.

Mr. Joyce, from the select committee appointed for that purpose, reported a bill authorizing the appointment of a clerk to the General Court—which was received and read the first time and ordered to be read a second time. And thereupon the rule of the house, constitutional provision and second reading of said bill being dispensed with, the same was committed to a select committee, of Messrs. Joyce, Wickliffe, Rowan and Booker.

Mr. Shortridge moved the following preamble and resolution: viz.

Whereas this House has been informed and given to understand, that Silas W. Robbins, one of the Circuit Judges of this State, presiding in the 11th Judicial District, has been guilty
of gross and multiplied offences in his official capacity, and against the principles of morality; among which are the following:

1. That the said Judge acted in a delusory and deceptive manner with Micajah Harrison, late Clerk of the Montgomery Circuit Court; in this, that under a mask of friendship, he induced the said Harrison to resign his office, with the confident expectation that the appointment would be conferred upon his son, M. V. Harrison, and which the said Judge has subsequently declared he never intended to make.

2. That the said Judge, after the resignation of said M. Harrison on the 12th day of September, 1823, and after his said son had obtained a certificate of his qualifications, attempted to make a pro tem appointment of the said M. V. Harrison, observing at the same time, that he himself was well satisfied as to the qualifications of said M. V. Harrison, but as it was an office of great importance, and one that belonged to the people of the county, in which they were greatly interested, he would only make the appointment pro tem, until the second day of the next March Term, in order that time might be given to ascertain the wishes and sentiments of the citizens upon the subject. In order to gratify the pretended desire of the Judge, petitions were drawn and circulated through the county in favour of M. V. Harrisons appointment, and in eight days, out of about 1300 voters, upwards of 1100 were found praying a confirmation of said appointment by the Judge. Contra petitions were likewise circulated, to which only about 15 or 20 subscribers could be obtained. Before the close of the aforesaid September Term, those petitions were presented to the Judge and he was solicited then, by the friends of M. V. Harrison, to confirm the appointment; but for various deceptive reasons he declined doing so; still holding out the idea that his friends had no cause for uneasiness, and stating that if even he (Robbins) should die or resign no person dare appoint any other Clerk over the head of all those petitions (laying his hands on them) except M. V. Harrison.

A short time previous to the 2nd day of the March Term, at which said appointment was to have been confirmed, the Judge made an effort to extricate himself from the dilemma into which he found himself involved by his public declarations, already noticed, and the overwhelming petitions with which he had been presented by one sweeping statement, that most of the petitioners had changed their sentiments, many were boys, and a great number of the names were spurious, &c. &c. To ease the mind of the Judge, and prove to him there was no imputation in the matter, the petitions were handed over to four gentlemen, who, from their situations and peculiar avocations were appointed,
one or the other, with most of the hand writing, and with most of the petitioners personally; they certified that they believed all the signatures genuine, and that they were all voters living in the county except 23, and seven whose names they could not make out, leaving 1138 besides: which is referred to, marked No. 1, and made part of this charge. In addition to that 86 respectable persons residing in different parts of the county, and in different neighborhoods, certified, that it was the wish of their neighbors that M. V. Harrison's appointment should be confirmed—also the certificates of practising physicians, merchants, merchants clerks, Post Master and Assistant Post Master, all of which certificates showed the continued wishes of the people of the county, that M. V. Harrison should be the Clerk; and which are also referred to for greater certainty; all these certificates were presented to the Judge on Monday evening preceding the second day of the said March term, and examined by him—this again forced upon him the necessity of resorting to another expedient as disgraceful as it was ignominious. On the morning of the 2nd day of March term, after court was opened, he proceeded, in violation of the constitution, to appoint James Stonestreet, a resident of Clarke county, and positively denied that he had ever said or intimated that he would be governed by the will of the people of the county in the appointment of Clerk; and that if it had been his desire to consult their wishes upon the subject, he had no more evidence respecting it then, than he had at the time of making the pretext appointment. The people having left a suitable compliment conferred on them, by the Judge, in consulting their wishes in the appointment of their clerk, the Judge had raised himself to a degree of popularity seldom claimed or conferred upon any man in any one county of the state—but the wanton violation of their rights, and the voice of upwards of eleven hundred of the good citizens of Montgomery being treated with neglect and contempt, made a change, which, in its course, showed the awful power & majesty of an insulted and enraged people.

3. That the said Judge having conferred the appointment on James Stonestreet, the said M. V. Harrison, conceiving himself to be the constitutional clerk of said court, by reason of his having a certificate from the Judges of the Court of Appeals previous to his pretext appointment, refused to surrender over the papers, records, &c. of said office—that it was agreed between the said Stonestreet and the said M. V. Harrison, that Judge James Clarke and Henry Daniel Esq. should draw up a submission of facts and evidence in order to prepare the case for the Court of Appeals, which court were to commence its session on the first Monday in April following, in order to get the opinion of the said court on the subject, and restore order out of
that confusion which the course of the Judge had created—that whilst they were writing a statement of the facts for that purpose it was suggested that it was probable the court would adjourn till court in course—that they, both Clarke and Daniel, repaired to the court-house and informed the Judge the business they were engaged about, and that until, the Court of Appeals should decide the question, the business of the people would be stayed and great injury arise to suitors; and they begged his indulgence about one hour, it being then about one o'clock of the day, and suggested to the Judge that they apprehended no difficulty in arranging of it in that length of time; but that it might possibly so happen that it might be necessary for him to meet and hold court on the next Monday if any thing should occur that might cause delay, (this being Saturday, and another week of the term yet to come)—the Judge immediately adjourned court till court in course—the parties then had to resort to another court and another circuit to effect the very object they were then endeavouring to accomplish—which said submission of facts, now filed in the office of the Court of Appeals, is hereby referred to.

4. The said Judge attempted to cast disgrace and unmerited contempt upon the citizens of Montgomery, in this,—He so far lost sight of his own dignity and the respect due to the people, that he, in substance, observed, "that were he to turn out his horse, for any appointment in the gift of the people of Montgomery that his horse could obtain five hundred votes.

5. That the said Judge acted in a deceptive manner, in this—He commenced suit in the Fayette Circuit Court, against the Editor of the Kentucky Gazette, for his publishing in his paper what is generally called "the old men letter," and wrote a false, malicious and scurrilous hand-bill, and did attempt to impose many falsehoods on the community by said hand-bill—He laboured to impress the idea that he did not know of the sale and barter of the Clerkships of Lawrence and Pike Circuit Courts; when in fact he advised it and knew all about it and took the certificates (or as the Judge called them affidavits) of the material witnesses of the defendant, in order it is presumed to forestal public opinion in the trial and decision of said cause; & also for the entrapping the witnesses, by his art and sophistry, so as to destroy the force & effect of their testimony; he also dismissed the said suit upon an agreement of the parties to pay their own costs, and positively promised the editor to use his exertions to inform his witnesses not to attend the trial in order to save costs, but in this he failed to do so, although many of the witnesses passed through Winchester to Lexington, whilst the said Judge was in town, and failed to give the promised information.
6th. That the said Judge acts in violation of the constitution in this:—That as Judge of the said 11th Judicial district, he has altogether failed to move into the said district, but yet resides in Clarke county, although he has held his appointment for upwards of two years.

7th. That he is not qualified to discharge the duties of Judge; that the people have lost all confidence in his integrity and veracity—that the result of his decisions can be well anticipated by only enquiring who are the parties, or who are the lawyers concerned, without knowing the law or justice of the cause to be decided.

8th. That he has in many instances, in said 11th Judicial district, in which executions have issued and endorsed for Commonwealth or Kentucky paper to be received and the executions replevied and executions issued on the replevy bonds and sale bonds, with a continuance of the same endorsement, ordered the endorsement to be erased and the executions collected in specie, on the motion of the plaintiff, without notice. Out of many cases I will name an execution of against which issued from the Montgomery Circuit Court Clerk's office and the order of erasure of paper made at the late September term of said court.

9th. That although there is a large Chancery docket in the Montgomery Circuit Court, yet the attorneys at the bar have declined asking the Judge for a Chancery term, well knowing his total incapacity to adjudicate upon the immense amount of property involved in said suits, and their unwillingness to jeopardize the interest of their clients; that a large number of Chancery suits have been submitted to said Judge for twelve months past and more, that he still holds up—that he has taken the possession of the papers, and no doubt has taken them out of the county and district, many of which the parties are fearful will be lost or mislaid, through carelessness or design, corruption and bribery, as his general conduct and character justifies the most abandoned anticipation.

10th. It is believed, that said Judge, in order to conceal personal obligations of gratitude, contrived to make the Clerkship of the Montgomery Circuit Court, or attempted to do so, the object of negotiation, particularly in the family of the late Jacob Fishback of Clarke county, by his family dividing the emoluments in a satisfactory manner (it is believed,) a part to himself and the office to James Stonestreet, the son-in-law of the said Jacob Fishback,—this opinion is the more confirmed by the said Stonestreet releasing to Samuel Fishback four hundred dollars in specie, which he owed him, to decline being a candidate, who was never understood to be a clerk, and the frequent acknowledgments of the said Judge, that he was under great personal
obligations to said Jacob Fishback, his family and said Stone-
street in a pecuniary point of view.

11th. That he not only permitted, but advised, a compromise
of the Circuit Court Clerkship of Pike county—that he advised
Mr. Thomas F. Hazelrigg to take one hundred dollars from Mr.
Adkins, who was a candidate, and to decline holding a poll him-
self—that in the compromise made by the candidates of Law-
rence Circuit Court Clerkship, something similar transpired—
that it so happened, in the event, that two notes of $50 each, given
by or through the friends of each Clerk of Lawrence and Pike,
fell into the hands of said Judge for collection. These notes
might be well and readily inferred to be that part to which this
honorable Judge was entitled. That the said Judge had posi-
tively promised Mr. Thomas F. Hazelrigg the Clerkship of the
Pike Circuit Court, provided he still continued to be a can-
didate; but when he was induced to decline, to the full knowledge
of the Judge and in compliance with his recommendation and
advice, the said Judge took his seat in court and with all seeming
candour and gravity, from the bench addressed the people, and
informed them, in substance: that he had been informed that it
was the general wish of the citizens of the county, that Mr. Ad-
kins should be appointed their clerk, that Mr. Adkins was a
resident of the county and had been a long time known to them;
that it had always been a course which he had observed and
should continue to adhere to, that the wishes of the people should
at all times be regarded, and that therefore he should appoint
Mr. Adkins their clerk, and done so. That Mr. Berry from
Clarke county was also a candidate for the said Clerkship of
Pike, who also received from Mr. Adkins the sum of $100 to
decline being a candidate.

12th. That the said Judge has given evidence of his want of
moral honesty in this: That James Hall of Clarke county sold
to David Dodge in the year 18— a quantity of Tobacco,
amounting to the sum of $8, for which he took his note or
obligation, and upon which he commenced suit, recovered judg-
ment and issued execution, and which judgment was transferred
to a certain

and the execution levied
upon the property of said Dodge, sufficient to discharge the am-
ount of debt and costs, and that through the interference of
said Judge, who promised said

that if
he would stop his execution and release the property of said
Dodge, that he, the said Robins, would pay him the amount due
in some short given time, perhaps sixty days, his request was
complied with, and resulted in the loss of the whole or greater
part of said judgment by the management of said Judge—he has
also been guilty of swindling many citizens of the state in the
same way.
13th. That Blacker, Mills & Co., merchants of Philadelphia, held large demands against David Dodge, who then had very considerable means subject to their satisfaction; but to procure time, it was fraudulently arranged between said Robins and Dodge, that Dodge should draw bills, which Robins should accept, and which should be passed as security to the merchants to the amount of several thousand dollars, and that for a part of the demand, say $2500, Robins gave his note payable to Dodge to be endorsed to those creditors, taking at the same time writings from Dodge to defeat the effect of those bills and the note; and those instruments were accordingly palmed upon the attorney of those creditors of Dodge, and when suit was instituted upon the note in the Fayette Circuit Court, said Robins defeated it by the production of a receipt procured for that purpose, as will appear by reference to the record thereof, in the Fayette Circuit Court.

14th. That the said Judge has shown evident and palpable partiality in this: That James Honaker, the Sheriff of Pike county and friend of said Judge, had in his hands an execution against Captain Thomas Price, which was levied on the estate of said Price (being personal estate,) for which said Price tendered the said sheriff good security, to deliver the property executed, on the day of sale, which security the sheriff refused to take, and sacrificed the property of the defendant.—The defendant brought suit against the sheriff for refusing to take a delivery bond, and on the trial of the said cause, said Judge decided, that it was the duty of the said Price to have written the bond, for the delivery of the property himself, filled up with good and sufficient security and have tendered the same to the sheriff, and under said opinion and instruction of said Judge, the plaintiff was nonsuited.

15th. That the said Judge has discovered a traitorous disposition to the Government of the United States of America in this: That during the late war between Great Britain and the United States, said Judge Robins, then living in Winchester, Kentucky, and basely abandoning the duties of an American citizen, and treacherously betraying those principles established and consecrated by the blood of the revolution, did, then and there, at the direful necessity and openly advocated the detestable doctrines of the Hartford convention.
16th. That with a few exceptions, and them mostly suitors in court and who profess friendship towards the said Judge as an avenue to corruption, the good people of the whole 11th judicial district have lost all confidence in his legal knowledge, and in his integrity and veracity as a gentleman, and has become odious, despised and contemptible.

Wherefore, it is Resolved, That a committee of nine members be appointed, to enquire into the conduct of said Silas W. Robins, Judge of the 11th judicial district, touching the charges above alleged against him, and make report of the same to this house.

Which being read, the resolution therein contained was adopted; and Messrs. Shortridge, Mason, Breck, Cunningham, W. C. Williams, S. Daviess, Mayo, Stone and Thruston appointed a committee pursuant thereto.

The house proceeded to consider the resolution laid on the table on yesterday by Mr. Forrest, fixing on a day for the election of a Senator to represent this state in the Congress of the United States. It was then moved and seconded, to fill the blank in said resolution with "Friday the 5th," and the question being taken thereon, it was decided in the affirmative. The Yeas and Nays being required thereon by Messrs. Wickliffe and Galloway, were as follows, viz:


Williams, Willis, T. P. Wilson, W. Wilson, and Wingate—193.


The said resolution was then adopted.

Ordered, That Mr. Forrest carry the said resolution to the Senate and request their concurrence.

Mr. Wickliffe read and laid on the table the following resolution: viz.

Resolved by the General Assembly, That a committee, to consist of four members of the House of Representatives, and of two members from the Senate, be appointed to proceed to Lex-
ington, to examine into, and report to the Legislature the condition of Transylvania University; the state of her receipts and disbursements since the last examination made by the committee of the Legislature, and at any other period the committee may deem proper, and that they further report to this house whatever they may deem proper in relation to the government and situation of the institution. And that the committee also examine into, and report to the Legislature, the situation of the Lunatic Asylum—the manner in which it has been governed, the amount of monies received and expended by the officers of the Asylum, since the last settlement of their accounts with the state, and that the said committee enquire into and report whether any, and what additional improvements or grounds are necessary for the convenience of said institution; also, what sum or sums of money will be sufficient to defray the expenses of the Asylum to the 15th day of November 1825.

And thereupon, the rule of the house being dispensed with, the said resolution was taken up, twice read and adopted.

Ordered, That Mr. Wickliffe carry the said resolution to the Senate and request their concurrence.

A Message from the Governor, by Mr. Barry, his Secretary:

Mr. Speaker—I am directed by the Governor to lay before this house, a message in writing,

And then he withdrew.

The said Message was then taken up, and read as follows:

Gentlemen of the House of Representatives—The Secretary of State for the United States having forwarded to the Executive of Kentucky copies of the original Declaration of Independence, under a resolution of Congress, providing for their distribution, approved May 26, 1824, one of which is destined for each branch of the Legislature, I have now the honor to transmit the accompanying fac simile copy to the House of Representatives.

JOS. DESHA.

Nov. 3rd 1824.

Leave was given to bring in the following Bills:

a bill to change the mode of taking in lists of taxable property in this Commonwealth. On the motion of Mr. Triplett—8. A bill to authorize the citizens of the town of Owenborough to elect the Trustees of said town. And on the motion of Mr. Hodge—9. A bill for the benefit of Henry B. Montague.

Messrs. Smith, Fulton and Kennedy were appointed a committee to prepare and bring in the first; Messrs. B. Hardin, H. C. Payne, Turner and Triplett the second; Messrs Oldham, Samuel and Turner the third; Messrs. Sterrett, Bates and B. Hardin the fourth; Messrs. Turner, J. Patterson, Forrest, Woods and Willis the fifth; Messrs. Breeds, Prince, Caldwell, and J. G. Hardin the sixth; Messrs. Galloway, Mosely, W. Wilson and Daviess the seventh; Messrs. Triplett, L. Williams and Watkins the eighth; and Messrs. Hodge, Goggin and Rowan the ninth.

The Speaker laid before the house a letter from the Auditor of public accounts, covering his statements of the situation of that office for the last year, ending on the 10th day of October last, which were read as follows: viz.

STATE OF KENTUCKY,
Auditor's Office, 3rd November, 1824.

DEAR SIR,—You will please to lay before the house over which you preside, the accompanying statements, from No. 1 to 7, inclusive, and very much oblige.

Yours respectively,

PORTER CLAY, And.

ROBERT J. WARD, Esq.
Speaker of the House of Representatives.

A statement of monies received and paid at the Treasury during twelve months, ending on, and including the 10th day of October, 1824. To wit:

RECEIVED.

For the revenue collectable by Sheriffs for the year

| 1817 | $580 70 |
| 1819 | 263  60 |
| 1820 | 288  12 |
| 1821 | 1751 39 |
| 1822 | 70629 64 |
| 1823 | 2197 72 |

Total amount received from Sheriffs $75711 03

For tax on Law process, deeds, seals, &c. from clerks of the different courts—for tax on seals from the Secretary of State—and for fees received from the Register of the Land Office

12124 28
For Bank Stock Fund, To wit:

On lands granted under the acts of 1815 and '20 6003 49
Ditto under the treaty of Tellico 38 53
Ditto under the acts of 1795, 97 and 1800 2858 04
Ditto under the act for manufacturing salt 29 00 8940 33
For tax on non resident's lands 3897 23
For purchases of Ditto 67 94
For miscellaneous receipts 42 44
For dividend on the state's stock in the Bank of Kentucky for six months ending the first day of January 1824 11934 00
From the Agent of the Penitentiary 12353 32
For the sale of a runaway negro 562 44
For amount received from the Bank of the Commonwealth of Kentucky 66797 91
For amount received from the Bank of Kentucky—the same being a distribution of the stock in said institution at ten per cent upon each share, which amounts (upon the stock owned by the state) to 59670 00
Amount received from Clay and Rowan as commissioners to Virginia, it being money refunded, specie $2736, equal to 5512 00
A twenty dollar bank bill, on the Commonwealth Bank of Illinois—equal to 10 00

Total amount received
Balance remaining in the Treasury on the tenth day of October, 1823

Grand Total

PAID SAME TIME.

Warrants reported to have been paid by the Treasurer 19399 86
Amount paid by the Treasurer in exchange for specie to pay a debt to J. and T. Roch 6744 00
Ditto specie paid to same, $2256, equal to 4512 00
Ditto in exchange for specie to pay a debt to Trevor, Paul and Co. 5600 00
A credit given the Treasurer for specie purchased for Clay and Rowan commissioners to Virginia 11054 11
Ditto for purchasing same, see act of Assembly,

Stock subscribed in the Bank of the Commonwealth of Kentucky

Total paid

From which take the amount received, as above stated

Balance due from the Commonwealth as per Treasurers account in this office,

The balance standing on the books as due from the Commonwealth, in Commonwealth's money, on the 10th day of October, 1824, is

There was in the Treasury on the above date in specie 500 dollars, which is equal (in Commonwealth's money) to $1000 00

Ditto a twenty dollar Illinois Commonwealth bank bill—equal to 10 00

Making 1010 00

Which taken from the amount due from the Commonwealth, in Commonwealth's money, will leave the amount due as stated above,

Note.—No report has been made from the Bank of the Commonwealth, since the first of July last.—If it should be deemed necessary by the Legislature, when the President of the Bank has made his report, the Auditor of public accounts will then make a supplemental report, shewing the true situation of the Treasury, up to that time.

No. 2.

A statement of Warrants drawn by the Auditor on the Treasurer, during twelve months, ending on and including the 10th day of October, 1824; shewing the amount drawn for each source of expenditure, the amount of warrants paid and unpaid in the same period. To-wit:

Sheriff's for revenue of 1820 amount overpaid $17 98

Ditto 1821 Ditto 130 69

Ditto 1822 Ditto 357 73

Public roads, including an appropriation made to open a road from Mountsterling to Virginia, by the way of Prestonsburg 2391 00

Sergeant Court Appeals 290 35

Slaves executed. 1964 04

Public communications 1884 20
Purchasers of non resident's lands 49 03
Sheriffs comparing polls, 1485 74
Commissioners of Tax, 8612 50
Jailers for attending on Circuit Courts, dieting criminals, &c. 6684 30
Contingent expenses, for payment in part for distributing the Decisions of the Court of Appeals and sundry repairs done about the public buildings, &c. 1654 75
Attorneys for the Commonwealth, 5334 97
Salaries of the Executive and Judiciary departments, 28496 27
Loans to the Penitentiary, including the debts paid to J. and T. Roch, and Trevor, Paul and Co. 29545 65
Criminal Prosecutions, 16375 65
Legislature, November Session, 1823, including the daily attendance and mileage of the members, and the pay of witnesses, 20329 86
Appropriations, November session, 1823, including the compensation to the several officers of the Legislature, Public Printers, fuel and all other expenses; the compensation to the Speaker of each house excepted, and including also the appropriations to the Deaf and Dumb Asylum, Commissioners of the Penitentiary, and sundry others, 23056 91
Legislature, October session 1821, for pay of Witnesses, 5 85
Town of Columbus, (special act of Assembly) 232 00
Lunatic Asylum, 7500 00
Surveyors for copying entries 64 75
Distributing Acts and Journals, November session, 1823, 498 50
Kentucky Institution for the tuition of the Deaf and Dumb for the support of the indigent pupils in said institution, 867 09
Military expenditures, 451 36
Decisions of the Court of Appeals, 2987 50
Money refunded for taxes twice paid, and money improperly paid, &c. 484 84
State House, painting and putting up gutters, 1587 40
Public Printers for advertising non residents Lands, 34 50
Executive offices, for fuel, stationary, &c. 2731 63
Clerks services, for ex officio services, copying lists of taxable property, and for record
books and presses furnished for the use of  
their different offices,

Support of lunatics.

Drawbacks on vacant lands—the pay of military certificates, and claims improperly paid on,

Total amount of warrants issued,

Warrants unpaid on the tenth day of October 1823, that issued since the 17th day of March, 1810, all others issued prior to the above date, are presumed to have been paid,

Total amount,

Warrants reported to have been paid by the Treasurer, as stated in statement No. 1,

Warrants unpaid the 10th day of October, 1824,

A statement of balances due to Government, on the 10th day of October, 1824. To wit:

Of the revenue collectable by Sheriffs, there is due, for the year

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<th>Year</th>
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<td>3584 54</td>
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<td>1810</td>
<td>1672 86</td>
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Debts receivable,

Commissioners of navigation,

Tax on Bank stock, (Independent bank),

Clerks for taxes,
Loans to the Penitentiary,

Total debts due government,

BANK STOCK.
The stock owned by the state in the bank of Kentucky, is

There has been stock subscribed in the bank of the Commonwealth, by the Treasurer, since its commencement, to the amount of

Total amount of stock,

No. 4.

A statement of balances due from government on the 10th day of October, 1824, and for which the amount in the Treasury on the same day, is, under the existing laws, subject to the payment of the same, To-wit:

Sheriffs for revenue of 1813, amount overpaid,

Attorneys for 1819

Purchasers of non resident's lands

For warrants unpaid,

Bank stock fund,

Attorneys,

Salaries,

Town of Columbus,

Total debts due from government,

No. 5.

A statement shewing the probable amount of expenditures of the government, for the year to end on the 10th day of October, 1825, To-wit:

For the annual salaries of the officers of the Executive department, Judiciary, Attorney General and Attorneys for the Commonwealth,

Ex officio services of clerks, copying lists of taxable property, &c.

Legislature, November session 1824, and all expenses incident thereto,

Sergeant Court Appeals,

Military expenditures,

Public communications,

Sheriffs comparing polls,

Criminal Prosecutions,

The execution of slaves,
For the support of lunatics, 10000 00
Printing and binding the Acts and Journals of November session, 1824, 3000 00
Jailors attending circuit courts, &c. 7000 00
Commissioners for taking in lists of taxable property, 8500 00
Contingent expenses, 2000 00
Executive offices for fuel, stationary &c. 5000 00
Money refunded for taxes paid twice &c. 500 00
Purchasers of non resident's lands 200 00
Lunatic Asylum, 10000 00
Surveyors for copying entries, 600 00
Distributing Acts and Journals, 600 00
Kentucky institution for the tuition of the Deaf and Dumb—the indigent pupils, 900 00
Decisions of the Court of Appeals, 3000 00
Public printers, 100 00
Drawbacks on vacant lands, 200 00

Total amount expected to be expended, $166400 00

No. 6.
A statement of the amount of monies which is expected will be paid into the Treasury in the year to end on the 10th day of October, 1825—subject to the expenses of government.

The gross amount of revenue collectable by Sheriffs for the year 1823, and made payable on the first Monday in December next, is $87271 65

The loss on the collection of the revenue by Sheriffs this year, including commission for collecting, insolvents, compensation for killing wolves, and sundry other credits, which are allowed the several Sheriffs, it is presumed will be 20 per cent, amounting to 17454 33

Leaving Of which said revenue was paid previous to the 10th day of October, 1824, including credits for wolves, &c. $69817 32

The delinquents on the part of the Sheriffs this year will be about 3634 22

Which leaves a sum that may be expected with some certainty, to be paid into the Treasury in the ensuing year, of From clerks for taxes on law process, deeds, seals &c. including also the amount ex-
pected to be received from the Secretary of State and Register of the land office, $1,200.00
Miscellaneous receipts, $50.00
Non resident's lands, $3,200.00
From the bank of the Commonwealth of Kentucky, $8,000.00
Of the balances stated to be due Government as in statement No. 3, there will be collected of the revenue due from sheriffs about $5,400.00
Of the balance due from clerks, there will be collected about $2,000.00
Of the balance due from debts receivable, there will be about 500 specie; equal to $1,000.00
Of the other balances nothing can be expected to be collected.
Total amount expected to be received, $17,583.310

Balance due from government as per statement No. 1. Ditto Ditto Ditto No. 4.
Amount of statement No. 5, Ditto Ditto Ditto No. 4.

Total

From which deduct the amount of the expected receipts as stated above, $17,583.310

It leaves a balance due from government on the tenth day of October, 1825, of $38,440.80

No. 7.
A statement of the situation of the Penitentiary.

MANUFACTURES.
From the 1st of October, 1823 to the 1st of October, 1824, the Agent's receipts to the Keeper for the various kind of work, amount to $14,211.61
The Keeper consumed in manufacturing the above articles Raw materials to the amount of $5,833.06
Gross profit of manufactured articles $8,378.55

The expenses of the institution are as follows:

For contingencies including the pay of guards, turnkey, clothing, medical services, &c. $5,540.31
Fuel 728.25
OF REPRESENTATIVES.

Dieting $12020 45
The Agent and Keeper's salaries, commission 2397 91
and the pay of an assistant keeper
Total expenditures $14418 36
From which take the above profits of manufactured articles 8378 55
Which leaves the institution in debt during the year ending on the 1st day of October, 1824 $6039 81

THE KEEPER.

He has received from the Treasury for the purpose of purchasing raw materials, paying debts, &c. from the 1st day of October, 1823 to the 1st of October, 1824, $12618
Amount due the Commonwealth from the Keeper on the 1st day of October 1823, 1644 11
Total amount, $14262 11

He has expended in the same period as enumerated above $12020 45
Ditto raw materials, 4549 26
From which take the above amount received,
Leaves a balance due from the Commonwealth to the Keeper on the 1st day of October, 1824, $2507 60

LOANS.

There was due to Government for loans on the 1st day of October, 1823, $25917 85
From the above date warrants have been drawn on the Treasury, for the purpose of purchasing raw materials, paying debts, &c. as stated above, 12619
Appropriations have been made, same time, to J. & T. Roch and others to the amount of 29373 69
Also, for the payment in part of the compensation due the Keeper and Agent, 282 96
Total, $70732 50

Paid by the Agent to the Treasurer,
in the year ending 1st October 1824, to wit: For debts collected, cash sales made, interest and cost collected, $13519 24.
The loans has been credited this year by part of the Keeper and Agent's salaries and commissions 1550 97

Due Government on the 1st of October 1824, $15079 21

RAW MATERIALS.
Raw materials on hand the 1st day of October, 1823, $3792 80
Ditto purchased from the above date to the 1st day of October, 1824, 4549 26

Total Raw materials, $8341 06
Deduct raw materials consumed during the year ending 1st October 1824, $5833 06
Leaving a balance of raw materials on hand the 1st day of October 1824 of $2509 00

TOOLS, &c.
The amount of tools and other articles belonging to the Penitentiary as per report of Keeper is about the same as last year, which amounts to $1770 80

SALES.
Manufactured articles sold by the Agent for cash during the year ending the 1st day of October 1824, amounts to $6851 93

THE AGENT.
There was in the hands of the Agent on the 1st day of October 1823, debts and manufactured articles to the amount of $59641 78.
From that period he has been charged with manufactured articles to the amount of $14211 61
Cost received same time, 60 70
Interest ditto, 56 53

Total charged, $14328 84
He has been credited in the same
OF REPRESENTATIVES.

period with costs paid, Sub-Agents commission, &c. to the amount of $4363.39

By money paid into the Treasury 13519.24 $17882.63

Balance standing on the Agents books as due to Government on the 1st of October 1824, $56087.99

The general account of the institution was on the 1st day of October, 1824, as follows:

CREDITS.

By effects in the hands of the Agent, $56087.99
Raw materials on hand, 2509
Tools and other articles, 1770.89 $60367.88

DEBITS.

Loans due the State $55653.29
Due former Agent, balance of account, 40.75
Due present Agent, compensation, 129.45
Due Keeper, on settlement of this year's account, 2307.60 $58131.09

Nominal value of the institution, $22367.79

The Auditor of Public Accounts, having received information (though not officially,) from the Agent of the Penitentiary, in relation to the actual situation of the institution, he therefore deems it necessary to lay before the Legislature the following statement, to wit:

The effects above stated, to be in the hands of the Agent consists of debts, and manufactured articles, to wit:

Debts, $38711.28
Manufactures, 22376.71

Making the total, as above stated, $56087.99

It appears from statements made by the Agent, that out of the above debts, standing as due to the State, there cannot be collected more than 3700 dollars.

He has accounts standing against Government to the amount of $17767.45

The balance of the debt he considers entirely
insolvent, which amounts to

Which makes the whole amount of debts as before stated

The manufactures on hand amount to

From this amount there may be deducted (with propriety,) for old articles, that will never sell for any thing, about the sum of

Which would reduce the manufactures to

To which add the above debts which are good,


Then instead of $56087 99 as stands on the Agent's books as due the Government, there cannot be calculated upon (with any degree of certainty,) more than $22876 71 effects actually in his hands.

Taking this view of the subject, the institution stands actually in debt to the Government the sum of $30974 49.


Auditor's Office, 3rd November, 1824.

Mr. Wickliff moved the following resolution, viz:

Resolved, That a select committee of five members, be appointed to enquire into the expediency of changing the mode of proceeding in actions at common law,—and of taking deposits at common law and in chancery.

Also, of amending and reducing into one, the several acts of Assembly, concerning mortgages, deeds of trust, and other conveyances; and that such committee have leave to report by bill or otherwise.

Which being twice read was adopted: and Messrs. Wickliff, Green, Willis, Shortridge and Brels, were appointed a committee pursuant thereto.

Mr. Joyce read and laid on the table the following resolution:

Whereas, the notes of the Bank of the Commonwealth of Kentucky remain at a considerable discount, when compared with gold and silver, though in the commercial and populous parts of the state these notes are more scarce than the precious metals when it is considered, that those notes are received in the extinction of most of the local debts, received in payment of taxes and debts due the commonwealth generally; and in fine, serving in most of the local transactions among the citizens, the great difference which is kept up between these metals and these notes it is believed may be ascribed in part to the unlimited demand which exists in our state for par funds to answer the purposes
OF REPRESENTATIVES.

imporation, and in part, the fears which exists among a numerous and respectable portion of our citizens, that more Commonwealth paper would be issued at this session; to remove which impression as far as practicable, and with a view of improving the currency of the state, so far as an assurance of that kind to
the public can attain.

Be it therefore resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee of ... from the Senate and from the House of Representatives be appointed to examine the Commonwealth Bank and count the notes on hand and proceed immediately to the amount which may be found in said bank, except so much as may be necessary, in the opinion of said committee, to answer the appropriations heretofore made and not complied with, if any, and contingent purposes of said bank, if any such contingency may be found expedient, and that the said committee report hereon as speedily as possible.

Mr. Slack read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That we do highly approve the able and indefatigable exertions of our Senators and Representatives in the late Congress of the United States, in behalf of the great national subjects, which were agitated in that body, concerning internal improvements, the revision of the Supreme Court of this nation, and the encouragement of domestic manufactures.

And then the house adjourned.

THURSDAY, NOVEMBER 4, 1834.

Mr. Joyce read and laid on the table the following resolution:

Whereas, the calamity which has visited this place this morning in the destruction of the State House, by fire, has left the Legislature without a permanent place in which to convene, for the purpose of performing the duties incumbent on them.

Be it therefore resolved, That a committee of five be appointed, to meet and confer with any committee which may be appointed on the part of the Senate, as to what plan will be adopted, as to the procuring suitable situations in which to meet and transact business in future; and that this house will occupy the Church on the public square for the present.

And thereupon, the rule of the house being dispensed with, the said resolution was taken up, twice read and adopted.

Ordered, That Mr. Joyce carry the said resolution to the Senate and request their concurrence.

Mr. Brents presented the petition of the heirs and legal representatives of Cliff Hazlewood deceased, of Green county,
praying that a law may pass to authorize the sale and conveyance of a tract of land, of which the said Hazlewood died seized and possessed.

Also, the petition of Sophia Bale, praying that a law may pass to confirm a sale made by her, of her life estate and the interest of her two children in a piece of land, including the Bed of Brish creek, devised to them by the will of her deceased husband Jacob Bale.

Mr. Oldham presented the petition of Emily Nixon, praying a divorce from her husband George Nixon.

Mr. Brown presented the petition of Elizabeth Chrisman, praying a divorce from her husband Isaac Chrisman; and that she may retain her former name of Elizabeth Proctor, with the privileges and rights appertaining to a feme sole.

Mr. Dallam presented the petition of Erminia McHaney late Erminia Gay, praying a divorce from her husband William F. McHaney.

Mr. J. G. Hardin presented the petition of Dosbia Barlow, praying a divorce from her husband James Barlow.

Mr. J. Taylor presented the petition of the administrator and the guardian of the infant heirs of Joseph Gosline deceased, praying that a law may pass, to authorize a sale of the interest of their intestate in, and to, a small tract of land in Fleming county, on which is erected a merchant and saw mill.

Mr. Morehead presented the petition of Mary Carr, praying that the terms of a grant of land made by an act of the last session, entitled an act for the benefit of the widow and heirs of James Carr deceased, may be modified and changed, so as to comport with the provisions of the Will of James Carr deceased.

And Mr. Caldwell presented the petition of James McCaughan, representing that he was the owner of a warrant for 400 acres of land, which he caused to be located on vacant and unappropriated land in the county of Trigg, and a survey thereof to be made; but the Register rejecting his survey for a defect therein, another warrant was located in the mean time, on the same piece of land, thereby depriving him as he is advised, of his location, and the benefit of his warrant; and praying that a law may pass to authorize the aforesaid warrant to be located on other vacant and unappropriated land in said county.

Which petitions were severally received, read and referred; the first and second to a select committee of Messrs. Brents, Shortridge, True and Willis; the 3rd, 4th, 5th and 6th to the committee of religion; and the 7th, 8th and 9th to the committee for courts of justice.

A message from the Senate by Mr. Ewing:

Mr. Speaker—I am directed by the Senate to inform this house, that in consequence of the destruction of the Capitol by
fire, the Senate occupy the Seminary on the public square and are ready to proceed with business as usual.

And then he withdrew.

The Speaker laid before the house a letter from a deputation of the citizens of Frankfort, which was read as follows, viz:

FRANKFORT, Nov: 4th, 1824.

Sir,

The undersigned take the liberty to inform you and the honorable House of Representatives, that they have been appointed a committee on the part of the citizens of the town of Frankfort, to provide such rooms, and make such arrangements for the accommodation of the General Assembly, as have been rendered necessary by the late calamitous conflagration of the Capitol. The committee, influenced by their own and by the unanimous feelings of their towns-men, have no other wish than to provide for the Legislature every accommodation that can render their situation agreeable, and suitable for the despatch of their public business. And in this sentiment we will take pleasure in co-operating with any committee that the General Assembly will appoint, and in giving every possible aid in our power, in procuring and preparing for the reception of the two houses, such rooms as your committee may select. We can venture to assure you that there is not a house in our town, that is not entirely at your service.

We have the honor, to be,

With great respect,

Yours, &c.

J. BROWN,
DANL. WEISIGER,
J. J. CRITTENDEN,
J. HARVIE,
J. J. MARSHALL.

Hon: Robt. J. Ward,
Speaker of the House of Representatives.

Ordered, That the said letter be referred to a select committee of Messrs. Cosby, Green, McBrayer, Watkins, T. P. Wilson and Coleman.

A message from the Senate by Mr. Dudley:

Mr. Speaker—The Senate have adopted a resolution for appointing committees, to enquire into the cause of the destruction of the Capitol and for other purposes—in which resolutions they request the concurrence of this house.

And then he withdrew.
The said resolution was then taken up, twice read, and concurred in, as follows, viz:

IN SENATE, NOVEMBER 4, 1824.

Resolved by the Senate and House of Representatives, That a joint committee of three from the Senate and six from the House of Representatives be appointed, to enquire into the cause of the late afflicting event, the destruction by fire, of the Capitol of this state.

Resolved further, That a committee of three from the Senate and six from the House of Representatives be appointed, to examine into the situation of the books and papers, belonging to the different offices and to the commonwealth; and that they be authorized to make such arrangements for their future preservation, as circumstances may require.

Resolved further, That a committee of three from the Senate and six from the House of Representatives be appointed, to examine, in the town of Frankfort, what house or houses can be procured for the accommodation of the present General Assembly.

Attest,

THO: CHILTON, C. S.

Whereupon Messrs. Cosby, Green, McBrayer, Watkins, T. P. Wilson and Coleman were appointed a committee pursuant to the first and third resolutions; and Messrs. Thruston, Garth, Holt, Hunter, Joyce and Booker pursuant to the second resolution.

Ordered, That Mr. Joyce inform the Senate thereof.

A message from the Senate by Mr. Hickman:

Mr. Speaker—The Senate have passed a bill entitled an act to prolong the November term of the Bourbon Circuit Court,—in which bill they request the concurrence of this house.

And then he withdrew.

The said bill was then taken up and read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second and third readings of said bill having been dispensed with.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Holt inform the Senate thereof.

Mr. Shepherd moved for leave to bring in "a bill for calling a Convention." And the question being taken, on granting leave to bring in said bill, it was decided in the negative, and so the said motion was disagreed to. The Yea and Nays be-
ing required thereon by Messrs. Stephens and Shepherd, were as follows, viz:


Leave was given to bring in the following bills:

On the motion of Mr. Shortridge—1. A bill to provide a place for the sitting of the Court of Appeals.

On the motion of Mr. Mosely—2. A bill to authorize the Secretary of State to furnish the Clerk's of the Circuit and County Courts of Spencer with the Digest of the Statutes of this State, and for other purposes.

On the motion of Mr. James McConnell—3. A bill to amend the militia law.

On the motion of Mr. W. C. Williams—4. A bill to allow the justices of the peace of Morgan county each, a copy of the Digest Laws.

And on the motion of Mr. Cosby—5. A bill further to regulate the Court of Appeals of this commonwealth.

Messrs. Shortridge, Thruston, Hunter and Turner were appointed a committee to prepare and bring in the first; Messrs. Mosely, W. Wilson and Rodman the second; Messrs. James McConnell, Fulton, Wade, Joyce and Rodman the third; Messrs. W. C. Williams, Mayo and Mason the fourth; and Messrs. Cosby, B. Hardin, Rowan, G. Robertson, Breck, S. Davies and Holt the fifth.

And then the house adjourned.
Ordered, That Messrs. Prince, Joyce, Middleton, True, W. Robertson and Litton be a committee of enrollments, on the part of this house: that Mr. Prince inform the Senate thereof, and request an appointment of a similar committee on the part of that body.

Mr. Benjamin W. Napier, a member returned to serve in this house from the county of Casey: and Mr. Benjamin Chappeze, a member returned to serve in this house from the county of Nelson, severally appeared, produced certificates of their election and of their having taken the oaths required by the constitution of the United States and the constitution and laws of this state and took their seats.

Mr. M. Hardin presented the petition of Mary Wilks, widow of Israel Wilks deceased; praying that a law may pass, to authorize the sale of a tract of land belonging to the estate of her deceased husband, for the purpose of discharging a debt due by him, for the purchase of the said land.

Mr. W. Patterson presented the petition of sundry citizens of the counties of Adair, Cumberland, and Wayne, praying that a law may pass, for the formation of a new county out of parts of each of said counties.

Mr. McBrayer presented the petition of sundry citizens of the counties of Washington, Franklin and Mercer, praying that a law may pass, for the formation of a new county out of parts of each of said counties.

Mr. Dallam presented the petition of Thomas Burgess, a free man of colour, praying that a law may pass, to exempt him from the penalties of the act prohibiting free negroes and mulattoes from coming into this state to reside, after the passage of said act; and to permit him to become a citizen of this state, investing him with the rights and privileges usually granted to free persons of colour.

Also, the petition of Meredith Gibson, representing that he stands indicted in the Caldwell Circuit Court, for stabbing, with intent to kill, a certain Andromache Moore; and that from the prejudices existing against him in said county, he cannot obtain a fair and impartial trial and praying a change of venue.

Which petitions were severally received, read and referred; the first to a select committee of Messrs. M. Hardin, Hodge and Spalding; the second and third to the committee of propositions and grievances; the fourth to a select committee of Messrs. Dallam, Galloway, W. Patterson and Mullens; and the fifth to the committee for courts of justice.
Mr. Cosby from the joint committee appointed for that purpose, made the following report, viz:

The joint committee appointed by the General Assembly, to examine in the town of Frankfort, what house or houses can be procured for the accommodation of the General Assembly, have performed the duty assigned them and ask leave to report: That they have had tendered to the General Assembly by the citizens of Frankfort, any house or houses which they may select, and that they will, in the shortest possible time, have such as may be selected, prepared for the accommodation of the General Assembly. Your committee have examined Captain Daniel Wiegler's ball room, the house occupied by Mr. Benjamin Luckett, the Share holders room in the bank of Kentucky, and the meeting house and seminary on the public square, and are of opinion that the two latter buildings are better calculated to serve the purposes of the present General Assembly, than any of the others; and therefore recommend, that a committee be appointed to have said houses prepared forthwith.

J. DUDLEY, C. S. C.
DABNEY C. COSBY, C. H. R.

Which being read was adopted: and Messrs. Kennedy, Hunter, M. Hardin, Morehead, Middleton, and Farmer appointed a committee on the part of this house.

Ordered, That Mr. Cosby inform the Senate thereof.

A message from the Senate by Mr. Ewing:

Mr. Speaker—The Senate concur in the resolution from this house, fixing on a day for the election of a Senator, to represent this State in the Congress of the United States.

And then he withdrew.

Mr. Cosby read and laid on the table the following resolution, viz:

Resolved by the Senate and House of Representatives, That when they adjourn upon to day, the House of Representatives will adjourn to meet at the meeting house on the public square, in the town of Frankfort, on Wednesday next, and the Senate to meet at the seminary on the same day.

And thereupon, the rule of the house being dispensed with, the said resolution was taken up, twice read, and adopted.

Ordered, That Mr. Cosby carry the said resolution to the Senate and request their concurrence.

Mr. James McConnell read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee of be appointed for the purpose of taking into consideration, the propriety and practicability of rebuilding and fitting up the Capitol within the present
walls, and if practicable, the appropriation that will be necessary to do so, with leave to report by bill or otherwise.

Mr. W. Patterson read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a law ought to pass, to remove the seat of Government from Frankfort, to some more central and eligible site in this commonwealth.

Mr. Shortridge from the committee appointed for that purpose, made the following report, viz:

The committee to whom the resolution was referred in relation to Silas W. Robins, one of the Circuit Judges of this commonwealth, to enquire into his conduct in relation to certain charges—having had the same under consideration, beg leave to make the following report:

From the evidence which has been produced to your committee, they are clearly of opinion that the charges against the said Silas W. Robins have been so far supported by the evidence adduced to us, that it is proper, in the opinion of your committee, that a further investigation should take place: testimony having been adduced going to establish a part of the said charges.

Wherefore, it is Resolved, That a summons issue against the said Silas W. Robins, requiring his attendance before the bar of this house on the 12th day of this instant, to answer the charges aforesaid; and that the said Robins, at the time of the service of the summons aforesaid, have delivered to him a copy of the charges exhibited against him.

Resolved further, That a committee of nine be appointed, to investigate said charges; and the clerk of the proper committee attend said committee, and take down in writing, the evidence for and against the said Robins—and when the evidence is thus known, the said committee shall report the same; and also, any resolution they think should be adopted in relation thereto.

Resolved further, That the clerk of this house issue summons, to compel the attendance of witnesses on the application of either the commonwealth, or the said Robins.

Which being twice read, the resolutions recommended by said committee were twice read and adopted; and Messrs. S. Davis, Green, Shortridge, Turner, Evans, W. C. Williams, Thruston, Mason and Mayo, appointed a committee pursuant to the second resolution.

Mr. G. Robertson from the committee for courts of justice, made the following reports:

The committee of courts of justice have had under their consideration, the petition of Nathaniel Heizer and John Findley, and have come to the following resolution thereupon:

Resolved, That the said petition is reasonable, and that the
said Heizer and Findley ought to receive, for the services in
sioned, the sum of 240.

The committee for courts of justice have, according to order,
bin consideration the petition of sundry citizens of Adair
sy county, praying that an additional justice of the peace may
be appointed in said county—and have come to the following re-
solution, thereupon, to wit:

Resolved, That said petition is reasonable.

The committee have also had under consideration the petition
of James Horndon, praying that the state price may be refunded
upon a certain tract of land—and have come to the following re-
solution, thereupon, to wit:

Resolved, That said petition be rejected.

Which being severally twice read, were adopted.

Ordered, That the said committee prepare and bring in bills,
pursuant to the first and second resolutions.

Mr. McConnell, from the committee of religion, made the fol-
lowing report:

The committee of religion have, according to order, had under
their consideration the petition of Elisha McCormas, setting
forth that he intermarried with a certain Rispha Ward; and
that she, the said Rispha, was, in two months thereafter, deliv-
ered of a child—and have come to the following resolution,
thereupon, to wit:

Resolved, That said petition be rejected.

Which being twice read, was recommitted to the committee
of religion.

On motion, Ordered, That Mr. Shortridge be added to the
committee appointed to prepare and bring in a bill further to
regulate the Court of Appeals of this commonwealth.

Leave was given to bring in the following bills:

On the motion of Mr. W. Patterson—1. A bill for the bene-
fit of Barbary Price.

On the motion of Mr. Stone—2. A bill to amend the law con-
cerning working on public roads.

On the motion of Mr. Cosby—3. A bill to amend the laws re-
relative to slaves executed under the criminal laws of this com-
monwealth.

On the motion of Mr. S. Daviess—4. A bill to amend the
laws respecting slaves.

On the motion of Mr. Porter—5. A bill to authorize the
deputy sheriffs of Butler county to discharge the duties of a
constable.

Messrs. W. Patterson, Willis and Clarkson were appointed
a committee to prepare and bring in the first; Messrs. Stone;
Gibson and Ford the second; Messrs. Cosby, Sterrett and Na-
pier the third; Messrs. S. Daviess, Cosby, Sterrett and Napier
G
the fourth; and Messrs. Porter, Triplett, Stephens and Dallam
the fifth.

The following bills were reported from the several commit­
tees appointed to prepare and bring in the same, viz:

By Mr. Shortridge—1. A bill to provide a room for the Court
of Appeals to sit in, and for other purposes.

By Mr. G. Robertson from the committee for courts of jus­
tice—2. A bill for the benefit of Nathaniel Heizer and John
Findley.

By Mr. Turner—3. A bill to reduce the expenses of the bank
of the Commonwealth.—And

By Mr. Brents—4. A bill for the benefit of the heirs and de­
vises of Cliff Hazlewod and of the devisees of Jacob Bale.

Which bills were severally received and read the first time
and ordered to be read a second time. And thereupon, the
rule of the house, constitutional provision, and second
reading of the first and fourth bills being dispensed with, the first was
ordered to be engrossed and read a third time, and the fourth
was committed to the committee for courts of justice. And
thereupon, the rule of the house, constitutional provision and
third reading of the first bill being dispensed with, and the same
being engrossed.

Resolved, That the said bill do pass, and that the title thereof
be as aforesaid.

Ordered, That Mr. Shortridge carry the said bill to the Sen­
ate and request their concurrence.

A message was received from the Senate, announcing the pas­
sage of bills by that house of the following titles:

An act to provide for the safe keeping of Francis Erwin. And
An act for the benefit of the deputies of James Chambers de­
ceased, late sheriff of Mason county.

That the Senate concur in the adoption of resolutions from
this house of the following titles:

A resolution for appointing a joint committee to visit Trans­
sylvania University and the Lunatic Asylum at Lexington; and
examine the accounts of the same.—And

A resolution for a recess of the General Assembly.
And then he withdrew.

Whereupon Messrs. New, Triplett, Slack and Evans were
appointed a committee on the part of this house, to visit the
Transylvania University and the Lunatic Asylum.

Ordered, That Mr. New inform the Senate thereof.

Mr. Prince from the joint committee of enrollments reported
that the committee had examined an enrolled resolution "for
appointing a joint committee to enquire into the causes of the
destruction of the Capitol and for other purposes."—And a bill
entitled "an act to prolong the November term of the Bourbon
Circuit Court."—And had found the same truly enrolled.
Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. Shortridge moved for leave to bring in "a bill to take the sense of the people of this commonwealth, as to the necessity and expediency of calling a convention."

And the question being taken on granting leave to bring in said bill, it was decided in the negative, and so the said motion was disagreed to.

The Yeas and Nays being required thereon by Messrs. G. Robertson and Shortridge, were as follows, viz:


The house on said vote being equally divided, the Speaker, according to the rule of the house, declared the motion negatived.

Ordered, That the resolution read and laid on the table on the 3rd instant by Mr. Slack, be committed to a committee of the whole house on the state of the commonwealth, for Tuesday the 23rd instant.

Mr. Galloway read and laid on the table the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of four from the Senate and eight from the House of Representatives be appointed, to examine the Bank of Kentucky and report specially the amount of Capital Stock of said bank, distinguishing in said report, the amount owned by the state and the amount owned by individuals; also the amount of debts due said bank, the amount of deposits therein, distinguishing in said item of deposits, whether the same is in specie or special deposits in paper; also the amount of notes of said bank in circulation, including the notes made payable at the late branches of said bank; also the amount of specie in said bank; and that they also examine and inspect the books and accounts.
of the institution, so as to ascertain the amount of loans, and in what manner they are secured; and that said committee have power to send for persons, papers and records for their information.

Mr. S. Daviess read and laid on the table the following resolution:

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That a committee of two from the Senate and four from the House of Representatives be appointed, to examine the situation of the Treasurer's office; two from the Senate and four from the House of Representatives, to examine the situation of the Auditor's office; and two from the Senate and four from the House of Representatives, to examine the situation of the Register's office; and that the several committees make report thereof.

A bill from the Senate entitled "an act to provide for the safe keeping of Francis Erwin," was read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision requiring said bill to be read on three several days, and second and third readings thereof being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Mosely inform the Senate thereof.

A message from the Governor by Mr. Loughborough, assistant Secretary:

Mr. Speaker—The Governor did, on this day, approve and sign an enrolled resolution, which originated in the House of Representatives, entitled "a resolution fixing on a day for the election of a Senator to represent this state in the congress of the United States?"

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. Holt nominated Mr. John Rowan, as a proper person, to fill the office of Senator in the congress of the United States, from and after the 4th day of March next.

Ordered, That Mr. Booker inform the Senate of the said nomination and that this house is now ready, by a joint vote with the Senate, to proceed to the said election.

A message from the Senate by Mr. Crutcher:

Mr. Speaker—I am directed by the Senate, to inform this house, that the Senate are now ready, by a joint vote with this house, to proceed to the election of a Senator to represent this state in the congress of the United States for six years, from and after the 4th day of March next.

And then he withdrew.
The house then proceeded to the said election; and the question was proposed upon the election of John Rowan, Esq. as Senator, to represent this state in the Congress of the United States.—The Yeas and Nays being required thereon by Messrs. B. Hardin and Holt were as follows:


A committee was then appointed on the part of this house, to meet a committee to be appointed on the part of the Senate, to compare the state of the joint vote.—The committee then retired and after a short time returned, when Mr. Holt, from said committee, reported that the joint vote stood thus:

For Mr. John Rowan, 105
For Mr. Isham Talbot, 4

Whereupon, Mr. John Rowan having received a majority of the votes of both houses, was declared duly elected a Senator, to represent this state in the Congress of the United States, for six years, from and after the 4th day of March next.
And then the house adjourned.

WEDNESDAY, NOVEMBER 10, 1824.

Mr. John M. McConnell a member returned to serve in this house from the county of Greenup, appeared, produced a certificate of his election and of his having taken the oaths required by the constitution of the United States and the constitution and laws of this state, and took his seat.

Mr. L. Williams presented the remonstrance of sundry citizens of Cumberland county, against the passage of any law to take a part of said county, for the purpose of forming a new county.—And
Mr. Wingate presented the petition of sundry citizens of Owen county, praying that a law may pass to establish an election precinct in said county.

Which remonstrance and petition were received, read and referred to the committee of propositions and grievances.

The Speaker laid before the House a letter from the Treasurer of this commonwealth, covering his annual report of the situation of that office, and of the receipts and disbursements for the current year, ending on the 10th day of October last; which were received and read as follows, viz:

Treasurer's Office, Kentucky, November, 1824.

SIR,

You will please lay before the honorable house, over which you preside, the enclosed statement, which gives a concise view of the situation of the Treasury Department, from the 11th day of October, 1823, to the 10th day of October, 1824, inclusive.

I have the honor to be,
Very respectfully,
Your obedient humble servant,

SAML. SOUTH, Tr.

Hon. Robt. J. Ward,
Speaker of the House of Representatives.

A statement of money received and paid at the Treasury in the year 1824, commencing on the 11th day of October, 1823, and ending on the 10th day of October, 1824, inclusive, together with the amount of money in the Treasury on the 10th day of October, 1823.

RECEIPTS.

For amount received on vacant lands, $6003 49
Ditto Headright lands, 2858 04
Ditto Tellico lands, 58 83
Ditto Manufacture of salt, 20

Ditto Penitentiary, 12353 32
Ditto Sheriffs, 75711 03
Ditto Clerks, 10681 45
Ditto Register of the Land Office, 1442 73
Ditto Non resident lands, 3465 21
Ditto Miscellaneous receipts, 42 44
Ditto A slave runaway and sold, 562 48
Ditto Dividends Bank of Kentucky, up to 31st January, 1824, 11934
Ditto ditto on Stock, same Bank, up to 31st July, 1824, 59670.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ditto, from the Bank of the Commonwealth,</td>
<td>$65797.91</td>
</tr>
<tr>
<td>Ditto, money refunded by Messrs. Clay and Rowan, $2756 specie, equal in</td>
<td>$5512</td>
</tr>
<tr>
<td>Commonwealth's paper to</td>
<td></td>
</tr>
<tr>
<td>Ditto, a twenty-dollar Illinois note, equal to</td>
<td>$10</td>
</tr>
<tr>
<td>Total amount received in 1824,</td>
<td>$257122.97</td>
</tr>
<tr>
<td>And money in the Treasury on the 10th day of October, 1823,</td>
<td>$12981.87</td>
</tr>
<tr>
<td>Total amount</td>
<td>$270104.84</td>
</tr>
</tbody>
</table>

This statement exhibits the amount of money paid for warrants drawn on the Treasury from the 11th day of October, 1823, to the 10th day of October, 1824, inclusive.

Amount subscribed and paid into the Commonwealth's Bank as Stock, to wit:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dividend from Bank of Kentucky, up to 31st January, 1824</td>
<td>$11934</td>
</tr>
<tr>
<td>Ditto, Stock from same Bank, up to 31st July, 1824</td>
<td>$59670</td>
</tr>
<tr>
<td>Vacant and Headright lands</td>
<td>12000</td>
</tr>
<tr>
<td>Total</td>
<td>$83604</td>
</tr>
<tr>
<td>Drawback on vacant lands</td>
<td>161 15</td>
</tr>
<tr>
<td>Penitentiary,</td>
<td>12221.65</td>
</tr>
<tr>
<td>Judiciary,</td>
<td>29789.86</td>
</tr>
<tr>
<td>Executive Department,</td>
<td>7789.86</td>
</tr>
<tr>
<td>Legislature,</td>
<td>20996.19</td>
</tr>
<tr>
<td>Public Printing,</td>
<td>4321.37</td>
</tr>
<tr>
<td>Appropriation, November session, 1823,</td>
<td>11995.86</td>
</tr>
<tr>
<td>Support of lunatics,</td>
<td>19755.84</td>
</tr>
<tr>
<td>Clerks of Circuit and County Courts,</td>
<td>9770.29</td>
</tr>
<tr>
<td>Criminal prosecutions</td>
<td>17821.81</td>
</tr>
<tr>
<td>Public communications,</td>
<td>893.70</td>
</tr>
<tr>
<td>Jailors of Circuit and County Courts,</td>
<td>8948.25</td>
</tr>
<tr>
<td>Executive Offices,</td>
<td>2245.66</td>
</tr>
<tr>
<td>Commissioners of Taxable property,</td>
<td>8716.73</td>
</tr>
<tr>
<td>Contingent expenses</td>
<td>1325.61</td>
</tr>
<tr>
<td>Redemption of non resident's lands</td>
<td>49.32</td>
</tr>
<tr>
<td>Military expenses</td>
<td>595.10</td>
</tr>
<tr>
<td>Sheriffs comparing polls,</td>
<td>1704.02</td>
</tr>
<tr>
<td>Public roads,</td>
<td>2843.50</td>
</tr>
<tr>
<td>Slaves executed,</td>
<td>1980</td>
</tr>
<tr>
<td>Town of Columbus,</td>
<td>239</td>
</tr>
<tr>
<td>Sergeant of the Court of Appeals,</td>
<td>289.75</td>
</tr>
<tr>
<td>Money refunded</td>
<td>757</td>
</tr>
<tr>
<td>Reporters of the Court of Appeals,</td>
<td>2987.59</td>
</tr>
</tbody>
</table>
Distributing Acts of Assembly for 1824;  
Deaf and Dumb Asylum (Danville);  
Paid Joseph and Thomas Roach, in Commonwealth's paper;  
\$15498  
Paid same, \$2236, specie, equal in Commonwealth's paper to  
4512  
  18000  
Paid Trevier, Paul & Co. \$5609, specie, equal in Commonwealth's paper to  
11218  
A credit given the Treasurer for specie, purchased for Messes. Clay and Rowan, Commissioners to Virginia;  
11054  
Ditto for purchasing same (see act of Assembly);  
43  
Repairs to the Penitentiary, &c.  
2400  
Lunatic Asylum (Lexington);  
2500  
Do. do. (Louisville);  
2500  
Repairs done to the State House, (painting, &c.)  
1589  
\[\text{Total amount paid,} \]  
\$305562  
\[\text{From which take the amount received, as above stated,} \]  
\$270104  
\[\text{Balance due from the Commonwealth,} \]  
\$35457  

As no report has been made from the Bank of the Commonwealth, since the first day of July last, pursuant to the charter of said bank, nor under the act of the last session of the General Assembly, entitled "an act to apply the net profits of the Bank of the Commonwealth for the year 1824, in aid of the public revenue," approved January 7th, 1824—which renders it wholly out of my power to shew the precise situation, or state of the Treasury for the present year. This report would have been transmitted before this time, had not the public business been unexpectedly interrupted.—In case the report of the bank should make it necessary, (which is expected will be the case,) the accounts may form a proper supplement to those now exhibited. 

The foregoing statement is respectfully submitted to the House of Representatives.

SAML. SOUTH, Tr.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Brents—1. A bill to dispose of the vacant lands in the state of Tennessee, between Walker's line and the latitude of 36 deg. 36 m.  
By Mr. W. Patterson—2. A bill for the benefit of Barbara Price.—And
By Mr. Mosely—3. A bill to authorize the Secretary of State to furnish the clerks of the Circuit and County Courts of the county of Spencer, with a Digest of the Statutes and for other purposes.

Which bills were severally received and read the first time, and ordered to be read a second time.—And thereupon, the rule of the house, constitutional provision and second readings of said bills being dispensed with, the first was committed to a committee of the whole house on the state of the commonwealth; the second to a select committee of Messrs. W. Patterson, Willis and Clarkson; and the third was ordered to be engrossed and read a third time.

Ordered, That the public printer, forthwith, print 150 copies of the first bill, for the use of the members of this house.—And thereupon, the rule of the house, constitutional provision and third reading of the third bill being dispensed with and the same being engrossed.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Mosely carry the said bill to the Senate and request their concurrence.

Mr. Joyes from the select committee to whom was referred "a bill to authorize the appointment of a clerk to the General Court," reported the same with an amendment, which being twice read was concurred in; and the bill as amended ordered to be engrossed and read a third time.—And thereupon, the rule of the house, constitutional provision and third reading of said bill being dispensed with, and the same being engrossed.

Resolved, That the said bill do pass, and that the title thereof be amended to read, an act to provide for the appointment of a clerk to the General Court.

Ordered, That Mr. Joyes carry the said bill to the Senate and request their concurrence.

Mr. Mosely moved the following resolution, viz:

Resolved by the House of Representatives, That a committee of five members be appointed, to enquire and report to this house whether the public printing does not cost the commonwealth more, when divided, than when all is performed in the same office, and whether the commonwealth has derived any advantage from the division.

Which being twice read, was adopted; and Messrs. Mosely, S. Daviess, Buckner, Cunningham and L. Williams, appointed a committee pursuant thereto.

A message from the Senate by Mr. Yancey:

Mr. Speaker—The Senate have passed a bill entitled, an act to amend the law regulating the election of electors—in which bill they request the concurrence of this house.

And then he withdrew.
The said bill was then taken up and read the first time and ordered to be read a second time; and thereupon, the rule of the house, constitutional provision and second and third readings of said bill being dispensed with.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Coleman inform the Senate thereof.

Mr. L. Williams moved the following resolutions:

Resolved, That the Reverend Henry F. Delaney be invited to preach in the representative chamber, on Saturday afternoon, the 15th inst.

Resolved, That the Reverend Mr. Campbell be invited to preach in the representative chamber, on Sunday the 14th inst., at 11 o'clock, A. M.

Resolved, That the Reverend William Lowrey be invited to preach in the representative chamber, on Sunday the 14th inst., at 3 o'clock, P. M.

Which being twice read, were adopted,

Mr. Wickliiffe moved the following resolutions, viz:

Resolved, That the President of the Bank of the Commonwealth, report to this House, as soon as practicable, the names of several persons who have constituted the Directory of the said Bank and its several Branches, since first day of January, 1824; also the number and times that the several boards have held meetings for the purpose of doing business, and the names of the members at each meeting; that he also inform this House what sums, if any, and at what times since the said first day of Jan., have been loaned to each of said Directors; and to further inform the House what sums the Directory, including any person that hath acted as a Director, hath had on loan from the said Bank and its branches: That he also inform this House if any such Director hath failed to meet his engagement with the Bank, stating specially the name of the Director so delinquent, when he became delinquent, and if suit hath been brought, when such suit was brought; that he also inform this House of the amount of the delinquency in the said Bank and its several Branches; together with the name of each delinquent, when the delinquency took place, and whether suit hath been brought, and when brought in each case; that he also inform this House what sum or sums have been loaned at said Bank and its several Branches, stating separately the amount at each Branch; and if any money hath been loaned contrary to the act of the last session limiting the loans of said Bank; that he state the sums so loaned, to whom and when made; that he also render to this House a full statement of the Treasurer's account with the Bank from the 20th day of October, 1823, exhibiting and shewing the several sums deposited by the Treasurer, and when made by
another, stating by whom made, and also the several sums drawn by the Treasurer's check or otherwise, and the names of the persons who have so drawn on the checks or voucher of the Treasurer, and at what times: That he state the whole amount under discount and of debts due at the Bank and its Branches separately, and the whole of the amount of debts due to the institution, and of the debt or debts due from the institution; that he state the entire expense of each Branch, and of the mother Bank, including all expenses for firewood, stationary, house rent, and officers salaries.

Which being twice read, was laid on the table.

Ordered, That the public printer, forthwith, print 150 copies of said resolutions, for the use of the members of this house.

A message from the Governor by Mr. Loughborough, assistant Secretary:

Mr. Speaker—I am directed by the Governor to lay before this house a message in writing:

And then he withdrew.

The said message was then taken up and read as follows:

Gentlemen of the Senate.
And of the House of Representatives:

On my taking possession of the buildings allotted for the residence of the Governor, I found them to be in a state of such considerable decay, that repairs seemed to be absolutely necessary, not only for the accommodation and comfort of the occupants, but also for their preservation. I therefore requested three highly respectable citizens of this place to examine the premises: They did so, and the result of their examination has been a report, a copy of which accompanies this communication. Acceding to their recommendation, I have caused such repairs to be made, upon part of the buildings, as appeared essentially necessary. The bills of the workmen will be submitted to you at a proper time.

Jos. Desha.

Nov. 10th, 1824.

To his Excellency Governor Desha.

Sir:

Agreeable to your request, we, the undersigned have taken a general view of the state of the government house and furniture, and find the same to be in want of much repair. The first room on the right hand of the entrance from the street, will require new papering, and the whole of the house, inside and out, ought to be painted without delay. The windows too will require considerable repair, much of the glass being broken, and some of the sashes and shutters having suffered by the dilapidations.
A cellar door, &c. is also wanting, and some repairs will be needed on some of the buildings. Of furniture there is but a small quantity, and that, from its long use, in very indifferent order.

Unless these repairs are made, and a considerable addition made to the furniture, we cannot conceive the house, &c. to be in a situation to accommodate yourself and family, with comfort and convenience.

With great consideration and respect,
We remain, Sir,
Your obedient servants,

DANL. WEISIGER,
WM. HUNTER,
SAML. SOUTH.

A true copy from the original, in the office of the Secretary of State.

P. S. LOUGHBOROUGH,
Ass't. Sec'y. of State.

Leave was given to bring in the following bills:

On the motion of Mr. S. Daviess—1. A bill to authorize the taking of depositions in certain cases at common law.

On the motion of Mr. Maupin—2. A bill to amend the law respecting towns in this commonwealth.

On the motion of Mr. Wickliffe—3. A bill to provide for the opening and keeping in repair, public roads in the county of Fayette.

On the motion of Mr. W. C. Williams—4. A bill to amend an act entitled an act more effectually to suppress gambling, and for other purposes.

On the motion of Mr. Wickliffe—5. A bill to amend and explain the penal laws.—6. A bill further to amend the laws relative to executions.—And

On the motion of Mr. Mosely—7. A bill to amend and reduce into one, the several acts exempting property from execution.

Messrs. S. Daviess, McConnell (of Greenup,) and Grisham were appointed a committee to prepare and bring in the first; Messrs. Maupin, Galloway, Samuel and S. Daviess the second; Messrs. Wickliffe, Payne, True and Brown the third; Messrs. W. C. Williams, Forrest and Hodge the fourth; Messrs. Wickliffe, Erants, B. Hardin and Cosby the fifth; Messrs. Wickliffe, Coleman and Cunningham the sixth; and Messrs. Mosely, Rowan and McConnell (of Greenup,) the seventh.

Mr. Prince, from the joint committee of enrollments, reported, that the committee had examined an enrolled bill, entitled an
act to amend the law regulating the election of electors—and had found the same truly enrolled.
Whereupon, the Speaker affixed his signature thereto.
Ordered, That Mr. Prince inform the Senate thereof.
The following bills were severally read a second time:
1. A bill for the benefit of Nathaniel Heizer and John Findley.—And
2. A bill to reduce the expences of the Bank of the Commonwealth.
The first was ordered to be engrossed and read a third time, to-morrow; and the second was committed to a select committee of Messrs. Daviess, Willis, Gibson, M. Hardin and Brents.
The Speaker laid before the house a letter, from the President of the Bank of the Commonwealth, enclosing a report of the situation of said bank and branches, which was received and read as follows, viz:

Bank of the Commonwealth of Kentucky, Nov. 10th, 1824.

Dear Sir,
I have the honor to transmit, herewith, such a report of the proceedings and situation of this bank, as is required by the 15th section of the act of the 29th November, 1820—which report you will please to lay before the honorable body over which you preside.
I have the honor to be, with respect,
Yours, &c.
J. J. CRITTENDEN, Pres.: Hon: ROBERT J. WARD,
Speaker of the House of Representatives.

P. S. The accidental calamity which occasioned the adjournment of the General Assembly on Friday last, prevented me from making the accompanying report on the first week of the session, as required by law.

J. J. C.

To the members of the Senate,
And House of Representatives:
The President of the Bank of the Commonwealth has the honor, herewith, to communicate a statement or table exhibiting a condensed view of the situation of the whole institution, and also detailed reports of the names of those who have borrowed from the bank—the respective amounts so borrowed, and the manner in which the same is secured.
By an act of the 7th of January last, the President and Directors of this bank were directed to pay into the public Treasury, in aid of the revenue, the whole amount of its net profits accruing from the 10th of October, 1823, to the 10th of October, 1824, excepting only certain special appropriations, which had been previously made. Deducting those appropriations, the net profits, which accrued from the 10th of October, 1823, to the 1st of July, 1824, (as will more particularly appear from the report made to the Auditor of Public Accounts, up to the last mentioned day, and which is also herewith communicated,) amounted to $566,797.91, and those which accrued from the 1st of July, 1824, to the 10th of October, amounted to $21,108.64, making the total revenue, derived from this source, under the said act, amount to the sum of $87,906.55; all of which has been passed to the credit of the Treasury; and the necessities of that department have compelled the Treasurer to anticipate and overdraw the amount. The sum, however, of $21,108.64, which became due to the Treasury on the 10th of October, 1824, was never ascertained or passed to its credit until lately, and will diminish to that extent, the balance of $859,715.30, reported against it on the 1st of October, 1824, as appears by the table or statement first above mentioned. This reduced balance, however, has been again augmented by subsequent advances, made to the amount of about $3,000.

In permitting these anticipations and overdraws by the Treasurer, the managers of the bank conceived that they acted in the spirit, if not according to the letter of the law. They were not unappriased that there was no express legal provision, authorising them to make such advances, but as such a course involved no danger to the bank, and seemed to be imperiously required by the exigencies of the Treasury, they thought it better to pursue it, than to adopt the harsh and injurious alternative of disavowing the drafts of the Treasurer, and refusing to him, the means of defraying, the necessary expenses of the government.

On all occasions, the strictest economy in its expenditures has been practised by this bank, and recommended to and enjoined upon its branches. And with the view of affording to the Legislature, the fullest information on this subject, accounts were required from all the branches, of their expenses from the 1st of October, 1823, to the 1st of October, 1824. Several of them have not yet made these reports. So far as they have been received, they are herewith communicated, together with an account of the expenditures of this bank during the same period.

Between the 1st of October, 1823, and the 1st of October, 1824, the Treasurer has subscribed and paid into this bank for stock, the sum of $83,604—the principal part of which was derived from the Bank of Kentucky, being the State's portion of
distribution of 10 per cent. on the Capital Stock of that institution.
In pursuance of the provisions of an act of the last session of the General Assembly, entitled "an act concerning the Bank of Kentucky and the Bank of the Commonwealth," the President and Directors of this Bank have withdrawn from circulation and placed in permanent deposit in its vaults $422,212.16 of its notes, all of which was counted and laid away in sealed boxes, in the presence of the Treasurer and Auditor of Public Accounts. This sum, when added to that which was cancelled during the last year, makes an aggregate of $995,247.41, and reduces the amount of notes originally issued by the bank from $2,943,459.55 down to the sum of $1,948,212.14.

Such a result must afford satisfactory evidence, that the system of curtailment and reduction pursued during the two last years, though proceeding, by calls so moderate, as scarcely to furnish debtors the smallest ground of complaint, will, if continued, speedily relieve the state from all the evils of a depreciated currency.

In the regulation and management of the bank, no material change has been made. The call upon its debtors, at the rate of one per cent. per month, has been steadily persevered in, and the President and Directors have endeavored so to conduct all its operations, as to fulfill and accomplish the purposes and designs prescribed by the General Assembly.

I have the honor to be,
With great respect, &c.

J. J. CRITTENDEN, Presi:

Ordered, That the public printers, forthwith, print 150 copies thereof, for the use of the members of this house.

A bill from the Senate, entitled an act for the benefit of the deputies of James Chambers, deceased, late sheriff of Mason county; was read the first time and ordered to be read a second time.

And then the house adjourned.

THURSDAY, NOVEMBER 11, 1824.

Mr. Lewis Riddle, a member returned to serve in this house, from the county of Boone, appeared, produced a certificate of his election and of his having taken the several oaths required by the constitution of the United States and constitution and laws of this state and took his seat.

Mr. W. C. Williams presented the petition of sundry citizens of Lawrence county, praying that a law may pass, to authorize the appointment of an additional number of justices of the peace of said county.
Mr. Caldwell presented the petition of sundry citizens of Caldwell county, praying that a part of said county may be detached, and added to the county of Trigg.

Mr. Prince presented the petition of the heirs and representatives of Henry Wolf deceased, who are of full age, and the guardians of the infants, praying that a law may pass, to authorize a sale and conveyance of a tract of land, which was devised to them by the said Henry Wolf, lying in the county of Caldwell.

Mr. S. Daviess presented the petition of Beverly Luster, praying a divorce from his wife Nancy Luster.

Mr. Miller presented the petition of sundry citizens of Adair county, praying that a law may pass, to grant to James Gilpin, a very poor man residing in said county, 100 acres of the vacant and unappropriated lands of the commonwealth.—And

Mr. Oldham presented the petition of the guardian of the infant heirs of Jonathan Parks deceased, praying that a law may pass, to authorize a sale to be made of the interest of said infants in, and to, a tract of land which they inherit from their father, lying in the county of Estill.

Which petitions were severally received, read and referred: the 1st, 3rd, 5th and 6th, to the committee for courts of justice; the second to the committee of propositions and grievances; and the fourth to the committee of religion.

A message from the Senate by Mr. Lyon:

Mr. Speaker—The Senate have passed a bill, entitled an act to legalize the proceedings of the county court of Graves county—in which bill they request the concurrence of this house.

And then he withdrew.

A message from the Governor by Mr. Loughborough, assistant Secretary:

Mr. Speaker—I am directed by the Governor to lay before this house a message in writing.

And then he withdrew.

Mr. S. Daviess, from the committee of propositions and grievances, made the following report, viz:

The committee of propositions and grievances have, according to order, had under consideration several petitions, to them referred, and have come to the following resolutions thereupon, viz:

Resolved, As the opinion of this committee, that the petition of sundry citizens of McCracken county, praying that a law may pass, organizing said county, by the appointment of county officers, is reasonable.

Resolved, That the petition of sundry citizens of Oldham county, praying that a law may pass, to remove the seat of justice thereof from its present location, to the town of Westport on the Ohio river, is reasonable.
Resolved, That the petition of sundry citizens of the counties of Monroe, Barren and Allen, praying the formation of a new county out of parts of each of said counties, be rejected.

Which being twice read; the first and third resolutions were concurred in; and the second having been amended by striking out the words "is reasonable," and inserting, in lieu thereof, the words "be rejected," was laid on the table.

Ordered, That the said committee prepare and bring in a bill pursuant to the first resolution.

A message from the Senate by Mr. Hughes:

Mr. Speaker—The Senate have passed a bill, entitled an act to extend the terms of the Bracken Circuit Court—in which bill they request the concurrence of this house.

And then he withdrew.

A message from the Senate by Mr. Dudley:

Mr. Speaker—The Senate have passed a bill, which originated in this house, entitled an act providing for the appointment of a clerk to the General Court.

And then he withdrew.

A message from the Senate by Mr. Lyon:

Mr. Speaker—The Senate have passed a bill, which originated in this house, entitled an act to authorize the Secretary of State to furnish the clerks of the Circuit and County Courts of the county of Spencer with a Digest of the Statutes, and for other purposes, with amendments, in which amendments they request the concurrence of this house.

And then he withdrew.

The said amendments were then taken up, twice read and concurred in.

Ordered, That Mr. Mosely inform the Senate thereof.

Mr. Kennedy, from the joint committee appointed for that purpose, made the following report:

The joint committee, who were appointed for the purpose of having such arrangements made, as were necessary, for the accommodation of the present General Assembly, having performed the duty assigned them, submit the following report:

They caused the pews to be removed from the meeting house, on the public square and two chimneys with spacious fire places to be erected thereto, and the house so arranged, as to afford ample and convenient room for the House of Representatives, with a spacious lobby and gallery for spectators. They have also directed a stove to be put up near each end of the lobby, which your committee hope and believe, will render the room both convenient and comfortable, for the House of Representatives.

They also caused the seminary to be fitted up, in a manner to afford every facility to the Senate, in the despatch of their busi-
ness. This room is certainly too small, to accommodate any considerable number of the members of the House of Representatives, who may be disposed to attend the debates of the Senate. They however, believe, that from twelve to fifteen members of the House of Representatives, can be accommodated, with seats within the bar of the Senate. Your committee have provided cheap carpeting, sufficient to cover the floors in each room, with settees and chairs, to accommodate the members of each house respectively, and those who may wish to attend the debates of the other. They have also caused the way, between the two houses, to be gravelled, which will render the communication easy and convenient. Your committee cannot consent to close this report, without tendering to the citizens of Frankfort generally, and particularly the several mechanics who have been employed, for their prompt and spirited exertions, to have the necessary repairs completed in so short a time, for the accommodation of the General Assembly.

J. DUDLEY, C. C. S.
THOS. KENNEDY, C. C. H. R.

P. S. Your committee have not ascertained the expense incurred in preparing the rooms, but believe it will be small.

Mr. Turner read and laid on the table the following resolution:

Whereas, excessive legislation is an evil which a representative government should guard against. It is happily the policy of our government, to enlighten all her citizens, that her laws should be understood by all. To effect this, the code must be simple. An excessive legislation creates great complexity and deprives all, except those who make the study and practice of the science of law, a profession, of an opportunity of understanding the various uncertainty. Add to this, the frequent changes which an excessive legislation introduces—in many instances, new statutes are passed repealing or changing the provisions of former laws, before the great body of the people have ever known of their existence.

And whereas, the great pressure of the times, the emptiness of the treasury, the inadequacy of our revenue, and the increased demands on the treasury, from a late public calamity, all require of the guardians of the people's rights, rigid economy. —Wherefore,

Resolved by the Senate and the House of Representatives of the Commonwealth of Kentucky, That when they adjourn on Saturday, the 27th instant, they will adjourn without day.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz: 

By Mr. Wickliffe—1. A bill to amend and explain the penal laws.
By Mr. Mosely—2. A bill to provide for the publication of the decisions of the Court of Appeals.

By Mr. L. Williams—3. A bill for the benefit of John Cocke.

By Mr. Oldham—4. A bill for the benefit of the heirs of Moses Dougherty, deceased.

By Mr. S. Daviess, from the committee of propositions and grievances—5. A bill to establish the county of McCracken.

And

By Mr. Hodge—6. A bill for the benefit of Henry B. Montgomery.

Which bills were severally received and read the first time, and ordered to be read a second time.

Ordered, That the public printer, forthwith, print 150 copies of the first bill, for the use of the members of this house.

And thereupon, the rule of the house, constitutional provision and second readings of the 3rd, 4th, 5th and 6th bills being dispensed with: the third was recommitted to a select committee of Messrs. L. Williams, Woods and Maupin; the fourth to a select committee of Messrs. Turner, Gibson, Oldham and Rowan; the fifth to the committee of propositions and grievances; and the sixth was ordered to be engrossed and read a third time. And thereupon, the rule of the house, constitutional provision and third reading of the sixth bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hodge carry the said bill to the Senate and request their concurrence.

Leave was given to bring in the following bills:

On the motion of Mr. Mosely—1. A bill to regulate the action of ejectment.

On the motion of Mr. Forrest—2. A bill to authorize the County Court of Washington county, to appoint one additional constable in said county.

On the motion of Mr. McConnell (of Woodford)—3. A bill to authorize the publication of certain advertisements in the Kentucky Farmer.

On the motion of Mr. Samuel—4. A bill further to regulate the valuation of taxable property in this commonwealth.

On the motion of Mr. Litton—5. A bill for the relief of the Tellico settlers.

On the motion of Mr. Maupin—6. A bill to establish an additional election precinct in Barren county.

On the motion of Mr. Gordon—7. A bill further to regulate the debt due the commonwealth, for the sale of vacant lands.

On the motion of Mr. Farmer—8. A bill to amend an act, entitled an act, to amend the law concerning the Turnpike and Wilderness road, and for other purposes. —And
On the motion of Mr. Rodman—9. A bill to appoint commissioners to run the line between Oldham and Henry counties, and for other purposes.

Messrs. Mosely, McConnell (of Greenup,) and Willis were appointed a committee to prepare and bring in the first; Messrs. Forrest, Booker and Hodge the second; Messrs. McConnell (of Woodford,) Buford and Brown (of Jessamine,) the third; Messrs. Samuel, Hunter, Cox, W. C. Williams and Wilson (of Shelby,) the fourth; Messrs. Litton, Grisham and Cunningham the fifth; Messrs. Maupin, Galloway, J. G. Hardin and S. Daviess the sixth; Messrs. Gordon, Caldwell, Mosely and Prince the seventh; Messrs. Farmer, Litton, Grisham and Cunningham the eighth; and Messrs. Rodman, Joyes, Thruston, Samuel and S. Daviess the ninth.

Mr. Summers moved for leave to bring in a bill, to alter the mode of summoning petit jurors—and the question being taken on granting leave to bring in said bill, it was decided in the negative, and so the said motion was disagreed to.

Mr. Willis moved for leave to bring in a bill, to repeal the several acts of Assembly, authorizing the county courts of this Commonwealth to appoint three of their own body to award writs of ne exeat, injunctions, &c.

Ordered, That the title presented, on the motion aforesaid, be committed to the committee for courts of justice.

The house took up the resolution laid on the table on the 5th instant, by Mr. Galloway, for appointing a joint committee to examine the Bank of Kentucky—which being twice read, was adopted.

Ordered, That Mr. Galloway carry the said resolution to the Senate and request their concurrence.

The house took up the resolution laid on the table on the 5th instant, by Mr. S. Daviess, for appointing joint committees to examine the public offices, which being twice read, was adopted.

Ordered, That Mr. S. Daviess carry the said resolution to the Senate and request their concurrence.

An engrossed bill, entitled an act for the benefit of Nathaniel Heizer and John Findley, was read a second time; and the question being taken on the passage of said bill, it was decided in the negative, and so the said bill was rejected.

A bill from the Senate, entitled an act for the benefit of the deputies of James Chambers, late sheriff of Mason county, was read a second time and ordered to be read a third time.

The following bills from the Senate, were severally read the first time and ordered to be read a second time, viz:

1. An act to extend the terms of the Bracken Circuit Court.
And

2. An act to legalize the proceedings of the County Court of Graves county.
And thereupon, the rule of the house, constitutional provision
and second and third readings of said bills being dispensed with,

Resolved, That the said bills do pass, and that the titles there-
of be as aforesaid.

Ordered, That Mr. Carter inform the Senate thereof,
And then the house adjourned.

FRIDAY, NOVEMBER 12, 1824.

Mr. Dallam presented the petition of sundry citizens of Trigg
county, praying that a part of Caldwell county, may be added
to the county of Trigg.

Also, the petition of sundry citizens of said county counter
thereeto.

Mr. Shepherd presented the petition of sundry citizens of
Lewis county, praying that a law may pass, to direct the course
of descent of the real and personal estate of William Moore de-
ceased, late of said county, a free man of colour, there being no
legal heirs who can inherit the same; and to authorize the pro-
curement of title for the real estate of which he died seized,
and a conveyance of a part thereof, to be made to a purchaser
from the said William Moore, during his life time.

Mr. Garth presented the remonstrance of sundry citizens of
Wayne county, against the passage of any law to take a part of
Wayne county, for the purpose of forming a new county in con-
junction with parts of the counties of Cumberland and Adair.

Mr. Watkins presented the petition of Hugh Smith, praying
a divorce from his wife Sally, late Sally Uzzle.

Mr. Green presented the petition of the heirs and representa-
tives of David Knox deceased, praying that a law may pass, to
authorize the Mercer Circuit Court, to decree a sale of the real
and personal estate of their ancestor, an equitable division hav-
ing been found impracticable.

Mr. McBrayer presented the petition of James M. I. Scant-
land, praying a divorce from his wife Eleanor, late Eleanor L.
Long.

Mr. J. Taylor presented the petition of Robert Walker, pray-
ing a divorce from his wife Polly Walker.—And

Mr. Dallam presented the petition of sundry citizens of Chris-
tian county, praying for the establishment of an election pre-
cinct therein.

Which petitions were severally received, read and referred: the 1st, 2nd, 4th and 9th to the committee of propositions and
grievances; the third to a select committee of Messrs. Shep-
herd, W. C. Williams, Mayo and McConnell (of Greenup); the 5th, 7th and 8th to the committee of religion; and the sixth
to the committee for courts of justice,
Mr. Patterson (of Scott,) presented the memorial of Joel Scott, containing proposals to the General Assembly for the management of the Penitentiary institution, and for the employment of the convicts confined therein, in the manufacture of woolen and cotton fabrics.

Which was received, read and referred to a select committee of Messrs. J. Patterson, Brents, Breck, Joyes, Maupin and Rodman.

Mr. Rowan, from the committee for courts of justice, to whom was referred a bill for the benefit of the heirs and devisees of Cliff Hazlewood, and of the devisees of Jacob Bale, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill being dispensed with and the same being engrossed.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Brents carry the said bill to the Senate and request their concurrence.

Mr. McConnell, from the committee of religion, made the following report, viz:

The committee of religion have, according to order, had under consideration the petition of sundry persons, to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of Elisha McCormas, praying a divorce from his wife Rispah McCormas, is reasonable.

Resolved, That the petition of Doshia Barlow, praying a divorce from her husband James Barlow, is reasonable.

Resolved, That the petition of Emily Nixon, praying a divorce from her husband George Nixon, is reasonable.

Resolved, That the petition of Ermina McHaney, praying a divorce from her husband William F. McHaney, is reasonable.

Which being twice read, was concurred in.

Ordered, That the said committee prepare and bring in bill pursuant to said resolutions.

Mr. W. Patterson, from the select committee, to whom was referred a bill for the benefit of Barbary Price, reported the same with an amendment, which being twice read, was concurred in; and the said bill as amended, ordered to be engrossed and read a third time. And thereupon, the rule of the house, constitutional provision and third reading of said bill being dispensed with and the same being engrossed.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.
Ordered, That Mr. W. Patterson carry the said bill to the Senate and request their concurrence.

Mr. Shortridge, from the select committee, to whom was referred so much of the Governor’s message as relates to the invitation of General Lafayette to this state, made the following report:

The select committee to whom was referred so much of the Governor’s message as relates to the invitation of General Lafayette to this state as the “Nation’s Guest,” have had the same under consideration, and now beg leave to make the following report:

Under a profound conviction, that the right of the people in a state of civil society to govern themselves, has the sanction of principles of eternal fitness. That the freedom of the people consists alone in the exercise of this right. And that, in order to maintain it from the encroachments, to which it is liable; and the degeneracy to which, like every other human good it is incident; the people, who enjoy it, should cherish those trains of thought, and cultivate those affections of heart, which most kindly associate with their best exercise.

Upon this principle, the people of the United States commemorate the fourth of July; the day on which their fathers made a solemn declaration of their right to govern themselves and appealed to Heaven for its justice. The day which gave date to that perilous and memorable struggle; which terminated in the achievement of this great and inherent right, and in its recognition by its enemies. Hence that reverence for the character and memory of Washington throughout America and among the votaries of freedom in every clime; and which is bounded only by the line which separates devotion from idolatry. Their love for Washington was a compound of the strongest and clearest perceptions of which the rights of man are susceptible, and the purest affection of which the human heart is capable. He had been the successful champion of liberty; he had conquered its enemies; and displayed in the process, that excellence of moral character, which well consortcd with the purity and sublimity of the principles for which he contended. His name, now that he is gone, awakens in the minds of his countrymen, and will, it is hoped, ever continue to do so, those trains of thought, and those recollections, which associate the past with the present, and exhibit the great principles for which he and his compatriots, suffered and bled in the most animating and consolatory aspect.

The love that is felt for Washington, is the devotion of the people of the United States to civil liberty. His life and services had identified him with its most sacred principles; they had been consecrated by the toils, the sufferings and the blood of the
most distinguished patriots: the veneration in which his memory is held is but the homage of intellect to principle: It is the streams of reason and affection flowing confluently in the channel of principle, throughout the regions in which the tree of liberty grows; moistening the roots, strengthening the growth, and deepening the verdure of that consecrated tree. The name of General Lafayette is associated with that of Washington, and of the patriots of the American Revolution. His name is incorporated with theirs, among them, and in a state of junta-position to Washington. He enjoys the affection and admiration of the citizens of the United States. His posture, in the Galaxy of those worthies, who achieved immortality by their devotion to the cause of civil liberty, and the rights of man, is conspicuous and impressive; rendered more so by his alien contour and costume, and by his long protracted and accumulated sufferings, in the cause of humanity and liberty. His fame is in the care of history and posterity. He still lives, and is now, through the indulgence of Heaven, encircled by the affections of ten millions of freemen: with whose sires, and for whose freedom he fought and bled. The United States are, at this moment, in the glow of gratitude, which they feel and display towards that illustrious individual, exhibiting to the world, a spectacle, which, while it appals tyranny, is calculated to cheer and invigorate freedom.

The people of Kentucky are not less enthusiastic in their love of liberty, than their brethren of the Atlantic states; Kentucky was an almost unpaved, and entirely an unsubdued wilderness, when the Marquis Lafayette nobly volunteered and generously bled in the cause of freedom; his name and deeds are incorporated in, and identified with, the history of its achievement. It is associated inseparably and indelibly with the knowledge and feeling which the people of Kentucky have of their rights: They love and delight to honor the man in the degree in which they perceive, feel and appreciate those rights, and that is, to the extent of their consciousness of them.

They want to see and display towards this most excellent man, the grateful sensations which they feel, and they wish him to see, in the cultivated plains of Kentucky, and in her free institutions, some of the fruits of his co-operation in the hallowed cause of liberty, with Washington and the other patriots of the American Revolution. Wherefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor be, and he is hereby, requested to forward to General Lafayette in the name of the good people, an appropriate invitation, to visit the state of Kentucky, and upon the invitation being accepted, as it is hoped it will be, to direct and superintend the manner of his reception as the Guest of this state.
Resolved further, That in the event, the General accept, of said invitation, that the Governor, to defray the expences of his reception, shall be permitted to draw upon the Treasurer for any sum which shall be necessary for that purpose.

And thereupon, the rule of the house being dispensed with, the resolutions recommended by said committee, were taken up, twice read and unanimously adopted.

Ordered, That Mr. Shortridge carry the said resolutions to the Senate and request their concurrence.

The Speaker laid before the house a letter from Silas W. Robbins, Esq. one of the Circuit Judges of this commonwealth, which was read in the following words:

FRANKFORT, Nov. 12th, 1824.

ROBERT J. WARD, ESQ.
Speaker of the House of Representatives,

SIR,

Permit me, through you, to inform the house over which you preside, that in obedience to their summons and agreeably to the mandate thereof, I attend at the bar of the house this morning. The process was served late on Monday evening last, while I was holding the Bath Circuit Court, and in consequence thereof, court was adjourned immediately and the business left unfinished.—Also, I had been absent from home, attending to the duties of my office in the other counties of the circuit, upwards of four weeks, previous to that time.—Hence, it has been utterly impossible for me to reply to the various charges exhibited against me, and to make the necessary preparation for my defence, on so short a notice. I must, therefore, beg the indulgence of the house, until some day next week, nor earlier than Wednesday, at which time, I will endeavour to be ready to proceed. On this occasion, suffer me to state further, that Eli Shortridge, Esq. and John Mason, Jr., two gentlemen who compose a part of the committee of examination, are professedly my personal enemies. This fact, if required, is susceptible of proof. Genuine feelings of delicacy and a correct sense of propriety, ought to have shown them, that to be a witness in a cause, and then pretend to adjudicate thereon, after having prejudged the matter months before, and published their opinions in their electioneering speeches, is a farce without a parallel. But if their feelings do not revolt at such a course, I must beg the house to discharge them from the committee, and appoint two others to supply the vacancy. These reasonable requests, I confidently trust, the enlightened representatives of a free people will not.
cannot deny me, that my trial may, at least, have the semblance of impartiality.

With sentiments of respect I am, Sir,
Your most obedient servant,

SILAS W. ROBBINS.

P. S. With the permission of the house, I will make one further suggestion. It would be much more agreeable to me if the house would change this prosecution into an impeachment. My reason for preferring this course, is not because I wish to entrench myself behind a constitutional bulwark; but that my triers may all see and hear the witnesses for themselves and not receive the evidence through a report of a committee. And to obviate any difficulty that may arise, because two-thirds of the Senate are necessary to convict, I hereby solemnly pledge myself to the house, that if after examination and trial, a bare majority of the Senate shall be unfavorable to my cause, I will instantly resign.

Yours, &c.

SILAS W. ROBBINS.

On motion, Ordered, That messrs. Shortridge and Mason be excused from: and messrs. Mosely and Cunningham be added to the committee appointed to investigate certain charges exhibited against the said Silas W. Robbins.

Mr. L. Williams, from the select committee, to whom was referred a bill for the benefit of John Cocke, reported the same with an amendment, which being twice read was concurred in; and the said bill, as amended, ordered to be engrossed and read a third time. And thereupon, the rule of the house, constitutional provision and third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That mr. L. Williams carry the said bill to the Senate and request their concurrence.

Mr. M'Connell of Greenup, read and laid on the table the following resolution, viz:

Whereas the commissioners appointed by a resolution of the last general assembly of this commonwealth, to make a thorough examination into the situation of the Penitentiary institution; &c. and report thereon to the present general assembly, have failed to perform the duties required of them—and whereas Jeptha Dudley Esq, one of said commissioners, has, since his said appointment, been chosen a member of the Senate, by reason of which it is put out of his power to give that attention to the subject which is indispensable to a full compliance with the objects of said resolutions, so as to enable the said commission-
ers to make their report at an early day of the present session; and whereas the said Jeptha Dudley Esq. has desired to be excused from the performance of said duties. Therefore,

Be it resolved by the Senate and House of Representatives, That Jacob Swigert be, and he is hereby appointed a commissioner in the room and stead of the said Jeptha Dudley Esq. as commissioner, in conjunction with the other commissioners appointed by said resolutions, to do and perform every thing by said resolutions required, and the said commissioners are requested to make report to the present general assembly at as early a period as practicable.

And thereupon the rule of the house being dispensed with, the said resolution was taken up, twice read and adopted.

Ordered, That Mr. M'Connell carry the said resolution to the Senate and request their concurrence.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Rowan from the committee for courts of justice—1. A bill for the benefit of James Mc'Laughan.

By Mr. S. Davies—2. A bill to authorize the taking of depositions in certain cases at common law.

By Mr. M'Connell of Woodford—3. A bill to authorize the insertion of certain advertisements in the Kentucky Farmer.

By Mr. W. C. Williams—4. A bill to allow the justices of the peace of Morgan county, each a copy of the digest laws.

By Mr. Forrest—5. A bill to authorize the county court of Washington county to appoint an additional constable in said county.

By Mr. Litton—6. A bill further to regulate the debt due the Commonwealth for the sale of the vacant lands acquired by the treaty of Tellico.

By Mr. Gordon—7. A bill further to regulate the payment of the debt due the Commonwealth for the sale of vacant lands.

And,

By Mr. Garth—8. A bill to change the law concerning fine money.

Which bills were severally received, and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of the 1st, 3d, 4th, 5th, 6th, and 7th bills being dispensed with, the 1st, 3d, and 6th were severally ordered to be engrossed and read a third time, the fourth was committed to a select committee of Messrs. W. C. Williams, Mayo and Mason; the fifth to a select committee of Messrs. Forrest, Booker, Hodge and Dallam; and the 7th to a select committee of Messrs. Brents, Gordon, Prince and Cunningham.
And thereupon the rule of the house, constitutional provision and third reading of the first and third bills being dispensed with and the same being engrossed.

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That Mr. M'Connell carry the said bills to the Senate and request their concurrence.

Leave was given to bring in the following bills:

On the motion of Mr. M'Connell—1. A bill to change the time of holding the March, June and September county courts of the county of Woodford and for other purposes.

On the motion of Mr. Thruston—2. A bill to amend an act entitled an act to abolish imprisonment for debt and to subject equitable interests to execution, approved December 17th 1821.

On the motion of Mr. Holt—3. A bill to regulate certain officers fees.

On the motion of Mr. Chenowith—4. A bill further to regulate the pay of the members of the general assembly.

On the motion of Mr. W. Patterson—5. A bill for the benefit of Marcus Huling and others.

On the motion of Mr. W. C. Williams—6. A bill to establish certain new precincts in the counties of Lawrence and Morgan and to declare valid those established before said counties were formed.

On the motion of Mr. Hodge—7. A bill to amend the law concerning constables.

On the motion of Mr. Wingate—8. A bill to change the November term of the Owen circuit court.

On the motion of Mr. Sterrett—9. A bill to establish an election precinct in the county of Breckenridge.

On the motion of Mr. Mayo—10. A bill allowing the county of Pike two additional justices of the peace to the number now allowed by law.

Messrs. M'Connell of Woodford, Buford and Patterson of Scott were appointed a committee to prepare and bring in the first; Messrs. Thruston, Rowan, Cunningham and Turner the second; Messrs. Holt, Clarkson, Coleman and Backner the third; Messrs. Chenowith, Napier, Morgan, Rowan and Green the fourth; Messrs. Patterson of Adair, Willis, and M'Connell of Greenup the fifth; Messrs. W. C. Williams, Mayo and Stone the sixth; Messrs. Hodge, Hardin of Monroe and Sterrett the seventh; Messrs. Wingate, Marksberry and Gibson the eighth; Messrs. Sterrett, Cox, Riddle and Mosely the ninth, and Messrs. Mayo, M'Connell of Greenup and Williams the tenth.

Mr. W. C. Williams moved for leave to bring in a bill to provide for the payment of grand jurors for their services.
And the question being taken on granting leave to bring in said bill, it was decided in the negative and so the said motion was disagreed to.

The yeas and nays being required thereon by Messrs. M'Coneill of Greenup and W. C. Williams, were as follows, viz:


Mr. Forrest moved for leave to bring in a bill to change the time of the annual meeting of the general Assembly.

And the question being taken on granting leave to bring in said bill, it was decided in the negative, and so the said motion was disagreed to.

A message from the Senate by Mr. Ewing:

Mr. Speaker—The Senate have adopted a resolution directing the chimneys of the capitol to be removed, in which resolution they request the concurrence of this house.

And then he withdrew.

Mr. Shortridge, from the majority on the vote by which the second resolution of the committee of propositions and grievances made on yesterday, was amended, moved a reconsideration of said vote.

Whereupon, Resolved, That this house will reconsider said vote.

The said resolution was then postponed until Friday the 3d, December next.

A message from the Senate by Mr. Hughes:

Mr. Speaker—The Senate have adopted a resolution for appointing a joint committee to enquire into the official conduct of the judges of the court of appeals and to investigate their decisions &c. in which resolution they request the concurrence of this house.

And then he withdrew.

The said resolution was then taken up and read as follows:
Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee of four from the Senate and eight from the house of Representatives, be raised upon that part of the Governor's communication, which relates to the decisions of the judges of the court of appeals, with power to examine into the official conduct of the judges of that court and report thereupon by address, for their removal, if the result of their enquiries may in their opinion, justify it, and that the said committee shall have power to send for persons, papers and records for their information.

It was then moved and seconded to lay the said resolution on the table.

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

The yeas and nays being required thereon by Messrs. Green and Wickliffe, were as follows, viz:


The question was then taken on the adoption of said resolution, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Green, were as follows, viz:


NAYS—Messrs. Bates, Breck, Brents, G. J. Brown, Crittenden, Cunningham, Evans, Farmer, Ford, Goggin, Gordon,

Whereupon Messrs. Rowan, S. Daviess, Brents, Shortridge; Cunningham, T. P. Wilson, Mosely and Coleman were appointed a committee on the part of this house.

Ordered, That Mr. Rowan inform the Senate thereof.

And then the house adjourned.

SATURDAY, NOVEMBER 13, 1854.

Mr. Rowan presented the petition of Diana Bullitt administratrix of Thomas Bullitt deceased, praying that a law may pass to authorize the sale of a part of the real estate of the decedent, for the purpose of discharging the debts due by said estate.

Mr. Stone presented the petition of Hannah Mayberry, praying a divorce from her husband Joseph Mayberry.

Mr. J. G. Hardin presented the petition of the heirs and representatives of William Proctor deceased, who are of lawful age, praying that a law may pass to authorize the sale and conveyance of a tract of land, of which the decedent died seized and possessed in the county of Monroe.

Mr. Ford presented the petition of Elizabeth Prewitt, praying a divorce from her husband Washington Prewitt—and

Mr. Rodman presented the petition of Joshua Wallace and Elizabeth Moore, executors of Daniel Moore deceased, praying that a law may pass to authorize a sale of the real estate of said decedent.

Which petitions were severally received, read and referred: the first to a select committee of Messrs. Rowan, Thurston and Joyes; the second and fourth to the committee of religion, and the third and fifth to the committee for courts of Justice.

Mr. Prince from the joint committee of enrollments, reported, that the committee had examined enrolled bills and a resolution of the following titles, and had found the same truly enrolled, to-wit:

An act providing for the appointment of a clerk to the general court.

An act to authorize the secretary of State to furnish the clerks of the circuit and county courts of the counties of Spencer, Mead, Oldham and Graves with a digest of the statutes and for other purposes.

An act to extend the terms of the Bracken circuit court—and,

An act to legalize the proceedings of the county court of Graves—and,
A resolution for appointing joint committees to visit Transylvania University and the Lunatic Asylum at Lexington, and examine the accounts of the same—and.

A resolution for appointing a joint committee to investigate the official conduct of the judges of the court of appeals.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

After a short time Mr. Prince reported that the committee had deposited said bills and resolution in the office of the Secretary of state for the approbation and signature of the Governor.

Mr. Buford from the committee of propositions and grievances made the following report: viz.:

The committee of propositions and grievances have according to order had under consideration the petition of sundry citizens of Caldwell county praying that a law may pass adding them to the county of Trigg, and have come to the following resolution thereupon, viz.:

Resolved, As the opinion of this committee that the petition aforesaid is reasonable.

Which being twice read was concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to said resolution.

Mr. Forrest from the select committee to whom was referred a bill to authorize the county court of Washington county to appoint one additional constable in said county, reported the same with an amendment; which being twice read, was concurred in, and the said bill as amended, ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto “and for other purposes.”

Ordered, That Mr. Forrest carry the said bill to the Senate and request their concurrence.

Mr. S. Daviess moved the following resolution:

Resolved by the House of Representatives, That it is expedient to appoint a committee of ways and means, with power to meet from time to time and take into consideration all matters relating to the public revenue and the several laws passed on that subject, and such other matters relating to the finances of the state as may be deemed advisable, or referred to them, reporting their proceedings together with their opinion thereupon, to the house. And the said committee shall have power to send for persons, papers and records for their information.

Which being twice read was adopted, and Messrs. Chapeze,
McConnell of Greenup, Willis, Maupin, Dallam, Garth, Gordon, Spalding and Litton, appointed a committee pursuant thereto.

Mr. Thruston moved the following resolution, viz:

Resolved, That a committee be appointed to enquire into the condition of the Louisville Hospital, and that they report whatever is necessary to put said Hospital in operation; and that they have leave to report by bill or otherwise.

Which being twice read was adopted, and Messrs. Thruston, Buford, Cosby, Cunningham, Simpson, Joyes, Clarkson and Maupin appointed a committee pursuant thereto.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Wickliffe—1. A bill further to amend the laws relative to executions.

By Mr. Triplett—2. A bill to authorize the inhabitants of the town of Owenborough to elect the trustees of said town.

By Mr. W. C. Williams—3. A bill to establish certain new precincts in Morgan county and to declare valid those precincts which were established in the counties of Lawrence and Morgan before said counties were formed—and,

By Mr. Shepherd—4. A bill to provide for the disposition of the estate of William Moore deceased.

Which bills were severally received and read the first time and ordered to be read a second time:

And thereupon the rule of the house, constitutional provision and second readings of the 2d, 3d, and 4th bills being dispensed with, the second and fourth were ordered to be engrossed and read a third time, and the third was committed to a select committee of Messrs. Mosely, W. C. Williams and Sterrett.

And thereupon the rule of the house, constitutional provision and third reading of the second and fourth bills being dispensed with and the same being engrossed.

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That Mr. Triplett carry the said bills to the Senate and request their concurrence.

Ordered, That the public printer forthwith print 150 copies of the first bill for the use of the members of this house.

A message from the Senate by Mr. Howard:

Mr. Speaker—The Senate have passed a bill entitled an act to amend the law establishing the turnpike and wilderness road, in which bill they request the concurrence of this house.

And then he withdrew.

The said bill was then taken up and read the first time and ordered to be read a second time.
And thereupon the rule of the house, constitutional provision, and second and third readings of said bill being dispensed with.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Turner inform the Senate thereof.

Leave was given to bring in the following bills:

On the motion of Mr. Ford—1. A bill to change the time of holding the Spencer circuit court and the circuit and county courts of Otham.

On the motion of Mr. W. C. Williams—2. A bill to reduce the price of Land warrants for mountain lands in this Commonwealth.

On the motion of Mr. Turner—3. A bill to amend the law imposing a forfeiture for the failure to improve lands in this commonwealth.

On the motion of Mr. Chenowith—4. A bill to regulate suits at law against joint obligors—and,

On the motion of Mr. Miller—5. A bill to abolish the election precinct in Adair county which is held at the house of Robert Caskey on Casey's creek.

Messrs. Ford,Joyes and T. P. Wilson were appointed a committee to prepare and bring in the first; Messrs. W. C. Williams, Cunningham, M'Connell of Greenup and Rowan the second; Messrs. Turner, Mosely, Thruston and Wickliffe the third; Messrs. Chenowith, Cox, Goggins and Joyes the fourth, and Messrs. Miller, Maupin and Hardin of Monroe, the fifth.

A bill from the Senate entitled, an act for the benefit of the deputies of James Chambers deceased, late sheriff of Mason county, was read a third time.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Slack inform the Senate thereof.

An engrossed bill entitled, an act further to regulate the debt due the Commonwealth for the sale of the vacant lands acquired by the treaty of Tellico, was read a third time.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Litton carry the said bill to the Senate and request their concurrence.

A message from the Senate was received announcing the concurrence of that house in resolutions which originated in this of the following titles:

A resolution for appointing joint committees to examine the Auditor's, Treasurer, and Register's offices.

A resolution requesting the Governor to invite General La Fayette to visit the state of Kentucky.
OF REPRESENTATIVES.

A resolution concerning the Penitentiary; and the passage of a bill entitled
An act concerning constables.

Whereupon Messrs. M. Hardin, Thomas, Riddle, Napier, Roundtree and Carter were appointed a committee on the part of this house, to examine the Auditor's office; Messrs. Joyes, Forrest, Hardin of Monroe, Goggin, Gibson and Farmer, to examine the Treasurer's office, and Messrs. M'Brayer, Hodge, Miller, Stone, Marksberry and Grisham, to examine the Register's office.

Ordered, That Mr. S. Daviess inform the Senate thereof.

The following bills were severally read a second time, viz:
1. A bill to provide for the publication of the decisions of the court of appeals.
2. A bill to authorize the taking of depositions in certain cases at common law—and
3. A bill to change the law concerning fine money.

The first was committed to a select committee of Messrs. M'Connell of Greenup, Hunter, Coleman, Breck and Green, with instructions to enquire into and report the expenses incurred in publishing said decisions for the last year by the late reporter, and the probable expense which the Commonwealth will annually incur by continuing the office of reporter; the second was ordered to be engrossed and read a third time, and the third was committed to a select committee of Messrs. Joyes, Garth, M'Connell of Greenup and Galloway.

And thereupon the rule of the house, constitutional provision and third reading of the second bill being dispensed with and the same being engrossed.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. S. Daviess carry the said bill to the Senate and request their concurrence.

A resolution from the Senate directing the chimneys of the Capitol to be removed, was taken up, twice read and concurred in, in the following words:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Sargent at arms of the Senate and of the House of Representatives, cause the chimneys, so far as they project above the walls of the State house, to be removed forthwith.

Ordered, That Mr. Daviess inform the Senate thereof.

A bill from the Senate entitled, an act concerning constables, was read the first time and ordered to be read a second time.

And then the house adjourned.
Mr. Wade presented the petition of Seney Boatman, praying a divorce from her husband James Boatman.

Mr. Riddle presented the petition of Benjamin Craig of Boone county, representing that there is an indictment depending against him in the Circuit Court of said county, for stabbing a certain Jeremiah Garnett, and that from the undue influence of said Garnett and from other causes, he believes he cannot obtain a fair and impartial trial; and praying a change of venue.

Mr. L. Williams presented the petition of sundry citizens of Cumberland county, praying that a law may pass, to establish an election precinct in said county.

Mr. Stephens presented the petition of George Harris, administrator of the estate of Jacob Anderson deceased, praying that a law may pass, to authorize him to make sale of part of the real estate of the decedent, for the purpose of discharging the debts due by the estate of said Anderson.

Mr. McConnell of Greenup, presented the petition of Joseph McMurty and William Ward, representing that they are the owners of a dam across Little Sandy creek in Greenup county, and a furnace for the manufacture of iron, which they deem of great public utility; that the said stream was at the last session of the General Assembly declared navigable and the dams erected thereon restricted to a certain height; and praying that a law may pass, to authorize them to erect their dam to a greater height than is allowed by said act of Assembly.

Mr. S. Daviess presented the petition of John Napp, praying a divorce from his wife Nancy, late Nancy Linder.—And

Mr. Dallam presented the petition of the trustees of the Western College at Hopkinsville, praying a donation of money to enable them to complete the buildings for the use of said College, which are in a state of progress, but which their funds will not enable them to complete.

Which petitions were severally received, read and referred: the first and sixth to the committee of religion; the second and fourth to the committee for courts of justice; the 3rd and 5th to the committee of propositions and grievances; and the seventh to a select committee of Messrs. Dallam, Morehead, Prince and Rowan.

The Speaker laid before the house a communication from the trustees of the Kentucky Asylum, for the tuition of the deaf and dumb, which was received and read as follows, viz:

HONORABLE ROBERT J. WARD,
Speaker of the House of Representatives.

I have the honor to submit the annual report of the Trustees
of the Kentucky Institution for the instruction of the Deaf and Dumb.

I am Sir respectfully,  
Your obedient servant,  
DAVID G. COWAN, Chairman,  
of committee of Trustees.

November 15, 1824.

To the Honorable the General Assembly of the Commonwealth of Kentucky.

The trustees of the Kentucky Institution for the instruction of the Deaf and Dumb, respectfully submit the following report:

During the past year the institution over which they have the honor to preside, has been in successful progress, to effectuate the objects contemplated by the Legislature.

They have used all the means in their power to effect the object and end of this truly benevolent and philanthropic Institution. Your Trustees from the information acquired by experience and otherwise, soon ascertained, that to carry into complete and successful operation, an institution so novel and unique in its character, more expense must be incurred and more difficulties overcome, than in any ordinary institution for the instruction of youth, in proportion to the number taught. They have also ascertained that it is a matter of no small difficulty to procure competent instructors for this interesting and unfortunate portion of our species. The increased demand for instruction of the Deaf and Dumb persons in the school, under our charge, rendered it imperiously necessary to employ an additional instructor, if to be obtained.

Upon a full and dispassionate consideration of the subject, they were led to the conclusion that the only certain and practicable way to supply our want was, to select a suitable person and cause to be properly taught and qualified as an instructor, in some older institution. We are happy to say that our endeavors have been successful; We have made an engagement with a young gentleman in whom we have implicit confidence, both as to capacity and integrity, whom we have sent to the oldest in the United States, and perhaps the best institution of the kind in the world for instruction, and when properly qualified will return and take a station as a permanent teacher; and from his services will repay the advances made for his support while absent for instruction. From information received since his arrival at Hartford, Connecticut, we hope for his return sometime during the next summer or fall.

The course pursued by your trustees upon this subject, is the one recommended by all the elder institutions in the United States, and which they have been obliged to adopt—such is the
paucity of institutions for the Deaf and Dumb, and consequent scarcity and impracticability of obtaining teachers competent to the task.

Since the last session of the General Assembly, your trustees presented their petition to the Congress of the United States, praying an endowment from the national funds—their petition was favourably received by that body, but owing to the pressure of business and lateness of the session, the bill reported for their benefit was not finally acted upon—they hope, however, for a favorable result at the ensuing session.

The pupils, during the past year, have enjoyed a good degree of health; few cases of illness having occurred and those not of serious character. They are cheerful and happy in their present situation and seem relieved from that sense of loneliness which usually attends a deaf mute, when in the society of persons with whom he is unable to interchange ideas. With each other and with the instructors, they can all converse, by signs, with the utmost facility. They are much attached to the instructors and matron, and those persons who manifest an interest in their welfare. The superintendent and matron have faithfully discharged the duty assigned them, of watching over and taking care of the morals, health, comfort, &c. of the pupils. Their improvement in the knowledge of language, written and symbolical, has equalled our most sanguine expectations. As they enlarge their stock of knowledge, their industry and attention to study are correspondently increased. The papers herewith submitted, will exhibit the receipts and expenditures, names, residence, &c. of the pupils, &c.

It is an object much desired by your trustees, to obtain buildings better adapted to the purposes of the institution, than those now occupied, as the present number of pupils is nearly as great as can well be accommodated and taught in them.—Your trustees are fully sensible of the liberality of the General Assembly on former occasions; they are also aware of the fact that the public treasury is not in a situation to make further donations at present, they therefore forbear to ask any; they however, take this opportunity to return to the General Assembly, on behalf of those children of misfortune under their charge, and who are now reaping the advantages growing out of former donations, and who are, by the mysterious dispensation of providence, denied the power of utterance, their heartfelt thanks for their unhappy condition.

All which is respectfully submitted.

By order of the board.

D. G. COWAN,
B. H. PERKINS,
J. FISHER,
CHS. HENDERSON,

November 4, 1834.
KENTUCKY INSTITUTION
FOR THE TUITION OF THE DEAF AND DUMB.

Pupils in the Asylum on 3d November 1824.

<table>
<thead>
<tr>
<th>Names</th>
<th>When admitted</th>
<th>Residence</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jophy Gaddie</td>
<td>1823</td>
<td>Green county</td>
<td>Orphan and unable to pay</td>
</tr>
<tr>
<td>Evelina Sherill</td>
<td>do</td>
<td>do</td>
<td>do</td>
</tr>
<tr>
<td>Rebecca McIlhenny</td>
<td>May 20</td>
<td>Simpson</td>
<td>Pays all charges</td>
</tr>
<tr>
<td>William Morehead</td>
<td>do</td>
<td>do</td>
<td>Unable to pay</td>
</tr>
<tr>
<td>Martha Bailey</td>
<td>June 12</td>
<td>Woodford</td>
<td>Pays all charges</td>
</tr>
<tr>
<td>Moses Lewallen</td>
<td>July 1</td>
<td>Shelby</td>
<td>Unable to pay</td>
</tr>
<tr>
<td>Edith Lewallen</td>
<td>do</td>
<td>do</td>
<td>do</td>
</tr>
<tr>
<td>John Goggin</td>
<td>do</td>
<td>9th Madison</td>
<td></td>
</tr>
<tr>
<td>William Grisson</td>
<td>do</td>
<td>Adair</td>
<td></td>
</tr>
<tr>
<td>Barney McAlpin</td>
<td>23d</td>
<td>Jefferson</td>
<td>Entirely indigent</td>
</tr>
<tr>
<td>John Withers Jr.</td>
<td>Aug. 29</td>
<td>Lincoln</td>
<td>Pays all charges</td>
</tr>
<tr>
<td>John Heke</td>
<td>Oct. 27</td>
<td>Jefferson</td>
<td>Paid to 2d Sept. &amp; now unable</td>
</tr>
<tr>
<td>Thomas Hargland</td>
<td>Nov. 5</td>
<td>Fayette</td>
<td></td>
</tr>
<tr>
<td>Samuel Strickler</td>
<td>10</td>
<td>Scott</td>
<td>Unable to pay</td>
</tr>
<tr>
<td>Nancy McCluskey</td>
<td>19</td>
<td>Livingston</td>
<td>do</td>
</tr>
<tr>
<td>Narcissa Fowler</td>
<td>1824</td>
<td>do</td>
<td>do</td>
</tr>
<tr>
<td>Sebina Gageh</td>
<td>Feb. 12th</td>
<td>Franklin</td>
<td>pays all charges</td>
</tr>
<tr>
<td>Echo Wright</td>
<td>Feb. 17th</td>
<td>Wayne</td>
<td>Unable to pay</td>
</tr>
<tr>
<td>Billy Holloway</td>
<td>July 9th</td>
<td>Alabama</td>
<td>Pays all charges</td>
</tr>
<tr>
<td>John White</td>
<td>Sept. 6th</td>
<td>Jessamine</td>
<td>Unable to pay</td>
</tr>
<tr>
<td>Jacob Sagar</td>
<td>do</td>
<td>do</td>
<td>do</td>
</tr>
<tr>
<td>Bowley Parker</td>
<td>7th</td>
<td>Fayette</td>
<td>do</td>
</tr>
<tr>
<td>Martin Reed</td>
<td>11th</td>
<td>Woodford</td>
<td>do</td>
</tr>
<tr>
<td>Isaac Jones</td>
<td>Oct 8th</td>
<td>Nelson</td>
<td>Indigent and unable</td>
</tr>
<tr>
<td>Thomas Gatewood</td>
<td>11th</td>
<td>Adair</td>
<td>do</td>
</tr>
<tr>
<td>Matilda Gresson</td>
<td>30th</td>
<td>Adair</td>
<td>do</td>
</tr>
</tbody>
</table>

Discharged Larry Hall, in July last, who was unable to pay.

Trustees of the Kentucky Institution for the Instruction of the Deaf and Dumb.

HON. JOHN BOYLE, L. L. D. Chairman.
JAMES BARBOUR, Treasurer.

JAMES BIRNEY, JERH. FISHER,
THO. MONTGOMERY, E.W.D. WORTHINGTON,
SAMUEL McKEE, B. H. PERKINS,
Rev. THOS. CLELAND, D. D. WM. MILLER,
SAM. K. NELSON, JO. M'DOWELL,
DAVID G. COWAN, Rev. JOHN S. HIGGINS,
EPHM. M'DOWELL, M. G. YOUCE,
WILLIAM CRAIG, CHS. HENDERSON.

JAMES HARLAN, Secretary.
OFFICERS.
De Witt Clinton Mitchell, Principal Teacher.
Joseph Addison Jacobs, Assistant Teacher.

PHYSICIANS.
Joseph Weisiger, and Albin G. Smith.

MONTHLY COMMITTEE OF SUPERINTENDANCE.
1st. David G. Cowan, Gen. H. Perkins,
2d. James Barbour, William Miller,

VISITING COMMITTEE OF LADIES.
Mrs. Vance, Mrs. Moore, Mrs. Finlay
Skin, Rochester, Cocke
Whelan, Henderson, Caldwell,
Chamberlain, Reed, Bell,

Dr. Kentucky Institution for the tuition of the Deaf and Dumb,

1823
Nov. 2. To balance on hand exclusive of tuition fees $1934.77
Cash received for support of indigent pupils 251.72
Appropriation of last Legislature 800.00
For support of indigent pupils 615.67
Total, $3593.56

1824

CREDIT.
By cash for glass, nails, &c., for building &c.
Stove for school room $53.50
For binding books 3
Mr. Mitchells salary from 3d, Nov.
1823 to 3d, Nov. 1824 $1000
His boarding from 5th Oct. 1823 to
3d, Nov. 1824 107.64 — 1107.64
Amount paid Mr. Kerr for boarding indigent
pupils from 3d, Nov. 1823 to 3d, Nov.
1824 1023.64
His salary for same time 400
Cash paid John A. Jacobs assistant teacher
for services 30
Advanced him for trip to Hartford Asylum
468
Paid for ironing and setting up stove 10
Amount due for house rent to 3d, Nov. 1824 136.66
Cash paid Joshua Nichols for black boards,
case, &c. 34.66
Cash for postage 654
Books, Stationery, &c. 1744
Glazing windows &c. 925
Sundry repairs on building on lot 2986
Fixing stove, curb, &c. 6
Balance in Treasury 241690

$586239

To balance on hand, 2216590
Amount due from pupils to sd, Nov. 1824 22733
Due from Treasury for supporting indigent pupils to sd Nov. 1824 86728
Donations to institutions by subscriptions "see first report to Legislature 970-207361

Whole amount $449051

E. E.

JAMES HARLAN, Secretary.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Buford, from the committee of propositions and grievances—1. A bill to add a part of the county of Caldwell to the county of Trigg.

By Mr. Holt—2. A bill to regulate certain officers' fees.

By Mr. Joyes—3. A bill for the benefit of the widow and heirs of Thomas Bullitt.

By Mr. New—4. A bill to provide for the sale of vacant lands West of Tennessee river.

By Mr. W. C. Williams—5. A bill to allow the county of Pike two additional justices of the peace.

By Mr. Wingate—6. A bill to alter the time of holding the November term of the Owen Circuit Court, and for other purposes.

By Mr. Dallam—7. A bill for the benefit of Thomas Burgess, a free mulatto.

By Mr. Wickliffe—8. A bill to provide for the taking of depositions in common law and chancery.—And

By Mr. Wickliffe—9. A bill to amend the several acts concerning conveyances.

Which bills were severally received and read the first time and ordered to be read a second time.

Ordered, That the public printer, forthwith, print 150 copies of the 4th, 8th and 9th bills, for the use of the members of this house.—And thereupon, the rule of the house, constitutional
provision and second reading of the 1st, 3rd, 5th, 6th and 7th bills being dispensed with, the first was committed to a select committee of Messrs. Dallam, Clarkson, Stone and Wingate; the third to the committee for courts of justice; the 5th to a select committee of Messrs. Dallam, W. C. Williams and Manpin; the sixth to a select committee of Messrs. W. C. Williams, Wingate and Riddle; and the seventh was ordered to be engrossed and read a third time.—And thereupon, the rule of the house, constitutional provision and third reading of the seventh bill being dispensed with and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dallam carry the said bill to the Senate and request their concurrence.

Leave was given to bring in the following bills:

On the motion of Mr. Brents—1. A bill concerning answers in chancery.

On the motion of Mr. Riddle—2. A bill to repeal an act passed the 5th day of January, 1824, concerning the Turnpike road, leading from Georgetown to Cincinnati, and for other purposes.

On the motion of Mr. W. Patterson—3. A bill to appropriate the fines which may be in the hands of the Paymaster of the 93rd Regiment of Kentucky militia, not wanted by said Regiment, towards lessening the county levy of Adair county.

On the motion of Mr. Hodge—4. A bill for the benefit of the trustees of the Simpson Seminary, and for other purposes.

On the motion of Mr. Mosely—5. A bill to prevent the emanation of patents upon fraudulent surveys, and for other purposes.

On the motion of Mr. W. C. Williams—6. A bill to authorize the justices of the peace of Morgan county to lay an additional levy in said county.

On the motion of Mr. Mayo—7. A bill to appoint a commissioner of the road from Mountsterling to the Virginia line, by way of Prestonsburg.

On the motion of Mr. Shortridge—8. A bill to create a new Judicial District on the North of the Kentucky river.

On the motion of Mr. Patterson of Scott—9. A bill for the protection of burying places.

On the motion of S. Daviess—1. A bill to amend the law concerning the solemnization of marriages.

On the motion of Mr. Miller—11. A bill for the benefit of Achilles A. Strange.

On the motion of Mr. Shortridge—12. A bill to amend the law vesting the Circuit Courts with power to decree divorces.


On the motion of Mr. Joyes—15. A bill to legalize the proceedings of Port Wardens in certain cases.—And

Messrs. Brents, Buford, Breck and Rowan were appointed a committee to prepare and bring in the first; Messrs. Riddle, Marksberry, Stephens, Mullens and S. Daviess the second; Messrs. W. Patterson, Miller and Brents the third; Messrs. Hodge, W. C. Payne and Kennedy the fourth; Messrs. Moses, Robertson of Garrard, Thruston and Hunter the fifth; Messrs. W. C. Williams, Woods, Mayo and M'Connell of Greenup, the sixth; Messrs. Mayo, Mason and Stone the seventh; Messrs. Shortridge, Buford, M'Connell of Greenup, and G. I. Brown the eighth; Messrs. Patterson of Scott, Kennedy and Thomas the ninth; Messrs. S. Daviess, Cunningham and Triplett the tenth; Messrs. Miller, Chesnawith and Willis the eleventh; Messrs. Shortridge, H. C. Payne and Wilcoxen the twelfth; Messrs. Porter, Shepherd, Brown of Jessamine, and Dallam the thirteenth and fourteenth; Messrs. Joyes, Booker, Gibson and Thruston the fifteenth; and Messrs. Thomas, Mannin and Galloway the sixteenth.

A message from the Governor, by Mr. Loughborough, assistant Secretary:

Mr. Speaker—The Governor did, on the thirteenth of this month, approve and sign enrolled bills and resolutions which originated in the House of Representatives, of the following titles, to wit:

"An act to authorize the Secretary of State to furnish the circuit and county courts of the counties of Spencer, Mead, Oldham and Graves, with a Digest of the Statutes, and for other purposes."

"An act providing for the appointment of a clerk to the General Court."

"A resolution for appointing a joint committee to visit Transylvania University and the Lunatic Asylum at Lexington, and examine the accounts of the same."

P. S. LOUGHBOROUGH.

Nov. 15th, 1824.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. Wickliffe moved the following resolution, viz:

Resolved, That the joint committee raised on the part of this house and the Senate, to enquire into the cause of the conflagration of the Capital, be instructed to enquire into the loss of public records, papers and property, and that they have leave to send for persons and papers.

Which being twice read, was adopted.

Mr. Slack read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators and Representatives in Congress be
requested, to enquire into and ascertain, through the proper channel, whether the Judges of the Supreme Court of the United States and of the District Courts are Stockholders or not, in the Bank of the United States; and whether, as Stockholders in said Bank, any of them have taken cognizance of cases in their judicial capacity, involving the interest of said bank, and that the result of said enquiry be communicated by them through the Executive of this State, to the next Legislature.

Resolved, That the Governor be requested to transmit, as soon as it may be practicable, the above resolution to our Senators and Representatives in Congress.

Mr. Dallam, from the select committee, to whom was referred a bill to allow the county of Pike two additional justices of the peace, reported the same with an amendment, which being twice read was concurred in—and the said bill, as amended, ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill being dispensed with and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended to read "an act to allow additional justices of the peace in certain counties."

Ordered, That Mr. Dallam carry the said bill to the Senate and request their concurrence.

Mr. Brents, from the select committee appointed for that purpose, reported a bill concerning answers in chancery—which was received and read the first time and ordered to be read a second time.

The house proceeded to consider the resolution laid on the table on the 3rd instant, by Mr. Joyes, relative to the notes of the Bank of the Commonwealth.

The said resolution having been twice read, the first blank therein filled with the word "three" and the second with the word "six." It was then moved and seconded to fill the remaining blank in said resolutions with the words "cancel by burning." And the question being taken thereon, it was decided in the affirmative.

The Yeas and Nays being required thereon by Messrs. Hodge and Joyes, were as follows, viz:

YEAS—Mr. Speaker, Messrs. Bates, Booker, Breck, Brents, G. I. Brown, Buckner, Buford, Caldwell, Carter, Chownith, Clarkson, Cosby, Crittenden, Cunningham, Dallam, A. H. Davis, S. Daviess, Evans, Farmer, Ford, Garth, Gibson, Goggin, Gordon, Green, Grisham, Holt, Hunter, Joyes, Kennedy, Litton, Marksberry, New, J. Patterson, H. C. Payne,
OF REPRESENTATIVES.


The question was then taken upon the adoption of said resolution as amended, which was decided in the affirmative.

The Yeas and Nays being required thereon by Messrs. Hodge and Joyes, were as follows:


The preamble to said resolution, having been amended, was adopted,

Ordered, That Mr. Joyes carry said resolution to the Senate and request their concurrence.

The following bills were severally read a second time:

1. A bill from the Senate entitled "an act concerning constables."—And

2. A bill to amend and explain the penal laws.

The first was committed to a select committee of Messrs. Willis, Cosby, Maupin, Green and Mayo; and the second was committed to the committee for courts of justice.

And then the house adjourned.
JOURNAL OF THE HOUSE

TUESDAY, NOVEMBER 16, 1824.

On motion—Ordered, That Mr. Mason be excused from and Mr. Galloway be added to the committee raised to investigate certain charges against Silas W. Robbins one of the circuit Judges of this Commonwealth.

Mr. Hardin presented the petition of sundry citizens of the counties of Hardin, Washington, Nelson and Green, praying for the formation of a new county out of parts of each of said counties.

And the question being taken on receiving and referring said petition to the proper committee it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Green and Mr. Hardin were as follows, viz:


The Speaker laid before the house a letter from the Treasurer of this Commonwealth, which was received and read as follows, viz:

To the honorable members of the General Assembly of Kentucky.

It is with the deepest regret that I have to inform you, that in the confusion of the moment, on the day in which the Capitol was burnt, there was lost out of the public Treasury, between the sum of $2000 and $3000. On the first cry of fire, I rushed out of my office and run into the upper stories of the Capitol for the purpose of aiding in the attempt to preserve the building; upon my return in a few moments, I found that a multitude had carried every thing out of the office. I endeavored immediately to regain possession of, and to take care of all the effects which had been removed from my office, and which lay in confused and scattered heaps in the public square. My first ob-
The subject and enquiry was to find and secure the money which had been in the Treasury, being about $2650, as nearly as I can recollect or ascertain without a more extensive and laborious calculation than I have yet been able to make. I could not find it; but hoping that I might do so upon further examination of the papers and furniture of the office, I was unwilling to believe it lost, and endeavored to check the rumour which had commenced and was calculated to aggravate the calamity which was already sufficiently distressing. I was apprehensive too that if the money which was missing was still among the papers scattered in the yard, the knowledge of that circumstance would produce an effect on the part of the dishonest to get possession of it and conceal it, and if any such had already obtained it, the declaration that a search was making would produce increased circumspection in the guilty, and prevent those means of detection from being afforded, which might casually escape when unconscious of suspicion. A laborious and strict search among the papers, has however satisfied me of the loss of the money, and the most anxious vigilance has not as yet enabled me to discover by whom it was taken.

It has therefore become my painful duty to announce the fact to your honorable body, and I give you the reasons above assigned to show why a report on this subject has been hitherto withheld. I forbear to enter into a detail of the circumstances, hoping and entreating that the two houses will appoint a joint committee to examine into the amount of the loss sustained, and all the facts connected with it. Such a course will be more satisfactory to both houses, and an act of justice to me relieve my mind from the most distressing anxiety, and my self from the painful responsibility under which I labor.

I am with respect,

Your most obedient servant,

SAMUEL SOUTH, Tr.

Ordered, that the said letter be referred to the committee raised under a joint resolution, to enquire into the causes of the conflagration of the capitol, and the public losses sustained on that occasion.

Mr. Rowan presented the annual report of the President and Managers of the Louisville Hospital, accompanied by sundry documents—which were received and referred to the committee appointed on the 13th instant, to enquire into and report upon the situation, &c. of that institution.

Mr. S. Daviess from the committee of Propositions and Grievances, made the following report viz:

The committee of Propositions and Grievances have, according to order, had under consideration several petitions to them referred, and have come to the following resolutions thereupon, viz:
Resolved, As the opinion of this committee, that the petition of Joseph McMurtry, and William Ward, praying that a law may pass, authorizing them to raise a water dam on Little Sandy is reasonable.

Resolved, That the petition of sundry citizens of Warren, Hart, Grayson and Butler counties, praying that a law may pass forming a new county out of parts of each of said counties is reasonable.

Resolved, That the petition of sundry citizens of Spencer county, praying that a law may pass establishing the permanent seat of justice for said county at Taylorsville, is reasonable.

Which being twice read, the first and third resolutions were concurred in, and the second laid on the table.

Ordered, That the said committee prepare and bring in bills pursuant to the first and third resolutions.

Mr. G. Robertson, from the committee for courts of justice, to whom was referred a bill for the benefit of the widow and heirs of Thomas Bullet—reported the same with an amendment, which being twice read, was concurred in— and the said bill, as amended, ordered to be engrossed and read a third time. And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with and the same being engrossed.

Resolved, That the said bill do pass, and that the title there of be as aforesaid.

Ordered, That Mr. Joyes carry the said bill to the Senate and request their concurrence.

Mr. G. Robertson, from the committee for courts of justice, made the following report, viz:

The committee for courts of justice, have, according to order had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon: viz:

1. Resolved, That the petition of sundry citizens of the county of Lawrence, praying the appointment of one or two additional justices of the peace in said county, is reasonable.

2. Resolved, That the petition of Meredith Gibson, praying a change of venue, be rejected.

3. Resolved, That the petition of the heirs of Jonathan Park deceased, praying that a law may pass, authorizing the sale of a certain tract of land which descended to them, be rejected.

4. Resolved, That the petition of the widow and heirs of William Proctor deceased, praying that a law may pass authorizing the sale of a certain tract of land which descended to them, be rejected.

5. Resolved, That the petition of Joshua Wallace, and Elizabeth Moore, executor and executrix of Daniel Moore deceased, praying that a law may pass authorizing the sale of a certain tract of land, be rejected.
6. Resolved, That the petition of the heirs of Nathan Goslin, and William W. Blair, praying that a law may pass authorizing the sale of a certain tract of land, which they hold in joint tenancy, be rejected.

7. Resolved, That the petition of George Harris, praying that a law may pass authorizing the sale of certain lots which descended to them, be rejected.

8. Resolved, That the petition of the heirs of Henry Wolf, praying that a law may pass authorizing the sale of a certain tract of land which descended to them, be rejected.

9. The committee on courts of justice to whom was referred, the petition of James Gilpin, praying that a law may pass authorizing him to locate free from cost, 100 acres of land on any vacant land in this commonwealth subject to appropriation, have had the same under consideration, and have come to the following resolution thereon.

Resolved, That the said petition is reasonable.

10. The committee on courts of justice to whom was referred the petition of James McLaughan, praying that a law may pass authorizing the Register of the Land office, to give to him a land warrant for 400 acres of land in lieu of one for that quantity heretofore issued, but the benefit of which he has lost by the negligence of the surveyor in reporting the survey so vaguely that a patent could not issue thereon, have had the same under consideration, and have come to the following resolution thereon.

Resolved, that said petition is reasonable.

Ordered, That the said committee prepare and bring in bills pursuant to the 1st 9th and 10th resolutions.

Mr. McConnell, from the committee of religion, made the following report, viz:

The committee of religion have according to order had under consideration, sundry petitions, to them referred and have come to the following resolutions thereupon to wit:

Resolved, That the petition of James M. J. Scantland praying a divorce from his wife, Eleanor L. Scantland, be rejected.

Resolved, That the petition of Beverly Lester, praying a divorce from his wife Nancy Lester, is reasonable.

Which being twice read, the first resolution was recommitted to the committee of religion, and the second was concurred in.

Ordered, That said committee prepare and bring in a bill pursuant to the second resolution.

Mr. Joyes, from the joint committee of enrollments, reported that the committee have examined enrolled bills and resolutions of the following titles:
An act to provide for the safe keeping of Francis Erwin.
An act for the benefit of the deputies of James Chambers deceased, late sheriff of Mason county.
An act to amend the law establishing the Turnpike and Wilderness road.—and
A resolution directing the chimneys of the Capitol to be removed.

And had found the same truly enrolled,
Whereupon, the Speaker affixed his signature thereto.
Ordered, That Mr. Joyces inform the Senate thereof.

Mr. Mosely, from the select committee to whom was referred a bill to establish certain new precincts in Morgan county, and to declare valid those precincts which were established in the counties of Lawrence and Morgan before said counties were formed, reported the same with an amendment.

Which being twice read, was concurred in, and the said bill as amended, ordered to be engrossed and read a third time tomorrow.

Mr. Dallam from the select committee to whom was referred a bill to add a part of Caldwell county to the county of Trigg, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time tomorrow.

Mr. Wingate from the select committee to whom was referred, a bill to alter the time of holding the November term of the Owen circuit court, and for other purposes, reported the same with an amendment.

Which being twice read, was concurred in, and the said bill as amended, ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with and the same being engrossed.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Wingate carry the said bill to the Senate and request their concurrence.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. G. Robertson from the committee for courts of justice, 1. a bill for the benefit of Peter Mills—2. a bill for the benefit of James Gilpin—3. a bill to allow Lawrence county two justices of the peace in addition to the number now allowed by law—4. a bill for the benefit of James M'Gaughan.

By Mr. M'Connell from the committee of Religion—5. a bill for the divorce of Doshia Barlow—6. a bill for the divorce of Elisha M'Cormas.
By Mr. Thruston—7. a bill to amend an act to abolish imprisonment for debt and to subject equitable interests to execution, passed December 17, 1821.

By Mr. Turner—8. a bill to amend the law imposing a forfeiture for failing to improve lands in this Commonwealth.

By Mr. W. Patterson—9. a bill for the benefit of Marcus Huling and others.

By Mr. Wickliffe—10. a bill to provide for opening and keeping in repair the public roads in the county of Fayette.

By Mr. Stone—11. a bill to amend the law concerning working on public roads.

By Mr. Chenowith—12. a bill to regulate the pay of the members of the General Assembly.

By Mr. Thruston—13. a bill to amend an act entitled an act authorizing certain county courts to appoint Port Wardens and prescribing their duties, approved, February 6, 1819.

By Mr. W. C. Williams—14. a bill to authorize the county court of Morgan to lay an additional levy.

By Mr. Mayo—15. a bill to appoint a commissioner of the road from Mountsterling to the Virginia line by way of Prestonsburg—and,

By Mr. Samuel—16. a bill further to regulate the valuation of taxable property in this Commonwealth.

Which bills were severally received and read the first time, and (the 4th bill excepted which was laid on the table) ordered to be read a second time.

Ordered, That the public printers forthwith print 150 copies of the 7th, 8th and 10th bills for the use of the members of this house.

And thereupon the rule of the house, constitutional provision and second reading of the 1st, 3d, 9th 11th, 14th and 15th bills being dispensed with, the first, third and fourteenth were severally ordered to be engrossed and read a third time; the 9th was committed to a select committee of Messrs. Garth, W. Patterson and Chenowith; the 11th to a select committee of Messrs. Shortridge, Clarkson, Stone, Mosely and M'Connell of Greenup, and the 15th to a select committee of Messrs. M'CConnell of Greenup, Mayo and Mason.

And thereupon the rule of the house, constitutional provision and third reading of the first, third and fourteenth bills being dispensed with and the same being engrossed,

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That Mr. M'Connell carry the said bills to the Senate and request their concurrence.

PAYNE be added to the committee to whom was referred the memorial of Joel Scott, and that Messrs. Buckner, Morgan and Stone be added to the committee appointed to prepare and bring in a bill to create a new Judicial district north of the Kentucky river.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Dallam—1. a bill to amend an act authorizing a Lottery in Christian county, approved Dec. 29, 1823—and

On the motion of Mr. J. G. Hardin—2. a bill further to open and keep in repair the state road leading from Danville to the state line between Kentucky and Tennessee in the direction to Murfreesborough.

Messrs. Dallam, Thomas and Porter were appointed a committee to prepare and bring in the first, and Messrs. J. G. Hardin, Maupin, Napier and Green the second.

Mr. Holt moved the following resolution, viz:

Resolved by this house, That the door keeper be instructed to prevent the smoking of Cigars or Pipes in the Representative Hall during the sitting of the Legislature.

Which being twice read was laid on the table.

And then the house adjourned.

WEDNESDAY, NOVEMBER 17, 1824.

Mr. Prince, from the joint committee of enrollments, reported that the committee had examined enrolled resolutions of the following titles:

A resolution appointing joint committees to examine the situation of the Treasurer's, Auditor's and Register's offices.

A resolution concerning the Penitentiary.—And

Resolutions requesting the Governor to invite General Lafayette to visit the state of Kentucky—and had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. G. Robertson presented the petition of sundry citizens of Garrard county, praying that a law may pass, to impose a tax on dogs, with a view to the reduction of their number, and the protection of sheep from their ravages.—And

Mr. Watkins presented the petition of Caleb Hall, praying an allowance to be made him for keeping and maintaining John Shive, a lunatic.

Which petitions were severally received, read and referred: the first to the committee of propositions and grievances; and the second to the committee of claims.
Mr. W. Patterson, from the select committee to whom was referred a bill for the benefit of Marcus Huling and others—reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time, to-morrow.

Mr. W. C. Williams, from the select committee to whom was referred a bill, to allow the justices of the peace of Morgan county, each, a copy of the Digest Laws, reported the same with an amendment, which being twice read, was concurred in; and the said bill as amended, ordered to be engrossed and read a third time, to-morrow.

Mr. M'Connell of Greenup, from the select committee to whom was referred a bill, to appoint a commissioner of the road from Mountsterling to the Virginia line, by way of Prestonsburg, reported the same with an amendment.

Ordered, That the said bill and amendment be recommitted to a select committee of Messrs. Cosby, M'Connell of Greenup, and W. C. Williams.

Mr. Thruston, from the select committee appointed for that purpose, made the following report, viz:

The committee appointed, in virtue of a resolution of the House of Representatives, "to enquire into the condition of the Louisville Hospital and to report whatever is necessary to put said Hospital into operation" beg leave to report: That there has been paid over to the Treasurer of the board of managers, of the Hospital, as proceeds of the duty on sales on auction in the town of Louisville, from the 31st day of October, 1823, up to the 8th November, 1824, the sum of $1071 87, inclusive of an allowance of $200, by the county court of Jefferson county—and the disbursements of the institution during the period commencing the 7th November, 1823, and ending the 13th October, 1824, including a balance of $241 87, heretofore in the hands of the Treasurer, amounts to the sum of $1413 34. These disbursements have been made for the purpose of purchasing materials, and the payment of workmen employed in the building; in which expenditure, is included the sum of $271 37, contributed by this institution towards the support of the temporary Hospital in Louisville, which for several years past has been maintained by individual charity. There was then left in the hands of the Treasurer, on the 8th ultimo, the sum of $94 90. They further report, that there is now due from the institution, to carpenters for work done, to plasterers, for brick and paving, digging of well, for fire buckets, for the bercing and laying of aqueducts for a cistern, for iron work, painting, &c. the sum of $7678. This debt, with the exception of $1934, due for enclosing the building, has been incurred upon contracts, voluntarily entered into by different persons, to whom it is owing without
any pledge for its payment, except that guarantee which existed, in a firm reliance on the justice, true policy and wisdom of the legislature.

From statements made to your committee by two of the managers, and from the report and accompanying documents transmitted by the President of the Hospital, to which they beg leave to refer; it is confidently believed that the sum of $8824 (making with debt due as before stated, the sum of $15900,) will completely finish, furnish and in every respect prepare the building for the reception and cure of invalids: thereby affording the solacing reflection, that at a period of the most unparalleled embarrassment and difficulty, Kentucky has not only afforded substantial relief to her own citizens, but that she has erected this magnificent monument of her wisdom, and devoted it to the service of afflicted and suffering humanity. Your committee further report, that the progress and situation of the building is substantially as follows: The lot (of about seven acres of ground, the donation of two most excellent, liberal and high minded citizens of Louisville,) is well enclosed with a good strong post and rail fence, a well is sunk on the South side of the building and nearly finished, a cistern at the East end to contain about ten thousand gallons of water as a certain resource in case of fire, is prepared, and ready to receive the pump—the whole basement story of the building is paved with brick, as is also the area around the same, 12 feet wide and curbed with stone, the windows are all primed and glazed and most of them fitted into the frames, most of the doors of the casement story are finished and ready for hanging—four rooms of the basement story in the building are plastered and completely finished except the hanging of the doors—a stair case from the basement landing on the 3rd story is almost finished: four rooms in the first story of the centre of the building are nearly ready to receive the plasterer—two wards in the wings have one coat of plaster each, on the ceiling—the other two wards in the wings are complete with the exception of the plastering. After the contracts, before spoken of, are complied with (which has been nearly done,) there yet remains to be attended to: the making of a cistern at the West end of the building, for its still greater security against fire. The well is to be stoned up and a pump put therein, steps to be made to the North and South doors, finishing the 2nd and 3rd stories in the centre building, and the operating room in the garret and a flight of steps thereto. The basement stories of the wings, the 2nd and 3rd stories of the centre building, the passages and operating room are to be plastered. The whole building remains to be painted, window weights, lightning rod, furniture, medicines, &c. are to be purchased. From the high and honorable char.
OF REPRESENTATIVES.

The characters of the gentlemen, to whom is intrusted the management of this institution, your committee are perfectly assured, that the funds devoted to this object, have been faithfully and judiciously applied—and nothing more is asked, of the legislature, than what is barely sufficient to comply with existing contracts, and to finish and put the Hospital in operation. Situated as Louisville, is: located at the falls of the Ohio, on the great high road to the wealth and commerce of the world, it must become the emporium of a very fertile and extensive territory. And whilst it receives in deposit the products of an immense community, it must become, from its situation, a receptacle for a vast portion of the disease and misery attending the navigation of our waters. A large portion of our territory is marked by two mighty rivers. Steam boat navigation, has brought the ocean to our doors. The commerce of the West has, in a few years, increased beyond all human calculation; thousands of our citizens are engaged in its pursuits. Many, very many, unaccustomed to the exposure of a voyage to New Orleans and the climate of the South, acquire diseases and return by steam boats, and land at Louisville diseased, destitute and despairing. To rescue this enterprise from death, to furnish an asylum for our sailors, and citizens, and those of our sister states bordering on these rivers; to arrest disease and confine it to one spot, and check a dissemination of the imported maladies of the South, Kentucky has commenced and is now invoked to discharge this high and honorable duty, the completion of her Hospital. Your committee are informed that the President and managers of the Hospital have applied to the President of the United States to divert a part of the tax, on seaman’s wages, paid to the Hospital at New Orleans, to the support of our institution—their application is yet under advisement, but they have every reason to believe that their request will be granted. It is believed that the states of Pennsylvania, Ohio, Virginia, and perhaps some others, whose citizens will be benefitted by our institution would, on a proper representation, contribute annually to its support.

Impressed with the propriety, justice and humanity of the undertaking, your committee recommend to your honorable body, to make an appropriation sufficient to pay the debts incurred, under contracts already made, and to finish, furnish and put the Hospital into operation, and for these ends beg leave to submit the following bill.

All which, &c.

CH: M. THRUSTON, Ch'm.

To the Honorable the General Assembly of the Commonwealth of Kentucky; the annual report and petition of the President and Managers of the Louisville Hospital.

The document marked A. and hereto annexed, is the Treas-
surer's account, which shews the receipt of the sum of $4071.87 from sales at auction, and $200 for a county allowance from the 31st day of October, 1823, to the 8th day of November, 1823, and the disbursements of the institution for the same period, leaving the sum of $94.90 in the hands of the Treasurer, unappropriated on the day last mentioned. It will be seen that of the sum received as aforesaid, $271.87 have been expended in aid of individual charity, in support of the temporary Hospital in Louisville, for the relief of the poor and sick seamen and boatmen.

This application of the auction fund was, and is deemed by the Board, to be within the proper circle of their power and duty.

The document B, hereto annexed, shews the debts due by the institution, the terms upon which they were contracted, and the mode of payment; and also, the document C, the sum in addition thereto, which will be required to finish and furnish the Hospital.

The document D, hereto annexed, as part hereof, shews the present condition of the building, and it is the duty of this Board, and due to your honourable body, to explain why the edifice is in such a state of forwardness—and that the Legislative favour has been in part anticipated. The Board are the agents to the state, and are conscious that they have acted upon proper motives, and sound principles, and hope that the following reasons, for their conduct will be satisfactory to your liberal and enlightened body.

1. The institution is not the property of individuals or of any particular place, but belongs to the humane, charitable and good people of the state. 2. That the Legislature has already expended the sum of $16000 in money, and about $400 from the penitentiary, in the erection of the said building, without the murmurs and with the approbation of the good people of the state—and that policy and interest, as well as the character of the state, forbid that the institution should be abandoned, and suffered to go into ruin. 3. That it is the interest and policy of Kentucky, as an agricultural state, to give every facility and encouragement in her power to the speedy and cheap transportation of her abundant products to a distant and only market.

That steam boats have opened to our state new and important advantages, requiring the employment and services of an otherwise destitute class of citizens, which are constantly landing at this point, in a sick and distressed condition—and that such persons are thereby entitled to the assistance and protection of the state. 4. That it is believed that the wishes of the people of the state, and the intention of the present Legislature, are united in favour of opening a canal around the falls at this
place—that it is believed that upon such an event, the location of a National Armory at Louisville is dependent; and that the speedy completion of the Hospital, will have an influence on Congress in the selection of this place for the armory. 5. That the board has not pledged or intended to pledge the state for the payment of the contracts stated in the said document B, that this board offered no inducements to the workmen to enter into said contracts and do the work—that in doing so, they have exercised their own will, and relied upon their own judgment, and that under such circumstances this board conceived itself authorised to make the said contracts—and 6. That it was not within the power of human calculation to ascertain whether the past season would or would not be very sickly—if Louisville had been visited with the scourge of sickness last season to one half the extent it was in the year 1822, the Hospital would have been peculiarly important to the country. The whole population of the place, but more especially all those concerned in the navigation of the western rivers, must have suffered the greatest afflictions—Louisville is the point of repair of the Steam Boats, and the place where the hands must remain waiting, and to be ready to take advantage of every swell in the river, to depart with the produce of the state—sickness in the resident families would prevent them from assistance and attention to strangers; and these just grounds of fear and weighty considerations of state interest, induced this board to accept of offers to work on the building, the persons offering relying solely on the will of your honourable body, for the means and time of payment.

This board conceives that it is no longer a question whether the Hospital is or is not to be completed, and this board looks solely to the resources of the state, and rests with patience and confidence on the prudence and wisdom of your honourable body, as to the time and appropriations, to put a finishing hand to an institution so highly important to the state.

This board has regarded with pleasure and pride the measures taken by your honourable body to establish public institutions of learning and asylums for the unfortunate, which makes this the first of the western states. This board had hoped for an appropriation at your last session, competent to the completion of the Hospital in the present year, but was disappointed. It admitted the justice and policy of the appropriation at the last session, in favour of the Lunatic Hospital at Lexington, and regarded the claims of this institution as thereby only postponed until the present session of your honourable body.

This board do sincerely regret the loss of the state in the burning of the Capital, and express its fears that it will have an effect on the liberal and patriotic views of your honourable body.
in promoting the true interest and character of the state. But
they believe that the good and high feelings of the people, and
the solid resources of the state, will ensure a certain and pro-
gressive advance on the line of former policy—and that altho'('
the powers of your honourable body may be checked, yet they
will not be suspended by the destruction of the capitol.

This board also sympathises with the good people of Frank-
fort in that distressing visitation, and hope that no individual
injury will be the consequence—there must be a public loss by
the conflagration, but it can be repaired with money, to which
end the means of the state are ample, without being felt by the
people—and this board feels itself bound to express a hope that
your honourable body will sanction and provide for the pay-
ment of those workmen on the Hospital, who have rested their
claims for compensation alone on their confidence in your hon-
ourable body.

This board having made a candid and faithful report to your
honourable body of their proceedings and situation, since their
last annual communication, beg leave to present themselves to
you in the attitude of petitioners, and do represent to your hon-
ourable body that they have made application to His Excellency
the President of the United States, to apply a portion of the na-
tional marine hospital fund for the support of this institution—
that the President has doubted whether this fund can, under the
laws of the United States, be thus applied, and has referred the
subject to the Attorney General for his opinion—and that it may
become necessary to obtain an amendment of the acts of Con-
gress to enable the President to furnish the aid requested.

This board further represents to your honourable body, that
many of the states of this Union are greatly interested in this in-
stitution, and it is believed that when it shall be finished, that
they will contribute liberally for its support; and your petition-
ers believing that the application aforesaid properly belongs to
your honourable body, and that success will certainly attend
your requests and exertions; we pray that you will act on the
subject in the manner which your own views thereon shall di-
tate.

Your petitioners deem it wholly unnecessary to reiterate the
reasons in favour of this institution, which induced your hon-
ourable body to found it, and to appropriate money for its ex-
cution. It has been established and liberal appropriations made
for its erection; it is nearly finished, and cannot now be aban-
doned without the loss of a large sum of money to the people
of the state, and an injury to the character of the state. The peo-
ple are religious, humane, charitable, ambitious of true fame,
and patriotic, and do not wish to give up this monument of state
worth and merit.
All of our citizens who come to Louisville, and visit the edifice, are pleased with, and approve of the institution—and strangers regard it as highly important to the whole of the western states, and calculated to confer much honour on our State—and having been true and faithful in the performance of the trust with which they have been vested by your honourable body, This board now submits the whole subject to your discretion and wisdom, and as in duty bound, will ever pray &c.

Adopted unanimously by the board, November 13th, 1824.

RO. BRECKENRIDGE, Pres't. Board of Managers.
JNO. J. JACOB, Sec'y. Pro. Tem.

LOUISVILLE HOSPITAL,
To the Treasurer of same,

Nov. 7 For cash paid T. Ellison, carpenter, $90
14 do. do. 90
20 Jacob Funk, hauling, 4
21 T. Ellison, carpenter, 90
27 W. S. Vernon for stationary, 5
" J. J. Jacobs for shingles, specie, 37 50
28 T. Ellison, carpenter, do 27 46
" do do currency, 18 44

Dec'r. 8 do do 50
12 do do 70
19 do do 70

Jan'y. 2 do do 70
6 G. S. Camden, hauling, 25 25
14 Graham & Ferguson, shingles, specie, 3
20 Sale & Miller, bricklayers, 150
21 T. Ellison, carpenter, 60
27 B. Cawthon for brick, 66 25

Feb'y. 18 T. Ellison, carpenter, 100
" G. Keats & Co. for joists, 13 60

March 20 T. Ellison, carpenter, 50

April 5 do do 243 30
" Temporary Hospital, specie, 89 37
" R. Murray for nails, do 5 25

May 22 T. Ellison, carpenter, 300
24 Snead & Anderson for copper, specie, 126 70
" I. Thom, white lead, &c. do 58 85
" W. F. Pettit, oil, do 24 20

June 12 J. Hinkle, ash plank, do 62 50

July 10 B. Cawthon for brick, in full, 200
14 J. B. Bowles’ hill, nails, specie, 5 66
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aug 4</td>
<td>Moran &amp; Morris for cleaning out area</td>
<td>$232.50</td>
</tr>
<tr>
<td>14</td>
<td>Ditto for fence and repairing old</td>
<td>$45.46</td>
</tr>
<tr>
<td>&quot;</td>
<td>G. Keats &amp; Co.'s bill, poplar logs</td>
<td>$27.00</td>
</tr>
<tr>
<td>18</td>
<td>Snead &amp; Anderson, lathing nails, specie</td>
<td>$30.75</td>
</tr>
<tr>
<td>31</td>
<td>J. Sterret for turning columns</td>
<td>$56.00</td>
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<tr>
<td>Sept 3</td>
<td>J. Applegate, digging and curbing cistern</td>
<td>$120.00</td>
</tr>
<tr>
<td>7</td>
<td>G. Keats &amp; Co. for joist</td>
<td>$28.13</td>
</tr>
<tr>
<td>8</td>
<td>Byers &amp; Butler, turpentine and brushes, specie</td>
<td>$1075.00</td>
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<td>12</td>
<td>Steele &amp; Co. 2 boxes glass</td>
<td>$11.00</td>
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<tr>
<td>15</td>
<td>I. Thom, oil and white lead</td>
<td>$34.48</td>
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<td>17</td>
<td>B. Lawrence &amp; Co. white lead</td>
<td>$37.50</td>
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<td>22</td>
<td>S. Harkness, curbing stone</td>
<td>$40.00</td>
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<td>&quot;</td>
<td>R. P. Smith &amp; Co. pine logs, specie</td>
<td>$28.00</td>
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<tr>
<td>30</td>
<td>I. Thom's act. of sundry payments for hauling bricks,</td>
<td>$131.24</td>
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<tr>
<td>7</td>
<td>plank, &amp;c.</td>
<td>$7.50</td>
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<td>&quot;</td>
<td>S. Shallcross' bill, nails</td>
<td>$30.60</td>
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<td>&quot;</td>
<td>J. Reinhard's do</td>
<td>$16.25</td>
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<td>&quot;</td>
<td>Steele &amp; Co.'s brads, specie</td>
<td>$22.93</td>
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<td>&quot;</td>
<td>Graham &amp; Ferguson's bill, plank</td>
<td>$37.25</td>
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<tr>
<td>Oct 2</td>
<td>W. Reed's bill, smith work in 1823</td>
<td>$13.40</td>
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<tr>
<td>8</td>
<td>J. Hurley for painting</td>
<td>$136.64</td>
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<tr>
<td>9</td>
<td>Temporary Hospital</td>
<td>$96.50</td>
</tr>
<tr>
<td>&quot;</td>
<td>Sale &amp; Miller, brick layers</td>
<td>$283.69</td>
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<tr>
<td>13</td>
<td>W. T. Spurrier's bill, Ombre &amp; Litharge, sp.</td>
<td>$17.50</td>
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<tr>
<td>&quot;</td>
<td>J. Nesbit, watching Hospital</td>
<td>$24.00</td>
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<tr>
<td>18</td>
<td>Byers &amp; Butler, venetian red, specie</td>
<td>$6.97</td>
</tr>
<tr>
<td>19</td>
<td>A. Mudd, digging clay for cistern</td>
<td>$7.00</td>
</tr>
<tr>
<td>28</td>
<td>R. Butler, hauling brick</td>
<td>$7.00</td>
</tr>
<tr>
<td>30</td>
<td>R. Steele, hauling clay for cistern</td>
<td>$74.00</td>
</tr>
<tr>
<td>&quot;</td>
<td>Graham &amp; Ferguson for plank and logs</td>
<td>$20.00</td>
</tr>
<tr>
<td>Nov 2</td>
<td>J. Irwin's bill, plank in 1823</td>
<td>$16.00</td>
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<tr>
<td>3</td>
<td>Temporary Hospital</td>
<td>$86.00</td>
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<tr>
<td>&quot;</td>
<td>J. Nesbit for watching Hospital</td>
<td>$9.00</td>
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<tr>
<td>6</td>
<td>B. Cawthon's bill, brick for cistern, &amp;c.</td>
<td>$125.00</td>
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<td>3</td>
<td>Balance to new account in the hands of the Treasurer</td>
<td>$249.40</td>
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<tr>
<td>Ditto in specie</td>
<td>$45.50</td>
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<td>Total:</td>
<td></td>
<td>$4513.74</td>
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<tr>
<td>Date</td>
<td>Description</td>
<td>Cr.</td>
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<td>------------------------------------------------------------------------------</td>
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<td>Oct. 31</td>
<td>By balance in hands of Treasurer, do specie,</td>
<td>$176.91</td>
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<td>Nov. 12</td>
<td>Cash of N. Berthoud for auction duty,</td>
<td>118.90</td>
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<tr>
<td>Dec'r. 6</td>
<td>Of Wilson &amp; Chambers,</td>
<td>320</td>
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<tr>
<td>Jan 3</td>
<td>T. Haynes &amp; Co. specie,</td>
<td>2.35</td>
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<tr>
<td></td>
<td>&quot; James Hair, do</td>
<td>4.31</td>
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<tr>
<td></td>
<td>&quot; J. B. Danforth,</td>
<td>342.05</td>
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<tr>
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<td>8 Isaac Lyon, specie,</td>
<td>93.14</td>
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<td>Feb'y. 12</td>
<td>Wilson &amp; Chambers,</td>
<td>88</td>
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<tr>
<td></td>
<td>&quot; G. W. Bruce, specie,</td>
<td>93.59</td>
</tr>
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<td></td>
<td>&quot; Fitzhugh &amp; McDonald,</td>
<td>184.59</td>
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<tr>
<td>April 5</td>
<td>J. G. Barclay &amp; Co. specie,</td>
<td>4.61</td>
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<tr>
<td></td>
<td>&quot; Joseph Bentley,</td>
<td>42</td>
</tr>
<tr>
<td>May 22</td>
<td>Wilson &amp; Chambers,</td>
<td>466.82</td>
</tr>
<tr>
<td></td>
<td>24 J. B. Danforth, specie,</td>
<td>83.18</td>
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<tr>
<td></td>
<td>&quot; Fitzhugh &amp; McDonald,</td>
<td>232.13</td>
</tr>
<tr>
<td></td>
<td>&quot; Isaac Lyon, specie,</td>
<td>89.66</td>
</tr>
<tr>
<td></td>
<td>&quot; Snead &amp; Anderson, specie,</td>
<td>143.59</td>
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<tr>
<td>July 14</td>
<td>Fitzhugh &amp; McDonald, specie,</td>
<td>$308.17</td>
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<tr>
<td></td>
<td>&quot; Snead &amp; Anderson, do</td>
<td>107.03</td>
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<tr>
<td></td>
<td>&quot; J. B. Danforth, do</td>
<td>89.52</td>
</tr>
<tr>
<td></td>
<td>&quot; Wilson &amp; Chambers, do</td>
<td>49.67</td>
</tr>
</tbody>
</table>

Deduct, $554.39

The above $435 specie, sold for $870.

Aug't. 4  By cash of Isaac Lyon, specie, $62.34
    " G. W. Bruce, do $20.08
Sept. 6    Sheriff (Buckner,) for county levy, $200
Oct. 13    T. Haynes for auction duty, specie, $484.70
    " Fitzhugh & McDonald, $61.90
    " Isaac Lyon, specie, $42.59
    " Wilson & Chambers, do $38.16
    " J. B. Danforth, do $33.05

Deduct, $175.70

The above $120 specie sold for

<table>
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<th>Cr.</th>
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<tbody>
<tr>
<td></td>
<td>$4513.74</td>
</tr>
</tbody>
</table>
By balance brought down, in the hands of the Treasurer,
Ditto in specie.

Errors excepted.
Louisville, November 8th, 1824.
ISAAC THOM,
Treasurer Louisville Hospital.

[B.] The following contracts were entered into by the building committee, by order of the board of managers, in June and July last, and will be completed in about four weeks—the undertakers, relying on payment of same by an appropriation of the Legislature for this purpose—and when the contracts are completed, the amount due to each (as near as at present can be ascertained) is affixed to their respective names, viz:

Daniel Smith and Richard Hall, carpenters, $93.00
Coleman Daniel, plasterer, 1449
Ben. Cauthon for paving brick, 500
William Sale, brick layer, for paving area and basement of the whole building, and for laying wall in cistern, 650
Joseph Applegate, digging and curbing well, 150
G. Magruder for 10 pair fire buckets, 120
R. & W. H. Smith, boring and laying aqueduct logs East end of building and pump for cistern, 100
David Prentice, window weights, 300
William Reed, iron work, 75
Porter for painting, 300

Amount of contracts made as above, $5844

The foregoing contracts were made to bear interest from the adjournment of the present session of the Legislature, until paid, provided no appropriation should be made.

The managers have not presumed to pledge the faith of the state—the contractors entered into their engagements voluntarily, and rest the payment for their labor, entirely on the liberality of the Legislature.

Amount of contracts, brought forward, $5844
Balance due Thomas Ellison, carpenter, by compromise (after deducting nearly
\textbf{OF REPRESENTATIVES}

\$700 from his bill,) for work done in 1823.
J. B. Bland, tin and coppersmith,  
\$1000  
234  
1234

Whole amount due, \$7678

A certificate for the amount due Thomas Ellison was given by compromise (after deducting nearly \$700 from his bill,) to be paid out of an appropriation that may be made by the Legislature, and on the same footing as the forenamed contracts, except that it bears interest from the — January, 1824.

Louisville, November 8th, 1824.

\textbf{[C.]}  
Estimated expense of finishing the Louisville Hospital, after the contracts, now made, are completed, viz:

- Carpenters work and materials, \$2500
- Stable, cow house and privy, 950
- Plastering, 1317
- Cistern at the West end, 510
- Boring and laying aqueduct logs and pump for do 100
- Pump for, and stoning the well, 200
- Paints and painting, 200
- Window weights, 75

\[ \text{Furniture, medicines, &c. &c.} \]

\[ \text{\$8822} \]

Louisville, November 8th, 1824.

\textbf{[D.]}  
Present situation and state of the Louisville Hospital, viz:

- The lot is enclosed by a post and rail fence.
- A well (on the South side,) is sunk and curbed with bucket and rope.
- A cistern at the East end is walled up and ready to receive the platform and pump.
- The whole basement story of the building is paved with brick— as also the area around the same, 12 feet wide, with proper curbing stone.
- The windows are all primed and glazed, and most of them fitted into the frames with the second coat of paint.
All the doors for the basement story are nearly ready for hanging.

Four rooms in the basement story of the centre building are plastered and complete, excepting hanging the doors.

A substantial staircase from the basement, landing on the 3rd story, is nearly complete.

Four rooms in the first story of the centre building are nearly ready for the plasterer.

Two wards in the wings have one coat of plaster on the ceiling. The two other wards in the wings are complete, except plastering.

Remaining to be done after the present contracts are completed and materials to be procured for the same, viz:

A cistern at the West end for greater security against fire.

The well to be stoned, and a pump.

A stable, cow house and privy.

Carpenters' work—steps to the North and South doors—finishing the 2nd and 3rd stories in the centre building—operating room in the garret and stairs from the 3rd story to the operating room—thence to the roof.

Plastering the basement stories of the wings, the 2nd and 3rd stories of the centre building and passages, and the operating room in the garret.

Painting the above to complete.

Window weights to complete.

Lightning rod.

Furniture, medicines, &c. &c.

Louisville, November 8th, 1834.

Ordered, That the public printer forthwith print 150 copies of said report and accompanying documents for the use of the members of this house.

The Speaker laid before the house a response of Silas W. Robbins to the charges exhibited against him, which was received and read as follows, viz:

MR. SPEAKER,

and gentlemen of the House of Representatives.

SIR'S.—To attempt a serious refutation of all the charges exhibited against me, (some of which are only mountains in labour) would be offering indignity to the good sense of the house, and giving consequence, to things, in name and in nature insignificant. However, to so many of the allegations as I deem important, I shall endeavour to give a particular and satisfactory reply; but to the accusations of bribery, corrup-
tion, want of integrity and veracity, carelessness, imbecility, partiality &c., which are bestowed with a liberal profusion, I shall offer one general denial, which I trust will be received as evidence of my innocence, until the contrary appears. The three first charges originate about the Montgomery clerkship, or rather comprise a partial history of that transaction, and perhaps can best be answered collectively. Mr. Harrison has not been induced by me to resign his office under any expectation whatever. On the contrary, I advised, warned and entreated him not to resign, and my object was, if possible, to prevent his resignation; knowing that there were two parties at Mountsterling, and to appoint a clerk which should please one party, would almost necessarily incur the displeasure of the other. Hence the reason for my urging him to the last not to resign—but his resignation was the result of his own previous determination, superinduced to accomplish designs best known to himself. To prove that this resignation was not the effect of a momentary impulse, and also to shew that he had no assurances from me, that gave any right to expect that his son would receive the appointment, I refer to a letter written by said Harrison and directed to me, enclosing a printed ticket, which it identifies. A true copy of each follows:

19TH SEPT. 1823.

Dear Judge—Yours of this date was received by Capt. Banks and its contents duly noticed.—Capt. Banks did not see the letter I wrote you—I wish you to be so good as to shew it to him, as I shall shew him your answer, as I expect, you presumed I had shewn it to him—I certainly shall not urge any thing in the least unpleasant to you, on that head, therefore I forbear. I enclose to you a printed address to the public, which is not known only to the type setter, and will not set them up, provided you had rather not; but presuming that the report, will still exist and be as exceptionable, at any future time of this court, as it is at present thought, it might be most advisable, in order to give additional evidence of your disinterestedness in this affair, to challenge any person to a disclosure of the person or persons who have given rise to it. But my dear friend, permit me, to make one further request of you, in this all important subject to me and my family. As so many casualties may transpire, in this world of uncertainty, be so good as to give ease to the afflicted minds of my wife, as to replace me in the clerkship and leave me as you found me. This will be a great relief to the minds of, particularly, my wife and myself, whose delicate state of health would hardly be able, to bear up under the great suspense of mind, which this business will inevitably produce. Independent of all this, the just reflections of my friends who have become bound with me for debts, will be a
weight too great for my feelings to survive. Hoping and believing, that you will duly appreciate my wishes upon this occasion and for which, no kind of censure can attach to you.

I remain very sincerely your friend,

M. HARRISON."

The printed address reads thus:

"TO THE PUBLIC.

Whereas some malicious person or persons have circulated a report, that some of the friends of Buck Harrison, who are anxious for his appointment as clerk to be confirmed, have reported that there is an understanding between the Judge and myself, that he was to get the appointment, previous to my resignation. I declare, most solemnly before God, that it is false.

I further do not believe that any one of them has said so, and that the person or persons who have said so, is a scoundrel and a liar.

M. HARRISON.

Sept. 19th, 1823."
Harrison and others have promised to indemnify said defendant against the costs of said suit.

With regard to the scurrility, falsity and malignity of the hand-bill, which I wrote in answer to a number written by M. Harrison and his sons, and published and circulated against me, I submit the handbill to the consideration of the House, or committee, and let it be its own commentator. But if the committee suppose, that a comparison of all the handbills, to which mine is a reply, will enable them better to understand this subject, and to ascertain and determine, to which of said handbills the terms scurrilous, false and malicious, are most applicable, let me inform the committee that I have an entire edition of them, together with the biography of Capt. Harrison, written and sent me by himself, with a view no doubt, to influence my determination relative to this very clerksip—all of which shall be subject to their examination.

It is true I undertook to convey to Winchester, and thence to forward a letter from the Editor or nominal defendant, directed to M. V. Harrison, in relation to said defendants witnesses, which was accordingly and faithfully performed—and I had no knowledge of any of the witnesses passing, and therefore deny every other allegation contained in said charge, not otherwise answered.

To the sixth charge, I plead the first section of an act of the legislature of Kentucky, passed 27th January, 1817, and also an act passed by the same authority, on the day of November, 1823, allowing me further time to move into the district. The charges of partiality contained in the 7th and 14th specifications, are groundless and false, and would be more likely to gain belief, if proved; but some persons have a happy facility of making charges, and whether with or without testimony, seems to them, immaterial.

With regard to my judicial opinions, many have necessarily been given on the spur of the occasion, and some are undoubtedly erroneous—and perhaps, those mentioned in the 8th and 14th specifications may be incorrect. On this subject however, having given so many opinions, my recollection does not enable me to admit, or deny, and therefore demand proof of the fact.

In reply to so much of the 9th charge as merits attention, let me remark, that it is true, the chancery docket at Montgomery is large, and involves an immense amount of property; but it is not true, that exertion on my part, has been wanting, to reduce it. During the year 1823, I held five weeks special chancery term in that county, and although at about three common law terms, the chancery docket has not been called at all, nevertheless, since my appointment, more than two hundred decrees have
been rendered in that county, and the docket that much reduced. These facts can be established by the record, and I do not ask gentlemen to depend on my statements for their verity; but if a doubt is entertained, I request the committee to send a subpoena duces tecum commanding the clerk of said court to produce the record books, which contain all the orders signed by me. This is my right, that the committee may have witnesses of these facts, that cannot colour, and will not prevaricate. With regard to a circuit judge taking papers out of the county or district, or to his lodgings, in order to enable him the more expeditiously to dispatch business, I know of no law inhibiting it, and must therefore require of my accusers to produce it. As to the charge of my having a large number of chancery suits in my possession, it is false. Out of the whole number of suits which have been submitted to me, only three cases remain, and these would long since have been determined, if the attorneys employed had handed me their briefs as promised; and I challenge the proof, that any party to either of those suits, is apprehensive that his papers will be lost, by any means whatever, out of my possession. This charge exists only in the imagination of its author. But another allegation is, that the attorneys at the bar have declined asking a chancery term—this may be true as to some of the members, and it is not at all surprising, when you understand the course they have pursued—to be consistent they could not make such a request. In order more fully to unmask these gentlemen, it becomes necessary for me to particularize. From the day of my appointment, certain individual members of that bar, have uniformly endeavoured, by a settled and premeditated plan, to injure, defame, and degrade me, in the estimation of the people; to vilify and misrepresent my opinions, and in every possible way, to create dissatisfaction. And since the appointment of clerk at Montasterling, they have associated with them, others of like character, for like purposes, (some of whom, and perhaps all, will be called to depose against me on this occasion,) and they have all laboured in this laudable enterprise, with a zeal, worthy of a better cause. Not content with this, but while business has been progressing in the court house, instead of being at their places, and preparing their causes to have them ready when called, they have been without the house, attempting in public companies, by ridicule, by falsehood and misrepresentation, to excite prejudice and impair confidence. No reason can be assigned for this conduct, except that each is an aspirant to the office, and imagines no other person can fill it, with the same dignity, legal skill, integrity, veracity and usefulness as himself—besides, it is no uncommon occurrence, with some of those gentlemen, when their cause is lost, either through their ignorance, inde-
lence, or want of preparation, to appease the wrath of their clients, by abusing the Judge; and I am not the first, who has had the honour in this way, to come under the lash of their displeasure. And now, it seems that nothing short of the sacrifice of my blood, can appease their offended majesty, and expiate my manifold crimes. These remarks are intended for those only, to whom they are applicable.

The 10th charge, or rather insinuation, commencing, it is believed, that I have made the Montgomery clerkship the object of negotiation, and have attempted by it, to cancel personal obligations of gratitude, is without foundation. But the phraseology is peculiar, and to use a favorite expression of my opponents, is rather deceptive and delusive.—I am left to conjecture, who entertains this belief. If it is my enemy, I would not turn on my heel, to change that opinion—But if an honest man can be found, who harbours such a belief, to him I would reply the insinuation is false, and that my accusers dared not make a direct charge, knowing the position would be untenable. But I must be permitted to say, that this, as to mode, is a refinement in calumny, which none but a most experienced and accomplished master, in the art, could have devised. I know nothing of the contracts, between Mr. Stonestreet and Mr. Samuel Fishback and therefore presume, I cannot be made accountable for them. The late Jacob Fishback, whose death I deplore, and whose memory I revere, was my friend, and it is natural to love our friends, and also to hate our enemies, however, inconsistent it may be, with the principles of ethics or Christianity.

My answer to the 11th charge is, a denial of any agency or knowledge of any compromise in relation to the clerkship, either of Lawrence or Pike counties. And as to the notes, charged to have come to my hands, I admit Mr. John Williams placed in my hands a note payable by Joseph R. Ward for $50, the consideration of which, I was wholly ignorant, and which I do not remember, to have presented; but returned it again to Mr. Williams.

Another note for $35 payable by Wm. Triplett to John Berry was handed me by Mr. Berry, to have collected, and I placed it in the possession of an officer, and have no further, or other knowledge, respecting it.

Of the 12th charge, about a tobacco contract between Dodge and Halley, I am totally unacquainted, or that Dodge had great and ample means to pay his debts. I admit, that I became security for Dodge to James Halley for about $1600, payable, perhaps in sixty days, in bank stock; part of which I discharged, and the residue, he assigned to R. & N. Ridgway's, which, owing to my losses by Dodge, and the pressure of the times, re-
mains unpaid; but how this can affect my reputation, or my official character, I am at a loss to discover.

To the 13th charge, this is my reply. The transaction about the $2500 note, has been once judicially investigated, and a jury acquitted me of the demand. A considerable time has since expired; but I can still explain the matter, if necessary. On the 10th day of April 1818, I executed my promissory note to David Dodge for $5000, payable 1st September, 1818, in consideration of his interest in the store of C. K. Duncan & Co. At his request, on the 1st day of September, 1817, I took up the $5000 note, by giving two notes, each for $2500, negotiable, one payable at Washington Branch Bank 1st September, 1818; the other payable at Winchester Branch Bank 1st January, 1819. This delay of three months, for one half the debt, was the inducement, on my part, to make the change. On the 2nd day of September, 1817, I happened at Lexington, and Dodge was negotiating, for the purchase of a house, now owned by R. Higgins, of Lane & Taylor, who were willing to take my two notes aforesaid; but wanted them payable in Lexington, and Dodge proposed to exchange those, already executed, for two others payable as required, and to accommodate him, this was done, and he surrendered one of the first two, which was destroyed and told me the other was at Winchester, (where he then lived) to prevent any difficulty, a release or receipt was taken against it, which saved me from paying the demand (twice). The witnesses, who could prove the foregoing facts, (viz:) Geo. G. Taylor, Wm. N. Lane, David Dodge and James Halley, are two of them dead and the other two have left the state. All this was done for Dodge's convenience, and without any design, or intention on my part, to defraud, or injure any person. Respecting the acceptances spoken of in this specification, my memory at this time, is not sufficiently distinct, to enable me to give any definite statement, and therefore require proof of every fact. The swindling charged in this, and also in the 12th specification, is untrue. I never have, in my life, intentionally defrauded any man of one cent, and I challenge the world to prove it; but suffer me to remark, that instead of swindling, I have been swindled. Dodge occasioned me the loss of upwards of $20,000, the hard earnings of years of industry and toil, and left me and my family, destitute. While my property lasted, I paid without suit, and when my means were exhausted, I was viliified for not having more. This is the certain but sad recompence of security, to suffer the loss and sacrifice of property, to be abused and treated with ingratitude, and then charged criminally. If the lot of all securities is like mine, their condition, is lamentable indeed.
The 15th charge means, in plain english, that I am a Yankee. I was born and educated in Connecticut, and this fact must be developed in order (if possible) to excite and to swell the current of prejudice—cannot a man be an advocate for the virtue and correct opinion of a country, without being responsible for all the vice and error of opinion, that may exist there? Besides, I bore my share of the burden of the last war with as much cheerfulness as my neighbours. But gentlemen, permit me to remark, that the man who does not love the country, in which he was cradled, and in which the early associations of his youth were formed, is a traitor to the best feelings of our nature. These feelings are the foundation of real patriotism. And let me say, that is my country, by birth; this is my country by adoption. I love them both. But upon a more elevated and extended view, in relation to this wide spreading empire, the United States are peculiarly my country. Under this government, the most free, most enlightened and the most happy in the world, I was born, and under it I will die, either in the tranquil enjoyment of its free institutions, or in endeavoring to perpetuate it, against the enemies of civil liberty. Sooner let my heart cease to pulsate, than my head conceive, or my hand execute, one treacherous deed. A traitorous thought never did, and never can exist in my breast, my blood would curdle at its inception. But why do I treat this accusation with seriousness? I repel it with indignation, as being like its author, only worthy of my most sovereign contempt.

The 16th and last charge is one of a peculiar character: that my friends, who are mostly suitors in court, are friends to me, as an avenue to corruption, and with the exception of those, the whole district has lost confidence, in my integrity, veracity and legal knowledge. I cannot know the motives, which actuate my friends, neither is it right, that I should be responsible for them; but this I do know, that my enemies in this thing, have become enemies, because they have not found me as corrupt as they wished or expected; and because, I could not be made their willing instrument and subservient to their purposes; and this has occasioned all the loss of confidence, in my legal knowledge, integrity and veracity of which they complain. Moreover, permit me to remark, that this prosecution is a persecution, on account of my integrity and independence; for if I had tamely passed the clerkship at Mountsterling, from father to son, and become the servile organ of their designs, this proceeding never would have been institute!, and the tongues which are now employed, to calumniate and to injure, would have been clamorous in my praise. In the consideration of this subject, let me entreat the house: to discriminate between charges, which are only pri-
vate transactions, and those which relate to my official character.

Whenever any individual, as plaintiff, shall cause me to be summoned, before a proper and competent tribunal, to answer to any of my contracts, or any private act of my life, I trust, it will be in my power, to meet him successfully—in this way, I can have some indemnity for my costs, and the party is responsible for his conduct. But to be summoned, at the suit of the Commonwealth, before the Legislature of Kentucky, and to have the whole volume of my life open for investigation, against such a procedure, I do most respectfully but most firmly protest, as being unprecedented and improper—Not that I dread enquiry; but because, it is impossible for any man, who has ever been engaged in business, to be prepared, at all times, and under all circumstances, for such an examination; and to meet any, and every charge and insinuation which ill will or malice can invent. And I regret to state, that owing to a difference of opinion, about said Montgomery clerkship, I have a civil action, for a libel, now depending against two members of the Legislature, one of each house, and I hope this prosecution has not been commenced with view to forestall public opinion in the trial and decision of the cause.

And in conclusion, let me beseech the committee, and the Legislature generally, to believe, that nothing in this communication, is intended, in the least, to impugn the motives or conduct, of that honorable body; but must be understood, as applicable only to different individuals, who have identified themselves with this prosecution. And further, let me assure the members of the Legislature, that for them, as a department of the government, I entertain the most profound respect, and would be the last, to be guilty of offering, or intending to offer, any thing, that could, in the remotest degree, be construed into an indignity.

Not being acquainted with proceedings of this nature, I have had doubts, to whom this response ought to be addressed, whether to the house or to the committee; but upon reflection, suppose it should be to the house; particularly as the charges against me, were there read; and also the summons, requires me to answer, at the bar of the house. But if I have mistaken in this, and it should have been addressed to the committee, I pray the house, to pardon this inexperience, and transmit it, to the committee by reference.

SALAS W. ROBBINS.

Ordered, That said response be referred to the committee appointed to investigate said charges.
The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Davis from the committee of propositions and grievances—1. A bill to authorize M'Mority and Ward, of Greenup county, to raise their mill dam across little Sandy river.

By Mr. Daviess—2. A bill establishing the seat of justice for Spencer county.

By Mr. Cosby—3. A bill to amend the laws relative to executed slaves.

By Mr. M'Connell of Woodford—4. A bill to legalize the proceedings of the Woodford county court and to change the time of holding the March, June and September terms.

By Mr. Thruston—5. A bill for the benefit of the State Hospital at Louisville.

By Mr. Shortridge—6. A bill to amend the law vesting in the circuit courts the power to decree divorces—and

By Mr. Ford—7. A bill to change the times of holding the Spencer circuit court and circuit and county courts of Oldham county.

Which bills were severally received and read the first time and ordered to be read a second time.

Ordered, That the public printer forthwith print 150 copies of the 5th and 6th bills for the use of the members of this house.

And thereupon the rule of the house, constitutional provision and second and third readings of the 4th bill being dispensed with and the same being engrossed.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. M'Connell carry the said bill to the Senate and request their concurrence.

Mr. George Morris, a member returned to serve in this house from the county of Henderson, appeared, produced a certificate of his election and of his having taken the oaths required by the constitution of the United States and the constitution and laws of this state and took his seat.

A message from the Senate by Mr. O'Bannon:

Mr. Speaker—The Senate have passed a bill entitled, an act to take the sense of the good people of this Commonwealth on the expediency of calling a convention; in which bill they request the concurrence of this house.

And then he withdrew.

The said bill was then taken up and read the first time; and the question being taken on reading the said bill a second time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. G. Robertson and S. Daviess, were as follows, viz:

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A message from the Senate was received, announcing the passage of a bill entitled, an act for the benefit of Celia Maxwell, and the adoption of a resolution for appointing a joint committee to enquire into the loss of money reported by the Treasurer.

The said resolution was then taken up, amended and concurred in.

Ordered, That Mr. Rowan inform the Senate thereof and request their concurrence in said amendment.

On motion—Ordered, That the committee raised on yesterday upon the letter of the Treasurer of this state, be discharged from a further consideration thereof.

A message from the Governor by Mr. Loughborough:

Mr. Speaker—The Governor did on this day approve and sign enrolled resolutions, which originated in the house of Representatives of the following titles:

A resolution concerning the Penitentiary.

A resolution appointing joint committees to examine the situation of the Treasurer's Auditors and Register's offices.

Resolutions requesting the Governor to invite General La Fayette to visit the state of Kentucky.

Nov. 17, 1824.

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

A message from the Governor by Mr. Loughborough, assistant secretary:

Mr. Speaker—I am directed by the Governor to lay before this house a message in writing.

And then he withdrew.

The house then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of
the Commonwealth, Mr. G. Robertson in the chair, and after some time spent therein, the Speaker resumed the chair and Mr. Robertson reported that the committee had according to order, had under consideration, a bill for appropriating the vacant land in the state of Tennessee, between Walker's line and the latitude of 36° 30' north, and had made some progress therein, but not having time to go through the same, had instructed him to ask for leave to sit again, which was granted.

A message was received from the Senate, announcing the concurrence of the Senate in the amendment proposed by this house, to a resolution from the Senate for appointing a joint committee to enquire into the loss of money reported by the Treasurer, and their concurrence in a resolution which originated in this house for appointing a joint committee to examine and report the situation of the bank of Kentucky.

Whereupon Messrs. M'Connell of Greenup, Booker, Prince, W. Robertson, Stephens, Hunter and True were appointed a committee on the part of this house, pursuant to the first resolution, and Messrs. Galloway, R. Taylor, Sterrett, Wade, Goggin, Morris, Mullens and Oldham pursuant to the second resolution.

Ordered, That Mr. Galloway inform the Senate thereof.

On the motion of Mr. Garth—Ordered, That leave be given to bring in a bill for the benefit of Martin Beatty, and that Messrs. Garth, Cunningham and Joyes be appointed a committee to prepare and bring in the same.

Mr. New moved the following resolution:

Resolved by the House of Representatives, That the Sergeant at arms be directed to have curtains put up at the windows on the south west side of the Representative chamber.

Which being twice read, was disagreed to.

The Speaker laid before the house a letter from Henry B. Mayo, Esq. announcing his resignation of the office of commissioner of the road leading from Mountsterling to the Virginia line by the way of Prestonsburg.

Which was received and laid on the table.

And then the house adjourned.

THURSDAY, NOVEMBER 18, 1824.

Mr. Galloway presented the memorial of Elisha Dickey, preferring certain charges against Elijah Haydon, a justice of the peace for the county of Barren, and praying that an impeachment may be instituted against him thereon, for his removal from office.

Mr. Payne of Fayette presented the petition of sundry officers of the 43d regiment of Kentucky militia, praying that the
fines imposed for failing to attend musters and the number of
musters in each year may be increased.

Mr. Gordon presented the petition of sundry citizens of Liv-
ingston county, praying for the formation of a new county out
of a part of said county.

And also the petition of sundry citizens of said county coun-
ter thereto.

Which petitions were severally received, read and referred;
the first to a select committee of Messrs. W. C. Payne, Cald-
well, Spalding, J. Patterson, Gordon, Turner and J. Taylor;
the second to the committee appointed to prepare and bring in a
bill to amend the militia law, and Messrs. H. C. Payne and
New were added to said committee, and the third and fourth to
the committee of propositions and grievances.

A message was received from the Senate announcing the pas-
sage of bills which originated in this house of the following
titles, viz:

An act for the benefit of the widow and heirs of Thomas
Bullett.

An act for the benefit of the heirs and devisees of Cliff Haz-
lewood and of the devisees of Jacob Ball deceased.

A message from the Governor by Mr. Loughborough, assis-
tant secretary:

Mr. Speaker—I am directed by the Governor to lay before
this house a written message.

And then he withdrew.

Mr. Prince from the joint committee of enrollments, reported
that the committee had examined enrolled resolutions of the fol-
lowing titles, and had found the same truly enrolled, viz:

A resolution for appointing a committee to enquire into the
loss of money by the Treasurer—and

A resolution appointing a joint committee to examine the sit-
uation of the Bank of Kentucky.

Whereupon the Speaker affixed his signature thereto,

Ordered, That Mr. Prince inform the Senate thereof.

A bill from the Senate entitled, an act to take the sense of the
good people of this Commonwealth as to the expediency of call-
ing a convention, was read a second time as follows, viz:

Whereas it is provided by the ninth article of the constitu-
tion of this state, that when experience shall point out the ne-
cessity of amending the constitution, that it shall be the duty of
the Legislature to provide for an expression of opinion by the
people as to the re-adopting, amending or changing it, and ex-
perience having proved to this General Assembly, that a recur-
rence to first principles, at this time, is not only expedient but
highly necessary; inasmuch as it is important that the rights of
the people and the powers of the different departments of the
Government, should be clearly defined, as well as to guard against that feature in the constitution, which creates officers during good behaviour, and thereby to secure responsibility from all those vested with power, and particularly to leave in the hands of the people a wider range in the exercise of the elective franchise, as to the Executive and other officers of government, and also to guard against the influence of corporations improperly created, and against the creation of such corporations in future, together with many other defects of minor importance, it has become not only expedient but necessary, to take the sense of the good people of this Commonwealth, upon the propriety of calling a convention; Therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the sheriffs and judges, at the several places appointed to hold the annual elections in the year 1825, to open columns in their several poll books, for qualified voters, to vote for and against a convention. And it shall be the duty of the several sheriffs aforesaid, to make a true and faithful return to the Secretary of State, within thirty days after the close of the polls, of all the votes which may have been given within their respective counties, for and against a convention, to be by said Secretary, laid before the General Assembly, at their next annual session, within the first week thereof.

Sec. 2. And be it further enacted, That any sheriff failing to transmit by mail his official statement of the votes given as above provided, shall be subject to a fine of five hundred dollars, to be recovered by action of debt, by any person suing for the same, in any court having competent jurisdiction thereof, and shall also be subject, upon conviction of such failure, to removal from office.

Sec. 3. And be it further enacted, That it shall be the duty of the several sheriffs, to read or cause to be read, this act, at their several places of voting, in their respective counties, at the opening of the polls on each day of the next annual election, and in case of failure so to do, the said officer shall be subject to the same penalties which are above prescribed for failing to transmit his official statement.

It was then moved and seconded to amend said bill by striking out the preamble. And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. H. C. Payne and Dallam, were as follows, viz:

YEAS—Mr. Speaker, Messrs. Bates, Booker, Breck, Brents, Buford, Carter, Coshy, Cox, Cunningham, Dallam, A. H. Davis, Evans, Farmer, Ford, Forrest, Garth, Gibson, Goggin, Gordon, Green, Grisham, B. Hardin, Hunter, Kennedy, Lit-
The said bill having been amended by striking out the words "and against" wherever it occurs in said section; the question was then put upon reading said bill a third time as amended, which was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Cosby and Galloway were as follows, viz:


Ordered, That Mr. Cosby inform the Senate thereof.

Mr. Booker from the select committee appointed for that purpose, reported a bill to revise and amend the execution laws of this Commonwealth.

And then the house adjourned.
Mr. M. Hardin presented the petition of sundry citizens of Hardin county, praying for the establishment of an election precinct in said county—and

Mr. Morris presented the petition of Susan Shackleford, praying a divorce from her husband George Shackleford.

The Speaker laid before the house, the petition of John Adair, late Governor of this state, representing that while acting as Governor he received in payment of his salary, from the Treasury, the notes of the Bank of the Commonwealth, which were much depreciated at the times they were received; and praying that a law may pass to authorize the Auditor to adjust his accounts and to draw on the Treasury for such amount as may make his salary equal to Gold or Silver—and

Mr. B. Hardin presented the petition of Vochel Hobbs, praying a divorce from his wife Amelia late Amelia Foster, which petitions were severally received, read and referred; the first to a select committee of Messrs. M. Hardin, J. Hardin and Crittenden; the second and fourth to the committee of Religion and the third to the committee of claims.

Mr. Buford from the committee of propositions and grievances, made the following report:

The committee of propositions and grievances have, according to order; had under consideration several petitions to them referred, and have come to the following resolutions thereupon, viz:

Resolved, As the opinion of this committee, that the petition of sundry citizens of the counties of Green, Hardin, Nelson and Washington, praying for the formation of a new county out of parts of each of said counties be rejected.

Resolved, That the petition of sundry citizens concerning a Grist Mill on Barren river is reasonable.

Which being twice read, was concurred in.

Ordered, That said committee prepare and bring in a bill pursuant to the second resolution.

Mr. Buford from the same committee to whom was referred a bill to establish the county of McCracken, reported the same with amendments.

Which being twice read, were concurred in, and the said bill as amended, ordered to be engrossed and read a third time tomorrow.

Mr. Robertson of Garrard, from the committee of courts of justice, made the following report:

The committee of courts of justice have according to order had under consideration, several petitions to them referred, and have come to the following resolutions thereupon, viz:
Resolved, As the opinion of this committee, that the petition of Benjamin Craig, praying a change of venue is reasonable.

Resolved, That the petition of Richard W. Sheerley, praying that a law may pass to allow him the price of a certain horse, also the amount of money expended and time lost in arresting a certain fellow, is reasonable, to the amount of money expended and time lost.

Resolved, That the petition of the heirs of David Knox, deceased, praying that a law may pass authorizing the sale of certain property devised to them, is reasonable.

Resolved, That the petition of Mary Carr, praying that a law may pass authorizing the sale of certain real estate, is reasonable.

Which being twice read, (the second resolution having been amended by striking out the words "is reasonable as to the amount of money expended and time lost" and inserting in lieu thereof the words "be rejected") were concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to the first and third resolutions.

Mr. Robertson from the same committee to whom was referred a bill to amend and explain the penal laws, reported the same with amendments, the first and second of which being concurred in, the third was read as follows, viz:

Sec. 6. Be it further enacted, That hereafter upon the trial of any person charged with an offence that amounts to a felony, that it shall not alone be a cause of challenge to a jurymen that he has made up and expressed an opinion, unless said opinion be formed from the jurymans own knowledge of the fact, or from having conversed with the witnesses, or heard them depose.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rowan and Triplett were as follows, viz:

Ordered, That the said bill as amended, be engrossed and read a third time to-morrow.

Mr. Robertson from the same committee, reported a bill concerning Petit Juniors and for other purposes, as unfinished business of the last session, and also a bill for the benefit of Benjamin Craig, which were received and read the first time and ordered to be read a second time.

Ordered, That the public printer forthwith print 150 copies of the first bill for the use of the members of this house.

And thereupon the rule of the house, constitutional provision and second reading of the second bill having been dispensed with, the same was ordered to be engrossed and read a third time to-morrow.

A message was received from the Senate, announcing the adoption of a resolution concerning the government house.

Mr. Kennedy moved the following resolution, viz:

Resolved, That the Sergeant at arms be directed to provide and set up, two large Stoves with the necessary pipe for the Lobbies of this house, and that he be authorised to sell such of the plates of the old Stoves as he may be able to recover from the ruins of the State house, and apply the proceeds towards the purchase of the new Stoves.

Resolved further, That the same officer be directed to procure a suitable bell for the use of the Legislature, and cause the metal of the old bell to be used, to defray part of the expense thereof.

Which being twice read, was adopted.

The Speaker laid before the house a letter from Benjamin Henley, enclosing proposals for taking charge of the Penitentiary and employing the convicts confined therein, without charge to the State, for a term of years, which was received and (the reading being dispensed with) referred to the committee to whom was referred the petition of Joel Scott.

And then the house adjourned.

SATURDAY, NOVEMBER 20, 1824.

Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:
An act for the benefit of the heirs and devisees of Cliff Hazelwood and of the devisees of Jacob Bangle—and
An act for the benefit of the widow and heirs of Thomas Bullett.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

After a short time Mr. Prince reported, that said bills had been deposited by the joint committee, in the office of the Secretary of State, for the approbation and signature of the Governor.

Mr. Henry O. Brown, a member returned to serve in this house from the county of Harrison, appeared, produced a certificate of his election and of his having taken the oaths required by the constitution of the United States and the constitution and laws of this state and took his seat.

Mr. M'Connell of Woodford, presented the petition of Sarah Dale, late Sarah Eaton, praying a divorce from her husband Alexander Dale.

Mr. B. Hardin presented the petition of sundry citizens of Spencer county, praying that a law may pass, to repeal the act establishing the county of Spencer.

Mr. Bates presented the petition of Jinye Fleetwood, praying a divorce from her husband Adam Fleetwood.

Mr. Chapeze presented the petition of James F. Nall, guardian of John G. Nall, praying that a law may pass, to legalize the sale of a negro man, slave, the property of his ward.

Mr. Wilcoxon presented the petition of James Robinson, praying an allowance for keeping and maintaining Joshua Stansberry, a lunatic, from May last until the present time.

Mr. Joyes presented the petition of sundry citizens of Jefferson county, praying that the inspection laws of this commonwealth, regulating the inspection of beef and pork, may be revised and amended—and

Mr. Shepherd presented the petition of sundry citizens of Lewis county, praying that the navigation of Kinnicankick creek may be extended.

Which petitions were severally received, read and referred: the 1st and 3rd to the committee of religion; the 2nd and 4th to the committee for courts of justice; the 5th to the committee of claims; the 6th to a select committee of Messrs. Joyes, Thruston, T. P. Wilson and Brents; and the 7th to the committee of propositions and grievances.

Mr. M'Connell of Woodford, from the committee of religion, made the following report, viz:

The committee of religion have, according to order, had under consideration several petitions, to them referred, and have come to the following resolutions thereupon, viz :

Resolved. As the opinion of this committee, that the petition of James M. I. Scantland praying a divorce, be rejected.
Resolved, That the petition of Seneca Boatman praying a divorce, is reasonable.

Resolved, That the petition of Robert Walker praying a divorce, be rejected.

Resolved, That the petition of Vachel Hobbs praying a divorce, is reasonable.

Which being twice read, was adopted.

Ordered, That the said committee prepare and bring in bills pursuant to the second and fourth resolutions.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Dallam—1. a bill for the benefit of Ermina McHaney.

By Mr. Garth—2. a bill for the benefit of Martin Beatty.

By Mr. W. C. Williams—3. a bill to reduce the price of mountain lands in this commonwealth.

By Mr. Porter—4. a bill for the benefit of Thomas Stronge—

5. a bill for the benefit of Jesse Scofield—and 6. a bill for the benefit of Joshua Talbot.

By Mr. Rodman—7. a bill to establish the line between Oldham and Henry counties.

By Mr. Mosely—3. a bill to prevent the emanation of patents upon fraudulent surveys and for other purposes.

By Mr. McConnell of Woodford—9. a bill to amend the military law—and

By Mr. Galloway—10. a bill to alter the mode of listing taxable property.

Which bills were severally received and read the first time, and ordered to be read a second time. And thereupon, the rule of the house, constitutional provision and second reading of the seventh bill being dispensed with, the same was ordered to be engrossed and read a third time, on Monday next.

Mr. B. Hardin moved the following resolution:

Resolved, That a committee of seven be appointed, to enquire into, and report to this house, the objects of internal improvements which do deserve the attention and patronage of the state; and also the means the state possesses, to accomplish such objects.

Which being twice read, was adopted: and Messrs. B. Hardin, M'Connell of Greenup, Buford, H. O. Brown, Mason, Crittenden, and Caldwell were appointed a committee pursuant thereto.

Leave was given to bring in the following bills:

On the motion of Mr. Chapceze—1. a bill to incorporate St. Joseph's College of Bardstown, and for other purposes—and

On the motion of Mr. Garth—2. a bill for the benefit of Andrew Hickingbottom of Wayne county.
Messrs. Chapeze, B. Hardin, Rowan, T. P. Wilson and Dal-
ham were appointed a committee to prepare and bring in the
first, and Messrs. Garth, Cunningham and Goggin the second.

Mr. M'Connell of Greenup, from the select committee to whom
was referred a bill, to appoint a commissioner of the road from
Mountsterling to the Virginia line by way of Prestonsburg, re-
ported the same with an amendment, which being twice read,
was concurred in; and the said bill as amended, ordered to be
engrossed and read a third time. And thereupon, the rule of
the house, constitutional provision and third reading of said bill
being dispensed with and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof
be amended to read, “an act appointing a commissioner of the
road from Mountsterling to the Virginia line by way of
Prestonsburg, and to instruct the commissioners, in relation to
the same.”

Ordered, That Mr. M'Connell of Greenup, carry the said bill
to the Senate and request their concurrence.

Mr. S. Daviess read, and laid on the table, the following reso-
lation, to wit:

Resolved by the General Assembly of the Commonwealth of Ken-
tucky, That joint committees be raised, consisting of the Sena-
tors and Representatives of the different Bank districts of the
Commonwealth’s Bank, and that said committees severally re-
port the true condition of their Branch, and whether the debts,
in their opinion, are secure—and what amount of debts are bad
or doubtful—and to what counties they belong.

A message from the Senate by Mr. Hughes:

Mr. Speaker,—The Senate have passed a bill, entitled an act
to provide for the reporting of the decisions of the Court of Ap-
peals—in which bill they request the concurrence of this house.

And then he withdrew.

Mr. Hunter moved the following resolution:

Resolved, That the Reverend Mr. Tomlinson have permission
to preach in this Hall on Sunday next, at 11 o’clock, in the
forenoon—and

The Reverend Mr. Landrum at 3 o’clock, in the afternoon.
Which being twice read, was adopted.

A message from the Governor, by Mr. Loughborough, assis-
tant Secretary:

Mr. Speaker,—The Governor, on this day, approved and sign-
ed an enrolled resolution which originated in this house, entitled
“a resolution for appointing a joint committee, to examine and
report the situation of the Bank of Kentucky.”

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.
Engrossed bills of the following titles were severally read a third time, viz:

1. An act to erect precincts in certain counties in this commonwealth.
2. An act to add a part of the county of Caldwell to the county of Trigg.
3. An act to allow the justices of the peace of Morgan county each a copy of the Digest Laws.
4. An act for the benefit of Marcus Huling and others—and
5. An act for the benefit of Benjamin Craig.

Resolved, That the said bills do pass, and that the titles of the first, second, fourth and fifth be as aforesaid—and that the title of the third be amended, by adding thereto “and for other purposes.”

Ordered, That Mr. M’Connell of Greenup, carry said bills to the Senate and request their concurrence.

A message from the Senate by Mr. Flournoy:

Mr. Speaker—The Senate have passed an act entitled, an act to annul the marriage of George and Polly Utley—in which they ask the concurrence of this house.

And then he withdrew.

The said bill was then taken up and read the first time and ordered to be read a second time. And thereupon, the rule of the house, constitutional provision and second and third readings of said bill being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. H. C. Payne inform the Senate thereof.

An engrossed bill entitled, an act to establish the county of McCracken, was read a third time and committed to a select committee of Messrs. Rowan, A. H. Davis and S. Daviss. After a short time Mr. Rowan reported the said bill with an amendment, which being twice read was concurred in.

Ordered, That the said bill be re-engrossed and again read a third time.

Whereupon, the third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Davis carry said bill to the Senate and request their concurrence.

A bill further to amend the laws relative to executions; and a bill to regulate certain officer’s fees—were severally read a second time. The first was ordered to be engrossed and read a third time on Monday next; and the second was committed to a select committee of Messrs. Mumpin, Jayes, Robertson, M’Connell of Greenup, and Prince.
On motion, Ordered, That Mr. M'Brayer be excused from, and Mr. M. Hardin be added to the committee, appointed on the part of this house, under a resolution for appointing a joint committee, to enquire into the loss of money reported by the Treasurer.

On motion, Ordered, That Mr. Brents be excused from, and Mr. Breck be added to, the committee appointed on the part of this house, under a resolution appointing a joint committee in relation to the decisions of the Judges of the Court of Appeals, and the official conduct of said judges.

The message of the Governor communicated to the house on Thursday the 11th inst. was taken up and read as follows, to-wit:

*Gentlemen of the Senate,
and of the House of Representatives.*

I submit to your consideration a communication lately addressed to me by William Hardin Esq. keeper of the Kentucky Penitentiary.

Nov. 11th, 1824.

*Frankfort, Ky. Nov. 5, 1824.*

*Dear Sir—In your message to the legislature, I discover you have barely mentioned the Penitentiary. On a settlement with the Auditor from the first day of October, 1824, up to the 1st of October 1824, there is a balance due me for money advanced at that time of $3307.60, for which I have obtained the Auditor's certificate, which is herewith enclosed. My funds and credits are exhausted, the money deposited by the agent in the treasury each week, latterly, is not sufficient to victual the convicts on day: I am therefore without funds to purchase clothing, fuel, victualing, or raw materials for the convicts to work on. Without the immediate interposition of the legislature, this institution must suffer a considerable loss, and the convicts suffer for the want of victuals, clothes and fuel.*

*Respectfully,*

*WM. HARDIN.*

*State of Kentucky, Auditor's Office,  
Frankfort Ky. 6th Nov. 1824.*

*I do certify that a balance was due to Wm. Hardin, keeper of the Kentucky Penitentiary, on the first day of October last of two thousand three hundred and seven dollars and sixty cents, given under my hand the date above.*


*A true copy from the original, in the office of the Secretary of State.*

*P. S. LOUGHBOURG,  
Assistant Secretary of State.*
Ordered, That the said message, together with the accompanying documents, be referred to a select committee of Messrs. Hunter, Sterrett, Joyes, H. C. Payne, and Kennedy.

The messages of the Governor communicated to this house, on the 17th and 18th instant, were taken up and read as follows:

Gentlemen of the Senate,
and of the House of Representatives.

I transmit to you herewith, a report made to me by the Secretary of State, shewing the number of books destroyed, in the late fire of the Capitol.

Jos. Desha.

Nov. 17, 1824.

Office of the Secretary of State.

Nov. 10th, 1824.

Sir—Agreably to your request, I have caused an investigation to be made for the purpose of ascertaining the loss of the state in books, by the late unfortunate conflagration; the result of which is given in the accompanying schedule, which also exhibits the number of books now remaining in this office, &c.

I have the honour to be, &c.

W. T. Barry, Sec. of State.

His Excellency, Joseph Desha.

Schedule,

Shewing the number of Kentucky law books in the Secretary's office on the 2nd September, 1824, the number delivered out by him, the number destroyed by the late fire, and the number now remaining in the office.

Nov. 10th, 1824.

Books.

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<th>Books</th>
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<th>Number delivered out since</th>
<th>Number burnt</th>
<th>Number remaining</th>
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Gentlemen of the Senate,
And of the House of Representatives:

I transmit to you herewith, for your information, a communication from John W. Hunt, Esq., one of the commissioners of the Lunatic Asylum at Lexington, relative to the state of that institution.

JOS. DESHA.

Nov. 13, 1824.

Copy of a Letter from John W. Hunt.
LEXINGTON, OCTOBER 26, 1824.

To his Excellency Joseph Desha—

SIR,

As one of the commissioners of the Lunatic Asylum, take the liberty of submitting to you the following statement of the institution, so far as the accounts have been acted on.

Paid for transportation of lunatics, per accounts, £405 31
Meal, meat, hay, corn, groceries, &c. 607 93
Medicines, 251 54
Wages—steward, governess, assistants and negroes, 483 20
Furniture and fixtures, 1085 70
Building, fences, paving and repairs, 1022 46
Clothing, &c. 248 73
Grave digging and coffin, 12
110 cord of wood, 384
3 cows and calves, 60
1 horse, 125
1 cart and gear, 110

£4745 87
Received of lunatics for board, safe keeping, &c. $375
For one calf sold, 5
From the Treasurer of the State, 5600

Balance in the hands of John W. Hunt, Esq. Chairman, &c. October 12, 1824, $634 18

Now in the Asylum—20 males and 12 females, total, $2
Discharged cured, 2
Run away, 2
Taken away by friends, 3
Died, 1

Making total admitted, 40

In addition, beg leave to add that for the success of the institution, it is necessary that wings should be added to the present building, for the more comfortable accommodation of the worst description of cases, that the law should be amended, so as to enable vacancies of the commissioners to be filled; and the difficulty of getting the present number to act, satisfies me that one half the number would be much better.

With great respect,
Have the honor to be,
Your most obedient servant,

JOHN W. HUNT.

Ordered, That the former be committed to the committee appointed on the part of this house, to enquire into the loss of property sustained by the State by the conflagration of the Capitol; and the latter to the committee appointed to visit the Lunatic Asylum, at Lexington.

And then the house adjourned.

MONDAY, NOVEMBER 22, 1824.

Mr. Farmer presented the petition of sundry citizens of Rockcastle, Clay, Whitley and Knox counties, praying for the formation of a new county out of parts of each of said counties.

Mr. Napier presented the petition of Charles Nicholas Perkins, praying a loan of $1500 from the branch bank of the Commonwealth at Harrodsburgh to enable him to work his Salt Works on Green River in Casey county.

Which petitions were severally received, read and referred; the first to the committee of propositions and grievances and
the second to a select committee of Messrs. Napier, B. Hardin
and S. Daviess.

Mr. Cosby from the committee of privileges and elections
made the following report, viz:

The committee of privileges and elections have, according to
order, had under consideration the returns of the Sheriffs from
the several counties within this Commonwealth, and have ex-
amined the same and have agreed to the following report, viz:

It appears to this committee, that the following gentlemen
were returned as duly elected to serve as members of the house
of Representatives for the present General Assembly, viz:

From the county of Adair—William Patterson and Clayton
Miller.

From the county of Allen—William Patterson and Clayton
Miller.

From the county of Barren—Robert D. Maupin and George
Galloway.

From the county of Bath—Samuel Stone.

From the county of Boone—Lewis Riddle.

From the county of Bourbon—Joseph H. Holt, William T.
Buckner and James M. Clarkson.

From the county of Bracken—Solomon Carter.

From the county of Breckinridge—John Sterrett.

From the county of Bullitt—Lewis Wilcoxen.

From the county of Butler—John Porter.

From the county of Caldwell—Enoch Prince.

From the county of Campbell—Leonard Stephens.

From the county of Casey—Benjamin W. Napier.

From the county of Christian—Nathan S. Dallam.

From the county of Clark—Silas Evans and James Simp-
son.

From the counties of Clay and Perry—John Bates.

From the county of Cumberland—Lemuel Williams.

From the county of Daviess—Philip Triplett.

From the county of Estill—Absalom B. Oldham.

From the county of Fayette—Robert Wickliffe, James True
and Henry C. Payne.

From the county of Fleming—John Taylor and Jesse Sum-
mers.

From the counties of Floyd and Pike—Jacob Mayo.

From the county of Franklin—James M'Brayer and William
Hunter.

From the county of Gallatin—David Gibson.

From the county of Garrard—George Robertson and Thom-
as Kennedy.

From the county of Green—Samuel Brents and William T.
Willis.

From the county of Greenup—John M. M'Connell.
From the county of Grant—John Marksberry.
From the county of Grayson—Jeremiah Cox.
From the counties of Hardin and Meade—Martin Hardin and Isaac C. Chenowith.
From the counties of Harlan and Knox—James Farmer.
From the county of Harrison—Henry O. Brown and Nicholas D. Coleman.
From the county of Hart—Dudley Roundtree.
From the county of Henry—Robert Samuel and John Rodman.
From the county of Henderson—George Morris.
From the counties of Hickman, Graves and Galloway—Arthur H. Davis.
From the county of Hopkins—William Wilson.
From the counties of Jefferson and Oldham—Thomas Joyes, John Rowan and Charles M. Thruston.
From the county of Jessamine—George I. Brown.
From the counties of Lawrence and Morgan—Wiley C. Williams.
From the county of Lewis—Chauncey B. Shephard.
From the county of Lincoln—John Green.
From the county of Livingston—William Gordon.
From the county of Logan—Presley Morehead.
From the county of Madison—Daniel Breck, Squire Turner and Archibald Woods.
From the county of Mason—Robert Taylor and Jacob A. Slack.
From the county of Mercer—Samuel Daviess, William Robertson and William Wade.
From the county of Monroe—Joseph G. Hardin.
From the county of Montgomery—John Mason, Jr. and Eli Shortridge.
From the county of Muhlenburgh—Edmund Watkins.
From the county of Nelson—Benjamin Chapeze and Benjamin Hardin.
From the county of Nicholas—John S. Morgan and Samuel Fulton.
From the county of Ohio—Robert Mosely.
From the county of Owen—Cyrus Wingate.
From the county of Pendleton—Stephen Mullens.
From the county of Pulaski—Charles M. Cunningham, and Bourne Goggin.
From the county of Rockcastle—Uriah Gresham.
From the county of Simpson—William Hodge.
From the county of Shelby—Henry Crittenden, James Ford and Thomas P. Wilson.
From the county of Scott—Robert J. Ward and James Patterson.
From the county of Todd—Richard B. New.
From the county of Trigg—Charles Caldwell.
From the county of Union—William Spalding.
From the county of Warren—Thomas Middleton and William C. Payne.
From the county of Washington—William B. Booker, Dabney C. Cosby and Richard Forrest.
From the county of Wayne—Rodes Garth.
From the county of Whitley—Burton Litton.
From the county of Woodford—John Buford and James M'Connell.

Mr. Caldwell from the select committee to whom was referred the petition of Elisha Dickey, including certain charges against Elijah Haydon, a justice of the peace of Barren county, made the following report:

The select committee to whom was referred, sundry charges against Elijah Haydon, a justice of the peace for Barren county have had the same under consideration and beg leave to make the following report:

The evidence before your committee, was sundry affidavits which accompanied the petition in relation to this subject, from which it appears, that the said Haydon has transcended his duty in acting in the double capacity of a justice of the peace and counsel for one of the parties litigant.

It is the opinion of your committee, that said Haydon, while acting as a justice of the peace, has been guilty of a gross violation of duty, resulting either from ignorance or corruption.

Wherefore it is Resolved, by your committee, that said Haydon be summoned to appear at the bar of this house on the 8th day of December ensuing, to answer the charges aforesaid.

It is further Resolved, That a committee of five be appointed to investigate said charges and take down the evidence against as well as for the said Haydon, and that they make such report upon the subject as they conceive the evidence will justify, and that said committee have power to send for persons and papers.

Which being read, the resolutions recommended by said committee were twice read and concurred in; and Messrs. Kennedy, Woods, Summers, Forrest and Middleton were appointed a committee pursuant to the second resolution.

Mr. S. Daviess presented the petition of the trustees of the Danville College, praying that a law may pass to amend the act incorporating said institution; which was received, read and referred to a select committee of Messrs. S. Daviess, Wickliffe, Cosby, Wade, W. Robertson and Cunningham.

Mr. Gordan from the select committee to whom was referred, a bill further to regulate the payment of the debt due the Commonwealth for the sale of vacant lands, reported the same without amendment.
Ordered, That the said bill be engrossed and read a third time to-morrow.

Leave was given to bring in the following bills:

By Mr. Dallam—1. a bill for the benefit of Samuel Burk and others.

By Mr. Wingate—2. a bill to provide for running and marking the county line between the counties of Owen and Grant.

By Mr. Wickliffe—3. a bill concerning the town of Lexington.

By Mr. Woods—4. a bill to amend an act more effectually to suppress the practice of duelling.

By Mr. Hardin of Monroe—5. a bill for the benefit of Henry P. Maxey late sheriff of Monroe county.

By Mr. Stone—6. a bill for the benefit of securities.

By Mr. Prince—7. a bill to amend an act to establish the town of Waidshorough in the county of Calloway and to provide for the sale of lots, approved, December 17, 1822.

By Mr. Holt—8. a bill to reorganize the Court of Appeals of this Commonwealth.

By Mr. Mayo—9. a bill to authorize the county court of Pike county to lay an additional county levy.

By Mr. Chapczc—10. a bill authorizing the insertion of certain advertisements in the Western Herald printed in Bardstown.

By Mr. Gordon—11. a bill authorizing sheriffs to receive executions emanating from the offices of justices of the peace in certain cases.

By Mr. Joyes—12. a bill to reorganize the county courts.

The committee of claims were directed to prepare and bring in the first; Messrs. Wingate, Marksberrv, M'Brayer and Joyes were appointed a committee to prepare and bring in the second; Messrs. Wickliffe, Payne and True the third; Messrs. Woods, Chapeze, Brown of Jessamine and Wickliffe the fourth; Messrs. Hardin of Monroe, Thomas and Galloway the fifth; Messrs. Stone, Goggin and M'Connell of Greenup the sixth; Messrs. Prince, Gordon and Wilson the seventh; Messrs. Holt, S. Daviess, Joyes and Shortridge the eigith; Messrs. Mayo, Williams and Stone the ninth; Messrs. Chapeze, Hardin of Nelson and M'Connell of Greenup the tenth; Messrs. Gordon, Porter and Wilcoxen the eleventh; Messrs. Joyes, Cosby and Brown of Harrison the twelfth, and Messrs. Wade, Robinson, Napier and S. Daviess the thirteenth.

Mr. Wickliffe from the committee to whom was referred so much of the Governor's message as relates to Internal Improvements, made the following report:
To the House of Representatives for the state of Kentucky.

The committee raised to take into consideration so much of the Governor's message, as relate to internal improvements, have proceeded to perform the duties assigned them, and beg leave to report:

That they have availed themselves of such means as the time, since they were organized, has allowed them to inquire into, and ascertain the different objects, for internal improvement, as well as the fiscal means, which the state have of effecting such improvements—and that they are sensible from the condition of the finances of the state, that the legislature will experience great embarrassment in providing all the means for so desirable and object as the general improvement of the high ways, and navigation of the country, they are therefore, impressed with the opinion that it will be inexpedient at this time to tax the people, of the whole state, to raise funds to improve a road passing through and peculiarly beneficial, to any one portion of the state. But while they have been constrained to this conclusion, so far as relates to a direct tax upon the people, they entertain the opinion that it is the indispensable duty of the legislature to establish a fund to arise out of the sale of public lands and other indirect sources of revenue, to be set apart and to be exclusively applied to the construction, or improvement of high ways, as well as the improvement of our navigable streams, and herewith report a bill No. 1, for that purpose.

Indeed a survey of our country, will almost settle the question as to the necessity, of immediately commencing some system of improvement, and designate the principal objects of such improvement. The soil of the state of Kentucky, between Big Sandy and Kentucky Rivers; and between the Kentucky and the southern branches of Salt River, being almost entirely clay, the high ways of the state, are found to get worse, instead of better as the state in other respects appear to improve its condition, so that this state is believed to lose much of the value of productive labour, arising solely from the miserable condition of the public roads. In many instances the counties through which these roads pass, are not able, in a pecuniary point of view, to expend the necessary sums to improve them sufficiently, and in all countries the present system of constructing and keeping roads in repair, is known to be wholly incompetent, and to require a reform. Yet these inconveniences, serious as they are, your Committee think must be left to the counties individually for the present to remedy, but while your Committee (having had reference to the state of the revenue,) are driven to this conclusion, they have unanimously agreed that the legislature ought to designate by law certain roads as state roads upon which, at some future period the public fund shall be first
applied, and from which other state roads may be constructed, your Committee is led to the conclusion that this should now be done, that the public attention may not only be directed to such roads as are designated state roads, and that alterations (if necessary) may be made in their locations, before the public funds are expended on them; but that farms, county seats or other public improvements may be constructed and established in relation to such roads. Your Committee, in this view of the subject think that a road leading from Maysville, passing Paris, Lexington, Harrodsburgh and Bowlinggreen, and from thence to the state line in the direction of Nashville should be surveyed and ultimately constructed into a state road.

It will be seen, that this road passes through the centre of the state and must in time, form the thorough fare of the state, and the great land communication between the states above and below us, on the waters of the Ohio and Mississippi, as well as portions of the states of Alabama and Georgia, that lie South of these waters. They believe further, that the construction of this road will necessarily superinduce the constructions of roads to meet it at the one end, by Ohio and by Tennessee at the other; nor are these the only considerations which mark out this route for the principal state high way—Upon looking upon the map, it will be seen that, the road commences at the river Ohio and in its course passes the navigable streams, and at navigable points, of Licking, Kentucky, the Rolling fork, Green river and Great Barren, and also takes in its rout several of the best improved towns in the state—that the whole road lies in a part of the state extremely fertile, thickly populated, and passes through the centre of the state, the extremes have a just claim to, and will derive relatively, advantages from it—from this road another state road should be constructed in the direction of the Iron Banks and the Ohio river, commencing at Bowlinggreen and passing Russellville, and another from Lexington to the state of Virginia, passing by Mountsterling and Prestonsburgh. Your committee are also satisfied, that the public interest demands that there should be constructed, from about Perryville, a Turnpike road to Louisville; and also, that another Turnpike road should be constructed from Lexington to Louisville. But whether this should be at the public expense or not, they are not prepared to express an opinion, and must leave it to those whose business it may be to apply the resources of the state hereafter to decide. Your committee are, however, of opinion that a Turnpike road, upon the plan proposed, from Maysville to Lexington and from thence to Louisville, passing through Frankfort, is not only demanded by the condition of the country, but by the counties through which such road shall pass, and that it is probable those counties will construct it, provided
they are allowed remuneration, by a reasonable toll upon such part as each may so construct and Turnpike; and to enable these counties to effect so desirable an object: your committee beg leave, and do herewith report bill No. 2. Your committee having endeavoured to discharge their duty, in relation to so much of his Excellency's message as relates to the public highway, beg leave to call the attention of the house, to that part of the message, relative to the construction of a canal at the falls of the Ohio river; upon this subject, your committee have mainly directed their enquiries and labour, and they are happy in declaring their unanimous concurrence with his Excellency, that the public good demands that the canal shall be constructed, and that it should be so constructed exclusively for the public good, and with the public funds. The obstruction which the Ohio meets with, at Louisville and which forms the rapids or falls of that stream, appears to be a rock dam, thrown by nature across the river. This rock or dam renders a passage on the river, in low water, impracticable for common flats; and in ordinary water, impossible for steam ships or vessels drawing any considerable depths of water. It further renders the fall market at New Orleans inaccessible, by all the crafts or boats that navigate the Ohio with produce raised on its waters above the dam. The consequence of which is, that the whole Western country above the falls, are shut out from that market in the fall and winter months—when it is yielded to the vessels of the Eastern states, so that our fellow citizens are compelled to attempt the spring markets alone of that place, when they find the buyers partially supplied by Eastern traders from fall purchases, and the market crowded with adventurers, all constrained to sell at any price, in order to avoid the calamities incident to that climate. Hence, arises, as your committee concur, the great waste of human existence, in that trade, and the almost certain ruin to all engaged in it, who survive the rigors of the climate. We have long known this state of things, and have deplored the losses which our citizens, engaged in that trade, have experienced, and if providence had rendered the cause of these evils to the country invincible, we could only deplore them. But, when the means of averting the grievances of which we complain, are perfectly within our power, we can in truth say, we are astonished that we have so long endured them.

Your committee are not in possession of the precise fall which is produced by this great natural obstruction in the highway to the ocean—it has been differently represented by the engineers who have taken it, who seem to have varied on these estimates, from 22 to 37 feet.

Two modes of removing this obstruction have been suggested, the one is to improve the channel of the river itself; in this plan,
the state could only take a partial interest. In the other, that is by a canal and lock navigation; the state has not only an interest, but should, as we have before observed, reserve the exclusive property in, and control over its construction. Your committee have not deemed it necessary, to minutely state their ideas of the depth and width that the canal should be opened—They have, however, come to the following conclusion, that the canal should commence at the lower end of the basin, which extends from the mouth of Bargrass down the South margin of the river, and parallel with the town of Louisville—that it should from thence be extended in a straight line to a point below the falls, nearly to the warehouse of J. T. Gray & Co.—the canal, when so formed, will be about two miles in length. The expense to the state to complete this canal and its locks, cannot be stated by your committee with any assurance, on their part, of its entire accuracy; indeed, it seems to have been differently estimated by the engineers who have examined the ground, whose estimates vary from one hundred and fifty thousand, to three hundred and six thousand dollars. Your committee are inclined to the opinion, that the latter sum will be necessary, and feel well assured, not only from the reports of engineers, but from full and free conversations with individuals well informed upon the subject, that that sum will cover every expense whatever, to complete the canal and lock navigation proposed. But the point of difficulty which the committee have had to solve, is, has the state the means of making the canal? And if she has, ought she to commence it immediately? The committee think that she has the means, and are unanimously of opinion, that the construction should commence, with all practicable dispatch. As to the funds or means within the power of the state, your committee think that they should be furnished from the following sources: First, the capital in the state Bank of Kentucky, which shall hereafter or may have been paid into the Commonwealth's Bank; second, the money due and payable on the Green river debt; third, the moneys to be raised by the sale of public lands and should these prove deficient, your committee think that the Governor should be authorized, by law, to effect a sufficient loan to complete the work.

As to the question, ought the state to apply these means? your committee can but hope, that a sufficient degree of reflection, will leave but little difference of opinion upon this point. First, it is known to all, that the state has, at this time, no permanent and safe mode of employing the funds specified—that they are likely to be unproductive for some time, and liable to be consumed in the ordinary expenditures of the government, nor have we presented to us, (as your committee believe,) any object equally interesting to the public, of investing this capital, raised.
not by ordinary taxation, but from the sale of the public domains; and your committee trust, that a few remarks will satisfy the house, that in their opinion they are right, having placed the costs of this canal at a little upwards of three hundred thousand dollars; they would ask, is the loss to Kentucky upon her annual labour occasioned by the obstruction at the falls, much short of that sum? At all events, they consider that a few years of increase upon our labour and enterprise will bring it to that sum and the more especially, when a failure on our part, to remove this impediment to the navigation of the Ohio river, may damp the national ardour in constructing the canal, which is intended to connect the waters of the Potomac and Ohio rivers.

While Ohio is obstructed with a rock, the nation may conclude that it is impolitic, to expend large sums of money to open a water communication with Ohio, above the falls only, but by the opening of the canal at that place, an inducement will be offered to the nation to progress in the national canal, and by which it is contemplated to unite the two great Eastern and Western sections of our continent. Suppose then, that this canal at the falls should superinduce that contemplated by the nation, will not our fellow citizens be able to obtain a choice of markets, by having those barriers removed which intercept our transit to the Atlantic borders, and offering us an Eastern mart, as well as, or in addition to that of New Orleans, would we not thus be amply compensated for the expenditures in securing the desirable object, especially when the means which we can employ, are in a state of dormancy, and measurably useless?

Your Committee anticipate with pride and pleasure, that the period is not distant, when instead of our industry finding vent through the Mississippi alone, that it will find egress to the Atlantic ports by the contemplated connexion of the waters of the Ohio and Chesapeake. In this view of the subject, your Committee can but hope that they have succeeded in convincing the house, that every part of the state, that below the falls, as well as that above, has a deep, if not an equal interest in making the necessary appropriation to opening the canal.

But there is another and highly interesting point of view, which the Committee beg leave also to press upon the consideration of the house, that is, the profits which would arise to the Commonwealth from the construction of the canal. In reasoning upon this branch of the subject, your Committee are forced to admit that they are liable to err, that they form their conclusions and anticipations more by references to estimates of the profits of canal stock in other countries, than from any certain data within their own experience on which to found them. England has many thousand miles of canal navigation, yet the stocks of
some of these canals, calculated to serve neighborhood intercourse only, are worth an average of more than six hundred per cent on their cost. Indeed, it is said, that some pay more than one hundred per cent per annum upon the amount, paid to construct them. In short, it may be affirmed that canal stock, in all countries, is deemed the most productive and valuable stocks, which a government can create, and as a further confirmation of this reflection, your Committee beg leave to refer the house, to the estimated profits arising from the New York canal stock. If that state derive such immense advantages from the canal, which is closed at least one fourth of the year with ice, what may we not hope and expect from the one we propose to make, which is not required to be more than two miles in length, and through which, the commerce of a people, destined to be more numerous than the whole kingdom of England and Ireland, must pass.

Your Committee by way of elucidating the position which they have taken, and with a desire of evincing to the house in some measure the correctness of their views, beg leave to present the following calculation of tonnage which will be produced as soon as the canal shall be constructed—say.

Toll levied on 20,000 tons descending the river in Steam Boats.

To 10,000 tons ascending ditto
On 2,000 flat boats descending the canal
On 8,000 steam boat tonnage passing three times
in the year descending
On the same amount passing through the the canal
four times a year
For 2000 cabin and 4000 deck passengers

Making an aggregate of

By this statement it will be seen, that the toll upon the craft and tonnage alone, that might at this time pass, the canal would yield a clear profit of more than ten per cent per annum upon the costs of the canal; and when the population and commerce of the west shall double, its tonnage must of course pay more than twenty per cent per annum, upon the whole cost of the canal. But your Committee can but remind the house, that this toll is estimated upon a part of the subjects of profit arising from the canal, as appertaining to, and in addition to which the state ought to establish two or more dry docks, the profits on which, we think will be immense, about one hundred steam boats may be stated as the average number that trade to Louisville and Shippingport, one half of which, it may be reasonably supposed will require the use of the dry docks
every year, for the purpose of repairing; in greater or less
degrees the average toll upon each, will not be less than $300
furnishing in that item an annual revenue of $15,000, and as the
number of boats and tonnage increase on the western waters,
so will this revenue increase, in an equal ratio. To this item
of profits may be added, the sale of water power for the estab-
lishment of mills, factories and various description of machine-
ry to an unlimited extent; the amount of which your Committee
will not attempt to estimate, but upon the reality of which
they rely.

There are other considerations not to be overlooked by the
statesman and patriot, and that is the great increase of capital
and business, which this canal must give to the emporium of our
state. When we contemplate the vast countries to which this
point is central, the extreme fertility of their soil, the abundance
of their productions, and the facility with which these produc-
tions could be exported from the cite of this canal, to the great
western emporium, New-Orleans; or to the eastern cities, in the
event of the construction of the national canal, it is easier to
conceive than to calculate the increased demand, for the labour,
industry and staple commodities of the west, that must result
from the completion of this important object.

Under this view of the subject, your committee hope, that
they will have the concurrence of the house, in their confident
belief, that the great interests of the country demand the open-
ing of the canal, and that the same shall be effected as soon as
practicable, your committee therefore report a bill No. 5, for
that purpose.

Your committee beg leave to report, that understanding that
the honorable John Rowan is the owner and possessor of the
land through which the canal is proposed to pass, that they by
their chairman, addressed to the said Rowan, the letter marked
A, and received his answer marked B. Your committee find-
ing it difficult to report satisfactorily, as to the proposals of that
gentleman, to take water power for the value of his land, have
declined any definite understanding with him, on that subject,
presuming that their powers did not authorize them to do more
than to enquire into the situation of the ground, over which the
canal was proposed to pass, but they deem it proper to suggest
for the consideration of the house, that as it is contemplated to
extend a large sum of money in this public work, that the state
should acquire the title to the soil agreeable to the provisions
of the constitution, and for that purpose your committee here-
with report a bill No. 6. Your committee have also come to
the conclusion, that in order to carry on the public work now
contemplated or which may hereafter be provided for, that a
standing board or committee of public works, ought to be con-
stituted, of which board the Governor for the time being, shall ex officio be chairman, and they therefore report a bill No. 7, authorizing the appointment of such board.

A. 

FRANKFORT, Nov. 12, 1824.

JOHN ROWAN, Esq.,

SIR—Understanding that you are the owner and in possession of the land, through which the proposed canal around the falls of Ohio will pass; on behalf of the committee raised on that part of the Governor’s message which relates to the subject of Internal Improvements, I am instructed to enquire of you the terms upon which you will cede to the state so much ground as will be sufficient for the site of said canal, and the necessary docks and appurtenant buildings; also, for the site for two dry docks and an armory, and streets on each side of the canal of sixty feet width. Your answer will oblige the committee and your obedient servant,

R. WICKLIFFE, Chairman,
of the committee.

B.

FRANKFORT, November 12, 1824.

ROBT. WICKLIFFE, Esq., Chairman.

SIR—Your note of the present inst. is before me. In answer to its contents, I can only say, that I am entirely willing to let the state have the land requisite for the contemplated canal around the falls of the Ohio River, and for the dry docks, and streets, on its borders, at its reasonable value; to be ascertained by disinterested persons, to be paid in water privileges of correspondent value, to be ascertained in the same manner. This compensation will cost the state nothing—for having made the canal, she will have the volume of the Ohio River subject to her draft, for that purpose. As to the ground for a National Armory, I can only say that the State or United States, can have it, at its value. For that purpose, from fifty to one hundred acres would be needed, as I have learned from a gentleman, who was authorized, by the United States commissioners, to make enquiry of me on that subject.

Your obedient, 

JOHN ROWAN.

Ordered, That the public printer forthwith print 150 copies of said report for the use of the members of this house.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Wade—1. a bill for the benefit of Henry Boatman.
By Mr. Sterrett—2. a bill for the benefit of Samuel Allen.
By Mr. S. Daviess—3. a bill to amend the laws concerning the solemnization of marriages,
By Mr. Mc'Connell of Greenup—4. a bill to regulate the action of ejectment.

By Mr. Wickliffe—5. a bill to amend the laws relating to civil proceedings.

By Mr. Dallam—6. a bill to amend an act authorizing a Lottery in Christian county, approved 29th December 1823.

By Mr. Wickliffe—7. a bill to constitute a board of commissioners of public works—8. a bill providing a fund for internal improvements—9. a bill providing for the issuing a writ of ad quod damnum to condemn a site for a canal—10. a bill to provide for constructing a canal at the falls of Ohio—11. a bill authorizing the county court of Mason to levy money and for other purposes; and—12. a bill concerning the town of Lexington.

Which bills were severally received and read the first time and the 1st, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th and 12th ordered to be read a second time, and the question being taken on reading the second bill a second time, it was decided in the negative and so the said bill was rejected.

Ordered, That the public printer forthwith print 150 copies of the 4th, 5th, 7th, 8th, 9th, 10th and 11th bills for the use of the members of this house.

And thereupon the rule of the house, constitutional provision and second reading of the 3d bill being dispensed with, the same was committed to a select committee of Cosby, Woods and S. Daviess.

An engrossed bill entitled, an act further to amend the laws relative to executions, was read a third time, and an engrossed clause offered thereto by way of rider.

It was then moved and seconded to commit the said bill and amendment, to a select committee for the purpose of amendment.

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

The yeas and nays being required thereon by Messrs. Wickliffe and Turner were as follows, viz:

Messrs. S. Daveiss, Thruston, Cosby and Wickliffe were named as the committee.
An engrossed bill entitled, an act to establish the line between Oldham and Henry, was read a third time.
Resolved, That the said bill do pass and that the title thereof be as aforesaid.
Ordered, That Mr. Samuel carry the said bill to the Senate and request their concurrence.
A message was received from the Senate, announcing the passage of bills which originated in this house of the following titles, viz:
An act to provide a room for the Court of Appeals.
An act for the benefit of Henry B. Montague.
An act to authorize the insertion of certain advertisements in the Kentucky Farmer.
An act for the benefit of Barbary Price.
An act to establish the line between Oldham and Henry counties.
An act for the benefit of James M'Caugham.
An act for the benefit of Peter Mills.
An act to authorize the taking of depositions in certain cases at common law.
An act to authorize the inhabitants of the town of Owentown to elect the trustees of said town.
An act for the benefit of Thomas Burgess a free mulatto—and
An act further to regulate the debt due the Commonwealth for the sale of the vacant lands acquired by the treaty of Tellico, with amendments to the latter bill, and the passage of bills by the Senate of the following titles:
An act to extend indulgence to the Judges of the 13th and 11th judicial districts—and
An act to authorize the clerk of the Graves county and circuit court to transcribe certain records.
On motion—Ordered, That Mr. Rowan be excused from, and Mr. M'Connell of Greenup, be added to the committee for courts of justice.
A bill from the Senate entitled an act to extend indulgence to the Judges of the 13th and 11th judicial districts, was read the first time and ordered to be read a second time.
And thereupon the rule of the house, constitutional provision and second and third readings of said bill having been dispensed with,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Joyes inform the Senate thereof.

A message from the Governor by Mr. Loughborough assistant Secretary.

Mr. Speaker—The Governor on the 20th of this month, approved and signed the following enrolled bills which originated in the House of Representatives, viz.:

An act for the benefit of the heirs and devisees of Cliff Hazlewood, and of the devisees of Jacob Bale deceased.

An act for the benefit of the widow and heirs of Thomas Bullitt.

And then he withdrew.

The following bills were severally read a second time: 1. A bill to provide for the sale of the vacant lands west of the Tennessee River—and 2. A bill to provide for the taking of depositions in common law and chancery.

The first was committed to a committee of the whole house, and the second to the committee for courts of justice.

And then the house adjourned.

TUESDAY, NOVEMBER 23, 1824.

Mr. Kennedy presented the petition of Sally Buster, praying a divorce from her husband Robert Buster.

Mr. Gibson presented the petition of sundry citizens of the counties of Gallatin, Boone and Grant, praying for the formation of a new county out of parts of each of said counties.

Mr. H. O. Brown presented the petition of sundry citizens of Nicholas county, praying that a law may pass to add a part of said county to the county of Harrison.

Mr. Morris presented the petition of sundry citizens of this commonwealth, residing south west of the Tennessee River, praying that a law may pass to appropriate money for the purpose of making certain roads and bridges in the direction from the town of Columbus to the State of Tennessee.

Mr. Mayo presented the petition of sundry citizens of Pike county, praying that a law may pass to establish the seat of justice for said county at the place selected by the commissioners last appointed.—and

Mr. Litton presented the petition of sundry citizens of Pulaski county, praying that a part of said county may be added to the county of Whitley.
Which petitions were severally received, read and referred; the first to the committee of religion; the 2d, 3d, 4th and 5th to the committee of propositions and grievances; and the 5th to a select committee of Messrs. Mayo, W. C. Williams, Stone and M'Connell of Greenup.

Mr. Cosby from the select committee to whom was referred a bill to amend the law concerning the solemnization of marriages—reported the same with an amendment, which being twice read, was concurred in; and the said bill as amended, ordered to be engrossed and read a third time—and thereupon the rule of the house, constitutional provision and third reading of said bill having been dispensed with and the same being engrossed.

**Resolved.** That the said bill do pass, and that the title thereof be as aforesaid.

**Ordered,** That Mr. S. Daviss carry the said bill to the Senate and request their concurrence.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. M'Connell from the committee of religion—1. a bill to dissolve the marriage of Vachel Hobbs and Amelia his wife.

By Mr. Cosby—2. a bill further to regulate the court of Appeals.

By Mr. S. Daveiss—3. a bill for the benefit of the Centre College.

By Mr. Mayo—4. a bill to authorize the county court of Pike to lay an additional levy.

By Mr. J. G. Hardin—5. a bill further to provide for opening and keeping in repair the road from Danville to the Tennessee line in the direction of Murfreesborough.

By Mr. Gordon—6. a bill to authorize sheriffs to receive executions emanating from the offices of justices of the peace in certain cases.

By Mr. Prince—7. a bill to amend an act to establish the town of Wadsborough in the county of Calloway and to provide for the sale of lots.

By Mr. Wingate—8. a bill to provide for the running and marking the county line between the counties of Owen and Grant.

By Mr. Robertson—9. a bill allowing an additional justice of the peace to Adair county.

Which bills were severally received and read the first time and ordered to be read a second time.

**Ordered,** That the public printer forthwith print 150 copies of the second bill for the use of the members of this house.

And thereupon the rule of the house, constitutional provision and second readings of the 4th, 5th, 8th and 9th bills being dispensed with, the 4th, 5th and 8th bills were severally ordered
to be engrossed and read a third time, and the 9th was committed to a select committee of Messrs. Wade, Napier, Riddle and Sterrett.

And thereupon the rule of the house, constitutional provision and third reading of the 4th and 8th bills being dispensed with and the same being engrossed,

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That Mr. Mayo carry the said bills to the Senate and request their concurrence.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Turner—1. a bill to regulate the proceedings on executions and for other purposes.

On the motion of Mr. Thruston—2. a bill to alter the time of holding the terms of the county courts of Jefferson.

On the motion of Mr. Wickliffe—3. a bill giving further time to the Independent Banks of this Commonwealth to close their concerns.

On the motion of Mr. Rodman—4. a bill to authorize the sheriff of Oldham county to collect the muster fines for the year 1823 and 1824 in that part of the county that was taken from Henry formerly part of the 88th regiment.

On the motion of Mr. Rowan—5. a bill to incorporate the town of Louisville.

On the motion of Mr. Triplett—6. a bill for the benefit of securities in certain cases.

On the motion of Mr. Spalding—7. a bill for the benefit of the Union county Seminary—and

On the motion of Mr. Carter—8. a bill to establish the true line between the counties of Bracken and Pendleton and for other purposes.

Messrs. Turner, Booker, Morris and Breck were appointed to prepare and bring in the first; Messrs. Thruston, Rowan and Joyes the second; Messrs. Wickliffe, Brown of Harrison and S. Daveiss the third; Messrs. Rodman, Samuel and Crittenden the fourth; Messrs. Rowan, Thruston and Joyes the fifth; Messrs. Triplett, Samuel and Chenowith the sixth; Messrs. Spalding, Morris, Stephens and Hardin of Nelson the seventh, and Messrs. Carter, Fulton, Morgan and Mullens the eighth.

The house proceeded to consider the resolution laid on the table on the 30th instant, by Mr. S. Daveiss, for appointing joint committees to examine the reports from the Bank of the Commonwealth and branches, which being twice read, and amended, was adopted.

Ordered, That Mr. S. Daveiss carry the said resolution to the Senate and request their concurrence.
Mr. Holt read and laid on the table the following resolution:

Whereas Transylvania University is a state institution, established by the Commonwealth of Virginia, and fostered by the Legislature of Kentucky since the separation, for the benefit of each rising generation, and is one of the nurseries of the future Legislators, and Judges, and Statesmen of our country, and is important that the government of such an institution, created and sustained by the public resources, should accord with the sentiments of the people throughout the state, to whom it properly belongs, and should maintain their confidence and support and be calculated to cherish and perpetuate the republican principles of our political system; to effect these objects,

Resolved by the General Assembly of the Commonwealth of Kentucky: That it is expedient for the General Assembly frequently to exercise the power of appointing Trustees for said institution.

Resolved further. That it is expedient for this General Assembly to elect a board of Trustees for said University and that they will proceed on the day of to have an election.

The Speaker laid before the house a letter from the Chairmen of the Committee of the Trustees of the Asylum for tuition of the deaf and dumb at Danville, relative to the concerns of said institution, which was received, read and referred to a select committee of Messrs. New, Wade, S. Daviess and W. Robertson.

Mr. Rowan presented the petition of Isaac B. Desha, representing that he is now confined in the jail of Fleming county on a charge of murder; and that from the prejudices existing against him in said county, he cannot in his opinion obtain a fair and impartial trial, and praying a change of venue.

Which petition was received, read and referred to a select committee of Messrs. Rowan, Buckner, and McConnell (of Woodford.)

The house proceeded to consider the second resolution, reported by the committee of Propositions and Grievances on the 16th instant, for the formation of a new county, out of parts of the counties of Warren, Hart, Grayson and Butler; which being twice read, was concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to said resolution.

The bill reported by Mr. Booker on the 18th inst. to revise and amend the execution laws of this Commonwealth was read the first time and ordered to be read a second time.

Ordered, That the public printer forthwith print 150 copies, of said bill for the use of the members of this house.
On motion—Ordered, That a bill to provide for the sale of vacant lands west of Tennessee river, be made the order of the day for to morrow.

A message was received from the Senate, announcing the passage of a bill which originated in this house entitled an act for the benefit of John Coeke, with amendments.

The following bills were severally read a second time:

1 A bill further to regulate the valuation of taxable property in this Commonwealth.
2 A bill to regulate the pay of the members of the General Assembly, and
3 A bill to amend the law vesting in the Circuit courts the power to decree divorces.

The first was ordered to be engrossed and read a third time to-morrow.

The second was committed to a select committee of Messrs. Hodge, Simpson, and Watkins.

And the third to a select committee of Messrs. M. Hardin, W. Patterson and Shortridge.

An engrossed bill entitled an act to amend and explain the penal laws was read a third time.

And then the house adjourned.

WEDNESDAY, NOVEMBER 24, 1824.

Mr. Stephens presented the petition of sundry citizens of Campbell county, praying that a law may pass to remove the seat of justice of said county to the town of Newport.

Mr. Gordon presented the petition of the widow and heirs of Isaac Flannery, praying that a law may pass to remit the balance of the state price due on a tract of land owned by said Flannery, in Livingston county, and to authorize a patent to issue to them for the same.

And Mr. Hunter presented the petition of Catharine Robinson, praying a divorce from her husband, Abner Robinson.

Which petitions were severally received, read and referred: the first to the committee of propositions and grievances; the second, to a select committee of Messrs. Gordon, Morris, and A. H. Davis; and the third to the committee of religion.

Mr. Cunningham, from the committee of claims, made the following report, viz:

The committee of claims, have, according to order, had under consideration several petitions to them referred, and have come to the following resolutions thereupon, viz:

Resolved, as the opinion of this committee, that the several petitions of James Robinson, James Rogers, and Jacob Hall—
Committees of Lunatic's, praying the passage of a law making them certain allowances, is reasonable.

Resolved. That the petition of Gen. John Adair, late Governor of Kentucky, praying the passage of a law directing the Auditor to settle his accounts, agreeable to the depreciation existing at the several times when his salary was received, making the same equal to specie—is unreasonable.

Resolved. That provision be made by the passage of a general law, for the payment of guardians of lunatic's, who have maintained and supported them after the first day of May last, until further notice was given that the Lunatic Hospital was in complete operation.

Which being twice read, the first and third resolutions were concurred in, and the second laid on the table.

Ordered, That the said committee prepare and bring in bills pursuant to the first and third resolutions.

Mr. Napier, from the select committee to whom was referred a bill allowing an additional justice of the peace to Adair county, reported the same with an amendment, which being twice read, was concurred in. And the said bill as amended, ordered to be engrossed and read a third time to-morrow.

Mr. Hodge, from the joint committee appointed to examine the Register's office, made the following report:

The joint committee of the Senate and House of Representa-
tives, appointed to examine and report the state of the land office, have performed the duty required, and report as follows: That they find transcribed from the Virginia land office 273 bundles of surveys neatly labelled, with an alphabet; also 15 bundles containing the caveatted and defective surveys, on which grants have issued; 4 bundles caveatted surveys; two bundles defective surveys, and one bundle surveys misplaced from their proper bundle. all neatly labelled, and recorded in eleven volumes, well bound, with a complete alphabet; two bundles of warrants located and mislaid, one bundle copies of wills; sixteen volumes the record of grants issued on the aforesaid surveys, in good order, with a complete alphabet; the record of military warrants from the Virginia land office, in two volumes, with alphabets in good order; a list of Virginia treasury warrants in two volumes; the record of pre-emption warrants in one volume, containing the record of warrants under the proclamation of 1763, with alphabets and in good order; commissioners certificates granted in 1779 and 80, in three volumes, with alphabets in good order; the sale books of non resident's lands for the years 1800, 1, 2 and 4, have a new alphabet; the books are somewhat worn. The books in which the sales of 1805, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, are recorded, they find in good order, with alphabets; two volumes
in which surveys have been registered since 1793, in good order.

The said surveys are tied up in 144 bundles, neatly labelled, with an alphabet. The record of those surveys, together with the record of some grants is in ten volumes with an alphabet, in good order. The grants issued on the aforesaid surveys, are in twenty volumes, to which there is an alphabet in good order. The surveys upon head right claims are neatly registered in three volumes with two alphabets, one of which is somewhat worm. The head right plats and certificates of survey are filed in 307 bundles, neatly labelled and recorded in seventeen volumes, with two alphabets in good order; the grants issued thereon recorded in twenty six volumes, well bound with two alphabets in good order; the land warrants issued under the act of 1800, the surveys and grants on the same, as also the Tellico surveys and grants are in two volumes; they are registered in one volume—the original surveys tied up in twelve bundles and neatly labelled, all in good order; nine bundles certificates on which warrants have issued; seven bundles certificates of sale of non resident's lands, on which deeds have issued; one bundle Attorney General's opinions to the register; three bundles county court certificates; eight bundles caveats since 1792; four bundles caveated surveys since 1783; two bundles of surveys not registered for want of fees since 1792; one bundle defective surveys since 1792; twenty six bundles vouchers, on which the late Kentucky land warrants have issued, all neatly labelled and in good order; one volume containing the surveys under the proclamation of 1763, with an alphabet; two volumes of certificates granted in 1796 and three volumes in 1798 with alphabets; Anderson and Craghan's military entry books in two volumes with alphabets; the transcript of Lincoln entries in two volumes with an alphabet in good order; May's entries, so called, transcribed in five volumes with two alphabets in good order; one volume of Green's deputy register of surveys made previous to June 1792; one volume relinquishments in tolerable order; a list of Kentucky warrants issued under the act of 1814, and the subsequent acts in two volumes, and the record of said warrants in seven volumes. The original surveys made on said warrants are tied up in 175 bundles, neatly labelled and recorded in nine volumes, well bound; the grants issued thereon recorded in 15 volumes, well bound, with an alphabet in good order; said surveys are neatly registered in two volumes with an alphabet in good order; three volumes in which caveats are recorded, with alphabets; eleven books of original entries from the county of Fayette, neatly transcribed in four volumes, well bound with an alphabet in good order, agreeably to an act of Assembly approved fifth January, 1824. One book of original entries from the county of Mercer, one from Bourn-
hon. one from Nelson, have been returned by the surveyors of said counties to the Register's office, agreeably to the requisitions of an act approved February 12th, 1820, all of which books of entries are in order fit to be used. (The surveyor of Jefferson county has failed to return the original entries of that county to the Land office.) One volume of military grants West of Tennessee river, one volume in which the surveys are registered and neatly tied up in one bundle, one volume in which grants are recorded of lands West of Tennessee river sold; one volume Henderson's field notes, the book not well bound.

Your committee will add, in conclusion, that the Register not only manifested great promptitude and attention to them in effecting the examination; but they found that great attention had been paid to the arrangement and preservation of the books and papers of the office.

The surveyor of Woodford, it appears, has not returned his book of entries, agreeable to an act of the General Assembly passed 5th December, 1821.

JOEL YANCEY,
MARTIN BEATY,
H. B. MAYO,

From the Senate.

JOHN MARKSBERRY,
W. HODGE,
URIAH GRESHAM,
MARTIN HARDIN,
CLAYTON MILLER,
S.UEL STONE,

From the House of Representatives.

Which was received and read.

A message from the Governor by Mr. Loughborough:

Mr. Speaker—I am directed by the Governor to lay before this house a message in writing.

And then he withdrew.

The said message was then read as follows:

Gentlemen of the Senate,

And of the House of Representatives:

I transmit to you, enclosed herewith, an official communication, addressed to me by the Keeper of the Kentucky Penitentiary.

JOS. DESHA.

Nov. 24, 1824.

Ordered, That the said message be referred (with the accompanying letter of the Keeper,) to the committee to whom was referred the memorials of Joel Scott and Benjamin Hensley.
OF REPRESENTATIVES.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.:

By Mr. Buford, from the committee of propositions and grievances—1. a bill for the benefit of Henry G. Mitchell and Ezekiel Jenkins.

By Mr. Cosby—2. a bill further to establish a new county out of parts of Warren, Hart and Grayson counties.

By Mr. Miller—3. a bill for the benefit of Archalus A. Strange of Adair county.

By Mr. Mayo—4. a bill to establish the town of Pikeville in the county of Pike.

By Mr. Thomas—5. a bill for the benefit of Henry Miller and Peter Anderson.

By Mr. Rowan—6. a bill to change the venue in the case of Isaac B. Desha—and

By Mr. Shortridge—7. a bill to create a new Judicial District on the North side of the Kentucky river.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of the 3rd, 4th, 5th, 6th and 7th bills being dispensed with, the 3rd, 4th and 5th were severally ordered to be engrossed and read a third time—the sixth was committed to the committee for courts of justice; and the seventh to the committee appointed to prepare and bring in a bill to reorganize the Court of Appeals.

And thereupon, the rule of the house, constitutional provision and third reading of the fifth bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Thomas carry the said bill to the Senate and request their concurrence.

A message was received from the Senate, announcing the passage of a bill, entitled an act for the relief of William Yates—and the passage of a bill, which originated in this house, entitled an act to allow additional justices of the peace in certain counties of this commonwealth, with amendments.

On the motion of Mr. Booker—Ordered, That leave be given to bring in a bill to amend an act entitled, an act to carry into operation the Lunatic Asylum; and that Messrs. Booker, Wickliffe and Breck be appointed a committee to prepare and bring in the same.

Mr. Cosby moved the following resolution, viz:

Resolved by the House of Representatives, That a committee of nine be appointed to prepare and report a bill to remove the seat of government from the town of Frankfort, to some more
central and eligible site in this Commonwealth, and that said committee be, and they are hereby instructed to appoint, by said bill, three commissioners, who shall ascertain the centre of the state—in the ascertaining of which they shall have due regard to the geographical centre of present and probable future population, and said site shall be located at the most eligible point within miles of the centre thus ascertained.

Which was twice read; It was then moved and seconded to postpone the further consideration of said resolution until the first day of June next.

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

The yeas and nays being required thereon by Messrs. Mullens and Cosby were as follows:


The said resolution was then amended, by striking out the words printed in italics.

The question was then taken upon the adoption of said resolution as amended, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and Mullens were as follows, viz.:


Messrs. Cosby, S. Daviess, G. Robertson, Buckner, B. Hardin, Garth, Maupin, Woods and Morris were thereupon appointed a committee pursuant to said resolution.

It was then moved and seconded, that the house do now proceed to consider the resolution laid on the table by McConnell of Woodford on the 5th instant, for appointing a joint committee to enquire into the expediency and practicability of rebuilding the capital within the present walls, and the amount of appropriations necessary to do so.

And the question being taken on taking up said resolution for consideration, it was decided in the affirmative.

The yeas and nays being required thereon by Messes. Forrest and

were as follows:


The said resolution was then twice read:

It was then moved and seconded to postpone the further consideration of said resolution until the first day of June next.

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

The yeas and nays being required thereon by Messrs. Mullens and Carter were as follows, viz:


An engrossed bill entitled, an act to amend and explain the penal laws, was committed to a committee of the whole house for Monday next.

Mr. Payne presented the petition of Patrick Shields and David Heran, praying compensation for their services and a remuneration of their expenses in apprehending Joe Bowman a fugitive from justice who was guilty of horse stealing.

Which was received, read and referred to the committee of claims.

A bill for the benefit of the Centre College, was read a second time and committed to a select committee of Messrs. S. Daviess, Wade, Cunningham and W. Robertson.

And then the house adjourned.

THURSDAY, NOVEMBER 19, 1824.

Mr. Mullens presented the petition of Elizabeth Grace, praying a divorce from her husband Sanders Grace.

Mr. A. H. Davis presented the petition of John McLaughlin, representing that he is blind and poor and has a family of grand children to support, and praying a grant of land south west of the Tennessee river, in consideration of his services during the revolutionary war.

Also the petition of Frances Reynolds widow of Joseph Reynolds deceased, representing that she has fourteen children, five of whom are idiots; that she is settled on the public lands south west of the Tennessee river, and praying that a law may pass to grant her and her children a quarter section of land
during life in lieu of the provision made by law for the support of idols.

Mr. Crittenden presented the petition of sundry citizens of Spencer county, residing in that part of said county, taken from the county of Shelby, praying to be reattached to the county of Shelby.

Mr. G. Robertson presented the petition of sundry citizens of Garrard county, praying that a law may pass to allow them to erect a fish trap, in the Kentucky river below the mouth of Sugar creek.

Mr. Gordon presented sundry remonstrances from the citizens of Livingston county, against the formation of a new county out of a part of said county.

And Mr. Morehead presented the petition of sundry citizens of Logan praying that a law may pass to protect them from speculators, and suggesting the means by which the object can be partially effected.

Which petitions were severally received, read and referred: the first to the committee of religion; the second and third to a select committee of Messrs. A. H. Davis, Gordon, W. Wilson and Prince; the 4th, 5th and 6th to the committee of propositions and grievances; and the seventh to a select committee of Messrs. Morehead, W. C. Payne, Tripitt and Rowan.

Mr. Prince from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled viz:

An act to authorize the insertion of certain advertisements in the Kentucky Farmer.

A bill to authorize the taking of depositions in certain cases at common law.

An act for the benefit of Henry B. Montague.

An act for the benefit of Thomas Burress a free mulatto.

An act to authorize the inhabitants of the town of Owensborough, to elect the Trustees of said town.

An act for the benefit of James McCaughan.

An act to establish the line between Oldham and Henry counties.

An act for the benefit of Barbara Price.

An act to provide a room for the court of Appeals to set in, and for other purposes.

An act for the benefit of Peter Mills.

An act to extend indulgence to the Judges of the 13th and 11th judicial districts.

And an act to annul the marriage of George and Polly Utley. Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince, inform the Senate thereof.

After a short time Mr. Prince reported, that the said bills,
had been deposited in the office of the Secretary of state, for
the approbation and signature of the Governor.

Mr. S. Daviess from the committee of propositions and griev-
ances made the following report, viz:

The committee of propositions and Grievances, have ac-
cording to order, had under consideration, several petitions to them
referred, and have come to the following resolutions thereupon,
to-wit:

1. Resolved, as the opinion of this committee, that the petition
of sundry citizens of the counties of Gallatin, Boon and Grant,
praying for the formation of a new county out of parts of each
of each of said counties, be rejected.

2. Resolved, That the petition of sundry citizens of Owen coun-
ty, praying an election precinct, is reasonable.

3. Resolved, That the petition of sundry citizens of Pulaski
county, praying to be added to Whitley county, is reasonable.

4. Resolved, That the petition of sundry citizens of the counties of Adair, Cumberland and Wayne, praying for the
formation of a new county out of parts of each said counties, be rejected.

5. Resolved, That the petition of James F. Nall praying the
passage of a law legalizing the sale of a certain slave belonging
to his ward, is reasonable.

6. Resolved, That the petition of sundry citizens of Cum-
berland county, praying an election precinct, be rejected.

Which being twice read the 1st and 3rd resolutions, were re-
committed to said committee; and the 2d, 4th, 5th, and 6th con-
curred in.

Ordered, That the said committee, prepare and bring in bills,
pursuant to the second and fifth resolutions.

Mr. McConnell (of Woodford) from the committee of reli-
gion made the following report viz:

The committee of religion have, according to order, had un-
der consideration the petitions of sundry persons to them refe-
red, and have come to the following resolutions thereupon, to-
wit:

Resolved, That the petition of Sally Buster, praying a divorce
from her husband Robert Buster, is reasonable.

Resolved, That the petition of John Neff praying a divorce
from his wife Nancy Neff, is reasonable.

Which being twice read, the first resolution was concurred in,
and the second recommitted to said committee.

Mr. Rowan from the committee appointed to enquire into
the official conduct of the Judges of the court of Appeals, made
the following report viz:

The joint committee raised upon that part of the Governor's
communication which relates to the official conduct of the Judges
of the Court of Appeals, have had that subject under consideration, and beg leave to report: That the Judges of that Court, at their last fall term, pronounced a decision, in the cases of Blair vs. Williams and Lapsley vs. Brashear, nullifying, in effect, the laws of this state in relation to replevin bonds, to forthcoming bonds, to the valuation of property subjected to sale under execution, to the sale of property under execution upon a limited credit, and even to the occupying claimants of land, and circumscribing, by the reasoning which it employs, and in the principles which it attempts to establish, the legislative power of the government, within a compass too narrow to be exercised usefully or beneficially to the community. The encroachment made by that opinion, upon the constitutional and legitimate powers of the legislative department, and upon the great principles of self-government by the people, in the exercise, by that department, of its appropriate powers, and the afflicting degree in which it was calculated to disorder the social relations throughout the community, could not, and did not, escape the discernment and vigilance of our late excellent and patriotic Chief Magistrate, General John Adair. In his communication to the Legislature, at the last session of that body, he invited their attention to the importance of that decision. The committee to whom that part of his communication was referred, made a report sanctioning the decision and asserting the right of the judicial, to check and control the legislative department in the exercise of its legislative powers. The Legislature, by appropriate preamble and resolutions, repelled the doctrine of the report, asserted the error of the principles of the opinion, and in affirmation of their sentiment, superadded a cautionary enactment, entitled “an act to regulate the issuing of executions,” approved January 20, 1824. Thus an issue was distinctly formed between the two departments, and referred to the people, that august and paramount tribunal, from whose decision there can be no appeal by either party. They, it is believed, have made up their verdict, and it remains that their representatives should, at the present session, give it effect, and enrol it in the archives of the state. Their opinion is not the effervescence of popular excitement; it is the result of a deliberation, calm and dispassionate in a degree proportioned to the magnitude and importance of the question, viewed in all its aspects. They have not, in the consideration of this matter, been either ignorant or regardless of the boundaries which limit the rights and duties of the contending departments; nor have they overlooked the great political principles with which those rights and duties are respectively connected, and upon a just observance of which, by each, the welfare and repose of society essentially depend. They have not been convinced by reflection, nor seduced or derided into the belief that
the Judiciary possess the right, by the constitution of the State, or upon the natural and acknowledged principles of fitness, upon which all free governments are based, to check and control the legislative department in the exercise of its power.

It is a principle of axiomatic character, that in every government there must exist a controlling and paramount power, competent to all the purposes of government; that to this, all other fragmentations of power must be subordinate and amenable. It is a principle not less obviously clear, that in free governments that power is inherent in the will of the people, and that in such governments the will of the people is the sovereign power of the State. It is also equally obvious, that that power is the result of the social compact; that from that compact, as from its natural radix, flow all obligations of a political and legal character; and that the obligation of the social compact, upon all the members of civil society, results from their having each freely assented to it; and hence it follows as a clear and self-evident principle, that all obligation amongst men results from the exercise of volition, express or implied. Volition is the elementary and primary ingredient in obligation. But the social compact and the constitution are not, as some have urged, one and the same thing. They are distinct and essentially different things. By the social compact, the members of it agree to live together in a state of civil society, and for the protection of their rights, their property and their persons, to submit them all to the regulation and the control of the will of the society. When this compact is formed, the society becomes thereby a corporate existence, a moral agent, and is invested with all the attributes and faculties of moral agency; it is an entirety; it thinks, reflects, reasons, wills and acts. The earliest employment of its faculties, is in the organization of its government. It delineates, in its constitution, the form of the government of its choice. But unanimity is not, as it was in the formation of the compact, necessary to the validity and obligatory effect of the constitution. It was settled by the compact, that the will of the majority should govern. That is the only rational exposition of it, as to that matter. The majority were, therefore, competent to the formation of the constitution. The constitution may be altered, amended or abolished, without throwing society back into a state of nature, or at all impairing its corporate existence of moral agency, or even essentially endangering its liberty; for its liberty must, in every posture in which it can place itself, depend upon its will, and that will must, according to the inherent laws, both of matter and of mind, display itself in its preponderance. Neither the compact nor the constitution contains any stipulation for a minority, or a majority, as such, or for the component parts of either, in their minority or majority character. The
members of each, stand bound to abide by the general will; and that will, except in a few cases otherwise provided for in the constitution, must be promulgated, whether in giving form to the government or in the enactment of laws, through the medium of the majority. All that is said, therefore, about the rights of minorities, is incompatible with the very nature of civil society. Every just conception of the social compact, and of the constitution, forbids the idea, and every proposition in relation to the rights of a minority as a dissentient portion of the community, is a solecism in politics, of the most palpable kind.

The rights of each member of society, must, from the nature of government, depend upon the will of all, and that will must be displayed by the agency or expression of the majority. The rights of all are equal, homogeneous and correlative, and depend alike upon the general will. The majority is the channel through which the stream of that will must, to be efficient, flow. The minority is the divergent tendency of a portion of its volume, which, by meeting with resistance in its lateral direction, forms a temporary eddy, and again disappears by its confluence with the general stream. The presumption is, always, that the minority is wrong; and the only right which it has, is to escape from that imputation by endeavoring to become, through its enlargement, the majority, and in its success, to lose, with its existence, its right.

It has been said, that the will of the people, in civil society, constitutes the sovereignty of the state; that sovereignty is essentially a moral force, of unlimited extent, and in its elementary state, consisted in the will of each individual member of society, anterior to the social compact; for man is social, and lived in society even in a state of nature. The compact gives rise, not to society, but to the corporate agent, the moral personage called civil society. In civil society, each of its members exerts a double will, the one as a commiserator of nature, the other as a member of the corporate body. The first is erratic, impulsive and selfish; the other is social, or rather, political, and its state of confluence with the like will of the other members, is, like that of those with which it is associated, pure, enlightened and disinterested. It is this confluent will which gives form to the government and law to the community; which displays its power in the constitution, and the code which controls, restrains and regulates the selfish will of individuals. It possesses all the attributes of supremacy, and is, in every state of civil society, the unerring arbiter and uncontrolled sovereign of the state. It is this will, and this alone, which imposes in the constitution the only check upon legislation which it can recognize, or to which it can submit. Any check or control of the legislative power,
from any other quarter, or of any other kind, is neither more nor less than tyranny.

The limits prescribed in the constitution to the legislative power, are but the modes in which the sovereign has ordained that that power shall be exerted; for the ordination of fundamental rules, and the enactment of laws, are alike the exercise of the sovereign power. It is from that consideration, that both the constitution and the code derive their authority. The settled canons of our political rights and of sovereign agency, are proclaimed in the constitution. For our civil rights, we examine the code. The Legislature, in supplying the code, display the will of the people, limited only by their own pre-ordinations in the constitution, and that government only is free, which knows no restraint upon the exercise of its legislative faculties, which was not imposed by itself in its organization; and among free governments, that is freeest in which no restraint upon its legislative power is to be found in its constitution, which is not essentially necessary to its existence and well-being. It is by legislation only, that an organized government can express its will, and as the freedom of an individual is diminished or extinguished by the partial or total control of his will, so is the freedom of government diminished or extinguished by the partial or total control of the legislative power. Any people, therefore, which imposes in its constitution a restraint upon the exercise of the legislative power, not necessary to the well-being of the government in so far, uselessly diminishes its liberty; for, as in the animal body, the exercise of voluntary action is limited only by that mechanical action of the vital organs, which is necessary to the circulation of the fluids, upon which life depends; so, in the body politic, the power of legislation should be limited by that display only of fixed will in the constitution, which is necessary to its living and healthful state.

But it is urged, that the representatives of the people may err in the enactment of laws, and that therefore, the exercise of the legislative power should be subject to the check and control of the judiciary. Why should they be subject to the control of the judiciary, rather than of the people, the only and legitimate sovereign? May not the judiciary err also, in the exercise of the controlling power? Are they less liable to err than the Legislature? But would not the skein of legislative power be strangely striped, if the control of the Legislature were taken from the people, to whom its members are immediately and directly responsible, and transferred to the Judges, to whom they bear no responsible relation? And is it not strange that the power to control the Legislature should be ascribed to the Judges, who are, themselves, immediately responsible to that body, as the
organ of the people? But in controlling the only organ by
which the people can express their will, would not the Judges
control the people themselves? But the necessity of the control
of the legislative power by the judiciary, is not perceived.
Does either reason or the experience of governments, sanction
it? It is believed not. The most solemn and eventful display
of the legislative power which can be made by any people, is
made in the organization of their government, in the formation
of their constitution; and yet, so far from their being availed
in that interesting process, of the controlling wisdom of the judi-
ciciary, the Judges are, by it, then only for the first time,
brought into existence, and that only in contemplation. It is
reserved by that instrument, for the Legislature, the very body
whom they assert the right to control, to create them, and pre-
scribe their duties; and it would seem, that if the people were
wise and virtuous enough to be trusted with the organization of
the government, and with the specification and recognition in
the constitution, of their great and essential rights, they ought
to be supposed to be wise enough to enact laws for its adminis-
tration—the latter as well without the control of the judiciary as
the former. The same people that formed the constitution, enact
the laws; and if they were equal to the former, they ought not
to be supposed to be incompetent to the latter. Judicial control
cannot be more necessary in the performance of the latter, than
of the former; but the people, it is admitted, are sovereign, and
the Legislature is the only organ by which they can express
their will. To control, then, that only organ, is to control the
people. But they cease to be sovereign when they are controll-
ed, and the Judges who control them become the sovereign.
This theory, then, of judicial control, eventuates in a curious
spectacle—the creature controlling the creator—the subject, the
sovereign; for the people, through their legislative organs,
created the judges.

Again; it is certainly more rational to leave the control of
the legislative power where reason and the constitution seemed
to have placed it, in the annual and direct responsibility of the
representatives to the people, than to concede it to the Judges.
The concession would imply a surrender by the people of the
governing power to the appellate court; for it is by legislation
only, that the governing will of the people is displayed. That
is essentially their mode, as they have ordained it in the consti-
tution, of governing themselves. But why is it urged that the
surrender should be made to three? Why not to one? Is not the
reasoning in favor of the control of the power of legislation by
the three, as much stronger in favor of the control of the people
by one, than of their self-control, as three is numerically nearer
to one than to half a million? If the Judges possessed the parity
and wisdom of archangels, it would be unwise to concede to them the power contended for, unless they were also immortal; for however wisely and beneficiently they might exercise it, their successors might exert it wickedly and oppressively. Besides, if the principle were once conceded, some ambitious aspirant might relieve them of the trouble of exerting the controlling power, and take it with the entirety of legislation into his own hands.

Again: it is said that the judiciary is the weakest department in the government, and that there is security against the injurious exercise of the controlling power asserted for the judges, in its weakness. If the judicial were really weaker than the legislative department, then would the doctrine of their right to control the exercise of the legislative power, be as absurd on philosophic, as it is erroneous on political principles. It would be to assert that the minor could control the major. But is the judicial, really the weakest department of the government of Kentucky? The extent of the jurisdiction of the appellate judges, their tenure of office for life, and the exemption which their decisions enjoy from revision, reversal or control, would seem to indicate great strength in that department. They have society in their power, by having the dearest interests of every one of its members liable to be drawn into contest before them, and decided irreversibly by them. The extent and character of their jurisdiction, is calculated to impress awe upon all, and to excite by its perversion, the sympathy of but few. The worst decision, where individual interests only are involved, can affect afflictingly but one of the parties. The sufferer experiences the condolence and sympathy of his immediate connexions and friends only, and they form but an inconsiderable portion of society; and even they may feel constrained to be silent, lest by awakening the resentment of the judges, they should in time experience the like fate. It is only when, as in the cases above alluded to, the judges attempt to fasten upon society, principles incompatible with its fundamental rights, and to prostrate the remedial system, upon which its interests and its tranquility repose, that public attention can be awakened to judicial aberration and frailty; and even then, the strength of the department is displayed in the almost inaccessible posture of its incumbents. That the judicial department is in its political organization weaker than the legislative department, it is not less the felicity than the pride of the people of Kentucky, to know and believe. Hence, it is believed that it was not the intention of the people, that the latter should be controlled by the former. But that it is strong adventitiously, at least, is evinced by the efforts made, as well by its incumbents as others, to sustain the obnoxious de-
cision alluded to, and to prostrate the remedial system of the state.

Those who acknowledge the right of the people to govern themselves, and that their power to do so is supreme, and consists in their will, usually display a seeming reverence at least for their supremacy. What but an illusive consciousness of their strength, could have restrained the appellate judges from doing so? There is a majesty in public will, which it requires great confidence to defy; there is a force in it, which it requires great strength to resist. The constitution forms the only limit to its power; and it remains to be seen, whether it has furnished to the appellate judges a posture of exemption from the arbitrament of public sentiment.

But may it not be confidently asserted, that the people, in the construction of the legislative department, interwove in its machinery, by constitutional provisions, the only checking and controlling powers to which they intended to subject it? That department consists, according to the constitution, of the House of Representatives, the Senate, the Lieutenant Governor and the Governor. The members of the first are elected annually, and serve one year only; those of the second are elected for, and serve four years, and one fourth of them are moreover elected annually. The Lieutenant Governor and Governor, are each elected for four years. The members of the House of Representatives must have arrived at the age of twenty-four years; those of the Senate at the age of thirty-five, before they become eligible to their respective branches. No person, while he continues to exercise the functions of a clergyman, can be elected to a seat in either house. No person who shall have been either a principal or deputy collector of taxes, can be elected until he shall have paid into the Treasury all arrears, and obtained from that department a quietus. There are superadded also qualifications as to the residence of the members of both bodies, and of the Governor and Lieutenant Governor. Both branches shall keep journals of their proceedings, and any two members of either branch, may, by calling for the yeas and nays, have the vote of the house recorded on the journals. The journals shall, moreover, be published weekly. The Lieutenant Governor shall preside in the Senate, and maintain order in that body, and in case of a division, give the casting vote. The Governor shall approve and sign every bill, or send it back to the branch in which it originated, with his written reasons for withholding his signature. Those reasons are to be spread upon the journals, and the vote is then to be taken upon it by yeas and nays; in which case it requires a majority of all the members elected to both houses, to give it the force of a law, against his veto. Whence all this particularity, this almost redundant
caution in the process of legislation? Not, surely, with an eye to judicial control. Whence, but to permit those only to be employed in it, who were most capable of it, and to subject them, while engaged in it, to a strong consciousness of their responsibility to the people, and thereby to secure them against the indulgence of any erroneous, selfish or corrupt impulses whatever; to filter and clarify the stream of the people's will, from the impurities with which it might be tainted, by the channels through which it had to flow, before it should be crystallized into law? The members of the lower house are to be elected annually, that they may go into session with a knowledge of the wants of the people, and of their will in relation to those wants, fresh on their minds. They are elected but for a short time, lest they should pervert or disobey that will; lest by mistaking the impulse of a portion, for the will of the whole people, they might inflict lasting ills upon the community. The period of their service is short, that their responsibility may be the more direct, and their consciousness of it the more vivid; that the ills inflicted by their errors, might be the more speedily corrected by their successors. The members of the Senate are elected for four years, for the purpose of checking and controlling any feverish, impulsive, or tumultuous tendency which might be displayed on the part of the immediate representatives of the people; while the latter, in turn, were intended to check and control any aristocratic direction which that body might, owing to its more remote and less responsible posture, be disposed to take. The Governor's limited legislative power was superadded, as a check upon both, in the maintenance of that equipoise between them, in the exercise of their respective powers, which would be alike remote from the evils of anarchy and aristocracy. The term of his service, his incapacity for immediate re-election, and his remote exemption from the power of either branch, qualified him admirably for the exercise of a limited control over both. To all these cautionary provisions, there is superadded in the constitution, the provision that every bill, order or resolution, before it can have the effect of a law, must be read and free discussion had thereon, on three several days, in each house, unless four fifths of the members shall dispense with the rule. Surely, if the one hundred members of the House of Representatives, the thirty-eight of the Senate, the Lieutenant Governor and the Governor; possessing the qualifications, occupying the postures, and performing the duties prescribed to them in the constitution, cannot, in the exercise of the legislative power, secure the confidence and promote the comfort of society, that great object cannot be accomplished by superadding the control of the three Judges.
But is there any peculiar or intrinsic fitness in the judicial department, for the control of the legislative? Are they less frail and more inaccessible to the impurities which might taint the streams of public will, in their meanderings through the channels of the legislative process, and their more ramified meanderings throughout society? The Judges, appellate and subordinate, form a distinct official corps. They are, by their official situation, apart from the great body of the people, to a certain extent. Their number is comparatively small; their power, as has been shown, necessarily great. Their duties lead them to an intercommunion with each other and with the few in society, (rather than with the people,) who, by their wealth, as they by their salaries, are exempted from the usual employments of common life, and the consequent cares and inquietudes which are inseparable from the condition of the great mass of mankind; and it is this common condition of mankind, which needs and must always invoke the remedial energies of government, when they are needed. Habitudes of thought and of action, peculiar to the posture of rule and dominion, which the Judges occupy, are naturally superinduced; and being aloof from the people, they cannot be supposed to be sufficiently acquainted with their condition and their wants, to exercise usefully, either the legislative power, or safety to check and control its exercise.

But what ought, it is believed, to be decisive upon this subject, is, that both the departments are destitute of political power, further than they derive it from the people, the acknowledged source of all the power belonging to civil society. They are but functionaries; the one to promulgate the will of the people, the other to carry it into effect. The will expressed by the one, is the rule of the official conduct and duties of the other. But if the latter could control the former in the exercise of its legislative powers, then it could, by that control, regulate its own conduct and duties, by its own will, thereby uniting in itself, the legislative with the judicial power, contrary to the letter and spirit of the constitution. For, to control the will of any agent, is to deny to it the power of action, in any other mode, than according to the will of the controlling power. So that the power asserted for the judiciary, is, in effect, the power to control the people. It is the ascription to them, of the paramount and sovereign power of the state.

To this the people cannot consent. They acknowledge it to be the duty of the Judges to determine upon the validity of any law, when its constitutionality shall be drawn into contest before them, in any cause which it becomes their duty to decide. Their power to do so is incidental to their judicial duty, and must be
exerted under their official responsibility to the people, through their representatives. The law was enacted by those representatives under a direct responsibility to the people. The decision of the people, in relation to their responsibility, should be alike efficient, and alike acquiesced in by the members of both departments. It ill becomes the members of either, to question the power, or to distrust the integrity, or the intelligence of the people; for when the competency of the people to govern themselves is acknowledged, there is in the acknowledgment conceded to them, the intelligence, the virtue and the power necessary to all the purposes of self-government, the concession of the end being a concession of the means. A law, therefore, declared by the Judges to be unconstitutional and void, should be so obviously and palpably so, that the people, when their attention was drawn to the subject by the decision, would perceive at once, that their representatives had erred in its enactment, and sanction the declaration of its invalidity by the Judges.

The people have no motives, they can have none, to take part with the members of either department, unjustly or injuriously to those of the other. Their object is, and must necessarily be, the promotion of the general welfare. They cannot sanction or connive at any error or obliquity in either department, which threatens to contravene or thwart that great object. The general welfare consists in the enjoyment of his rights, political and civil, and the performance of his duties, by every member in the community. Political rights are seldom violated by individual aggression; and when individual rights are assailed by individual outrage, reparation is speedily awarded, while Justice regards the public will as the criterion of her awards. It is, as history and observation prove, from the official ranks that danger to the political and civil rights of society is to be apprehended. It is under the mask of the exercise of official duty that oppression is inflicted upon individuals, and fastened upon States. The vigilance of society should, therefore, be always awake to danger from that quarter.

Power of every kind should be watched by a free people, with a zeal proportioned to their regard for their freedom. But executive power installed for life, as in the Judiciary, should be the subject of jealous vigilance; and that vigilance should be displayed more especially in the enactment of its execution laws. It is the practical operation of these laws that forms the points of sensitive contract, between the force of public will and the individual sensation of the members of the community. It is at this point, that official malversation inflicts great agony upon society. This is the point at which legislative enactments should limit official discretion; and this is the point also at which the sensation of society pays the greatest homage to legislative
wisdom and power. For when the sheriff or the marshal seizes the property of an individual and bears it off, not ing but the authority under which he professes to act, distinguishes him from a robber or a tyrant. But the knowledge of the proprietor, that he is an officer, and that his property is in the custody, not of the individual, but of the law, to be dealt with, not according to the discretion of the man, but to the will of the will of the community, reconciles him to the measure, and tranquillizes his mind. The consciousness that the laws under which the seizure was made were enacted by the people, and that while they proclaim the liability of his property to seizure, they limit and define the authority, and prescribe the duties of the officer, in relation to it, has a mighty influence in winning his quiet acquiescence. The nature of the duties therefore, of the ministerial officers of justice, and the relations into which they are thrown in the performance of those duties, render it peculiarly proper, as well in relation to the security of individuals from oppression, as in relation to the tranquility of society and the authority of the government, that those duties and relations should not be left to judicial or ministerial discretion, but be defined by legislative enactments.

And that such was the intention of the people, is evinced by their constitution. There is no form given in that instrument in which an execution shall be made out. It designates no period at which it shall be issued, or within which, after it shall have issued, it shall be levied and returned. It is entirely silent as to the mode of proceeding in civil cases. Nothing is said about the writ original, intermediate process, or writ final. It enjoins, in the thirteenth section of the tenth article, that all courts shall be open, and every person, for an injury done him in lands, goods, person or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial or delay. But it furnishes no code of law, by the 'due course' of which justice is to be administered. It is not to be administered according to the discretion of the Judges; it is to be administered by the courts, 'without sale, denial or delay, according to the due course of law,' and as the 'law' by the 'due course' of which it is to be administered, is not to be found in the constitution, it must be looked for in the statute book. Not having been ordained by the people in their constitution, they must furnish it by their legislative enactments or the Judges must furnish it. But it is not pretended that the Judges can enact laws whereby to administer justice. They are to administer justice according to law, not to make laws. The Legislature, therefore, to enact the laws, by the due course of which justice is to be administered by the courts. Now, in furnishing the kinds of execution and prescribing the mode by which, and the time within
which, it should be executed and returned by the ministerial officers, the Legislature were left by the constitution to the free exercise of their discretion subject to the control of the people only.

But it is alleged that the clause of the constitution of the United States, which provides that "no state shall pass any ex post facto law, or law impairing the obligation of contracts," prohibits the legislature from exercising its discretion as to the time within which an execution shall be levied and returned. Those who urge that sentiment, must insist that every execution shall be levied and returned in the shortest possible time, and that the courts shall, in every instance, determine, from the circumstances of the case, what is that shortest time. But the fifth amendment to that constitution, provides, that no person shall be deprived of his life, liberty, or property, without "due process of law." But an execution deprives the defendant of his property. It must, therefore, be a "process" formed and regulated by 'law;' so that both constitutions alike prohibit the judges from administering justice according to their discretion, or to any other criterion than law.

But if an execution must be issued, levied and returned, in the shortest possible time, in every instance, then the mode of proceeding on the part of the ministerial officers, cannot be prescribed by the legislature, and the administration of justice cannot take place according to law, as prescribed by both constitutions. The discretion of the judges, exercised upon the circumstances and situation of the parties, and their proximity to, or remoteness from the office whence the execution emanates, must determine the time and furnish the rule in each particular case. The same discretion must be exercised in ascertaining whether the officer has performed his duty with the requisite dispatch; and what is worse this discretion must, in every instance, be exercised retroactively, to furnish the law of proceeding in each. Can any thing more tyrannical be conceived of? Upon this hypothesis, the rights of the people would be subjected, in the first instance, to, the discretion of the sheriff or his deputy, and in the last to that of the courts. Discretion, when exercised by the appropriate department, under the appropriate responsibility to the people, in the enactment of laws in relation to this subject, is the process by which a free people regulate their own concerns; exercised by any other description of magistracy, it is tyranny, and the people who acquiesce in its exercise, cease to be free.

But if it be conceded, as it must be, that neither the constitution of the state, nor of the United States, furnishes any execution law, and consequently that it is not less the right, than the duty of the legislature, to furnish those laws, it must be admitted that the enactment of a system of execution laws in-
Involves the exercise of legislative discretion—necessarily involves that exercise; for it is essentially matter of discretion, what shall be a reasonable time within which to levy and return an execution. A general rule upon this subject must be inferred from a comprehensive survey of the condition of society, and of all the causes, moral, political and physical, which may essentially affect its condition. But whatever is essentially and intrinsically matter of discretion, must abide the award of the power to which its ascertainment or decision is confided; and the enactment of execution laws, having, by the constitution, and the nature and fitness of things, been confided to the legislative department, and having been arranged settled and ordained by their discretion, must continue to be the rule of action, until altered by the same power. For whatever is incapable of being subjected to any fixed rule of ascertainment, must necessarily, if it be settled at all, be settled by the exercise of discretion, and result in opinion, and the opinion of the judges, if they had the right to form one, however different it might be, could not, according to their own well established doctrine, reverse that of the legislature. It is on this principle that all enlightened judges refuse to grant new trials, in actions of tort—actions in which, what ought to be the amount of the verdict, is essentially matter of opinion with the jury. The opinion of the court, that the verdict of the jury is for too much or too little, will not authorise its vacation or reversal; and simply for the reason that what its amount ought to have been, was, in its nature, matter of discretion—of opinion, and has been settled by the department whose province it was to settle it. If it might be reversed by opinion, the opinion reversing it, might, on the same principle, be reversed. There is no fixed rule by which it can be ascertained that the one opinion is more just and certain than the others, and proceedings would be endless and fluctuate upon discretion in relation to all matters depending upon its exercise, unless the first opinion were decisive. It is, therefore, in all such cases, necessarily decisive.

Upon this principle, which is alike imperiously true in law and politics, the legislative enactments in relation to executions and the mode of proceeding under them, should remain unversed by the Judges, even if it were conceded (which it is not) that they could, as in jury cases, take cognizance of the subject. But have the Judges the exclusive right to interpret the constitution for the citizens of the State? Is not the constitution as much the political text book of freedom, to the citizens of the State, as their articles of religious faith are, to the believers of any one religious denomination? And is it not the right, as well as the duty, of all the members of the religious society, to read and construe their book of faith for themselves? Would they be bound to adopt that exposition of it by their preacher.
which was at war with the fundamental principles of their association and their creed? And which ought they to change, their creed or their Pastor? Would not the members of the association, in that case, revolt at the idea of surrendering the right of expounding for themselves, and submitting to his heterodoxical dogmas? Would they submit to dissolve their society, or surrender their creed, rather than remove their Pastor? They are exclusively interested in the orthodoxy of their faith; they each have to suffer, or enjoy, as they shall believe and act correctly, or the contrary. Is it not precisely the same case in the political association? The members will enjoy or suffer according to their faith. But how can they believe, unless they understand; and how can they understand, unless they enquire, read and expound for themselves? In the religious society, the members of the association formed the articles of faith, and employed the Pastor, not, to make them a faith, but to preach according to the faith which they had made for themselves. So, in the political society, the Constitution is the book of the political faith of the members of the society. They made it, and they employed the Judges to preach or expound it according to their understanding of its import—according to their political faith. When the Judges, therefore, expound it contrary to the fundamental principles of their political faith, shall they surrender their faith, or, as the religious association did with their Pastor, remove the Judges.

The constitution is the people's, and when they cease to understand it, it ceases to be theirs. The general opinion of the import of the constitution, is necessarily and alone the constitution. It is the deliberately expressed will of the majority; and to suppose that there is not in society, intelligence enough to comprehend the purposes of its own deliberate will, in relation to the most essential rights of its members, and to the rights, powers and duties of its functionaries: is to assert that the people not only do not possess freedom, but are incapable of enjoying it; for, to the enjoyment and maintenance of freedom, there must be a capacity to comprehend the principles upon which it depends. When, therefore, the Judges have given an interpretation to the constitution, which is contrary to the general understanding of it by the community, an interpretation in which they cannot acquiesce, a decent respect for public opinion, especially when that opinion is deliberately formed and expressed, ought to induce the Judges to surrender it, or their offices. For it is unsuitable and incongruous, that public functionaries should wage war with public opinion. They are trustees, and when they lose the confidence of the cesta qui trusts, they should resign the trust. They are public fiduciaries and they should not
continue to be so, without the public confidence, and against the public opinion. They should not forget that public opinion is a tribunal of unlimited jurisdiction and correspondent power. There is nothing of which it does not take cognizance, from the most exalted, to the humblest subject of human concern. By what other standard do we settle claims to moral excellence, or intellectual pre-eminence, to delicacy of taste or propriety of conduct, to distinction in arms or in arts? It is this tribunal which awarded epic pre-eminence to Homer, dramatic supremacy to Shakespeare, and immortality to Washington. It is to public opinion we submit our claims to reputation, which is dearer to us than life itself. What is excellent in painting or exquisite in music; what constitutes the grand, the beautiful, the sublime in nature, as well as all that charms in art, are settled, and irreversibly too, by this august tribunal. Even the decencies and comities of life and of social intercourse, are settled by the same arbitress. And shall public opinion be competent to all this, and be unequal to the interpretation of an article in the constitution, be and ignorant of what constitutes the obligation of a contract?

The attempt by the judges in that decision, to prostrate the remedial system, which the legislature had enacted in obedience to circumstances of peculiar and restless pressure, by denying to society the power of accommodating its remedial enactments to its condition, and that too, upon subtle and metaphysical reasoning in relation to the obligation of a contract, by which to bring the power of legislation within the control of judicial discretion, in its exposition of the constitution of the United States, must have, it is believed, the reprobation of public opinion to an unqualified extent; and that reprobation must be strengthened by the consideration that two of the Judges, (Judges Mills and Owsley,) sanctioned in their legislative capacities, anterior to their elevation to the bench, by their votes in the legislative hall, the very principle, which, by their decision, they have attempted to vacate and annul. Each of those gentlemen voted for the enactment of replevin laws, as the records of the legislative department evince. They have all, at various times and repeatedly, sanctioned by their decisions, the principle, upon which the right to enact them is asserted by the legislature, and has been sanctioned in usage, almost time immemorial, by the people. As legislators, they believe with the rest of society, that there existed in the nature of things, a distinction between the obligation of a contract and the remedy furnished by the legislature for its enforcement; that the former consisted in the consent of the parties upon a valid consideration to the import of the contract; that the latter consisted in that modification of
the force of public will, which the discretion of society, upon a
just survey of its condition, choose from time to time to afford
in legislative enactment for remedial purposes; that the for-
mer consisted essentially in the exercise of the volition of the par-
ties, displayed upon valid consideration in their assent to the con-
tract; the latter in the volition of the people, displayed in reme-
dial enactments. The declaratory laws furnished the rules as to
the competency of the parties to exercise their will in the for-
mation of their contracts, and as to the character of the consid-
eration essential to their validity; the remedial laws provided
for their enforcement only.

But upon the new theory established by the Judges, that the
obligation of a contract consists alone in the remedy for its en-
forcement, legislative power must yield to judicial discretion.
It must always be a matter of discretion with the Judges, wheth-
er the legislative remedy is conformable to their notion of the
obligation of the contract, and their exposition of that clause of
the constitution, which forbids the states to impair, by legisla-
tion, the obligation of contracts, and, consequently, the rights
of the people must depend, not upon law, but upon judicial dis-
cretion. That such has not been their opinion heretofore, may
be seen by their decisions in the cases of Grabbs vs. Harris, 1
Bibb 567; at Heardon vs. Searcy's heirs, 2 Bibb 202—3; and of
Graves vs. Graves' executor. In the first of these cases that
court says: "Upon the propriety of the remedy by petition, &c.,
we can have no doubt. The statute is general as to the descrip-
tion of direct debts, whether they have commenced before, or
shall exist after the passage thereof. The statute does not
change the essence of the contract. It is the mode of recovery only,
which is changed. If the proper distinction is observed, between
those laws which have reference to the essence, nature, construc-
tion or extent of the contract, and those which have reference only
to the mode of enforcing the contract, the question will be plain.
The lex temporis, &c., the means afforded by the law for enfor-
cing a contract, in case of a breach or non-compliance, make no
part of the contract, and the modes of bringing suit and of execu-
tion, are different from, and make no part of the contract. They
do not enter into the essence of the contract. So the forms of
suit and of execution in our own country at this time or that, make
no part of a contract at one time or the other, and the legisla-
ture are at liberty to adopt this or that mode of enforcing con-
tracts, which the circumstances of the country may suggest as ex-
pedient." The Judges say, in the second case: "It is certain-
ly a well settled rule, that the law at the time the contract was made,
composes a part of it, so far as relates to the nature and construc-
tion of such contract; but equally well settled, that the re-
medy to enforce such contract, must be according to the law in
force at the time such remedy is sought;" &c. "Contracts are not made with an eye to the laws that shall enforce them, &c.; but with an expectation of each party's performing with good faith, what he has stipulated to do." In the third case they say: "With respect to the nature and validity of contracts, and the rights and obligations of the parties, arising out of them, the principle is well settled, that the law of the place where the contract was made, is to govern; but with regard to the remedy, the principle is equally well established, that the law of the country where the contract is sought to be enforced, ought to be the rule of decision. The statute of limitations does not affect the validity of contracts, but the time of enforcing it; or, in other words, it does not destroy the right, but withdraws the remedy." In the case of Stanley vs. Earl, 5th Lit. Rep. 231, lately decided, they say that "the statute of limitations not only destroys the right, but invests the adverse possessor of a slave, with the right to recover him from the true and rightful owner." The Supreme Court of the United States, in the case of the Columbia Bank vs. Oakley, (4 Wheaton 214) say: "In giving this opinion, we attach no importance to the idea of this being a chartered bank. It is the remedy and not the right, and as such we have no doubt of its being subject to the will of Congress. The forms of administering justice, and the duties and powers of courts, &c. must forever be subject to legislative will, and the power over them is unalienable, so as to bind subsequent legislatures." And the same court, in the case of Crowninshield vs. Sturgis, reported in the same book, page 200-1, "The distinction between the obligation of a contract and the remedy given by the legislature to enforce that obligation, has been taken at the bar, and exists in the nature of things. Without impairing the obligation of contracts, the remedy may certainly be modified, as the wisdom of the nation may direct." &c.

Here it is seen, that the Judges of the Court of Appeals have said, in three cases, that the remedy formed no part of the obligation of the contract, and might be altered, varied and amended, without impairing the contract or its obligation. The Supreme Court of the United States have said the same thing, in strong and distinct terms. Yet the Judges, in the cases of Blair vs. Williams and Lapsley vs. Brashear, say, that the remedy constitutes alone the obligation of the contract, and cannot be varied without impairing that obligation, and that any law varying the remedy, is, on that account, void; that the statute of limitations, by taking away the remedy, extinguishes the right. They say, that the right consists alone in the remedy. The Supreme Court say there is a distinction in the nature of things, between right and remedy.
In the case of *Graves vs. Graves* executor, Chief Justice Boyle says, that the statute of limitations does not affect the validity of the contract; it does not destroy the *right*, it only withholds the *remedy*. In the late decision, they say, that the *replevin bond* is void against the creditor, but good against the debtor; that is, that the sovereign people of the State of Kentucky have not the power to pass a law giving validity to the bond; but a single creditor, whether citizen or alien, has the power to give it validity against the debtor and his securities. So that the same law, when enacted by the State, is unconstitutional and void, and when enacted by a creditor, is valid and binding; or, in other words, a replevin bond is void against the creditor, because it is a statutory bond, and the statute was void; it is valid against the debtor and his securities, when the creditor shall choose to have it so, and because he so chooses.

That court has, in the case of *Stanley vs. Earl*, (5 Littell 281,) pronounced at the last spring term, given an opinion, in which they have employed the whole force of their intellect, to sustain this new doctrine, that *right consists alone in remedy*. They apply, with much emphasis, the term *legal*, to *right* and *remedy*, and by the adjunction of that term to the *other two*, arrive at a conclusion not very favorable to the good morals of society. — The operation which they give to the new principle, excites to the most flagrant dishonesty, by the premium which it accords to its achievements, and they denounce as unfit to be reasoned with, all who do not yield to the force of their reasoning.

The replevin principle had been sanctioned by successive enactments in Virginia and Kentucky, from the formation of the constitution of the United States, and by the State of Virginia for near half a century anterior to the erection of Kentucky into a State. The valuation principle possessed the sanction of enactments by both States, and by the Congress of the United States. Its practical sanction by the people and the functionaries, legislative and judicial, had, it is believed, become too inveterate to be disturbed, even if it had been erroneous; for there is an inveteracy of practical exposition, even of the constitution itself, which cannot be disturbed.

But the principle, in its practical results, is calculated to convulse society. The sales which have been made of lands and slaves under execution, have been, since the commencement of the government, in the ratio of at least ten to one, upon replevin and forthcoming bonds. If those bonds were all void, as they must be, according to the *new theory of obligation*, it would seem to result, obviously, that as the bonds were void, the executions were void; and both being void, the sales would also be void, and invest no title in the purchasers. For if there be a truth in the stores of philosophy, more accessible to common sense, and
more intelligible to common understandings than any other. It is,
that a lawless and void act can invest no right. Out of nothing,
nothing comes.

But the first and most practical result of the opinion, if it had
not been prevented by the cautionary enactment of the legisla-
ture, before alluded to, must have been to strike dead at once
upon the hands of society, its entire paper medium, which then
exceeded, and perhaps now exceeds, two millions of dollars; and
to subject the property of debtors to instant sale for gold and
silver. For who would receive in payment of his debt, a depre-
ciated paper currency, when he could force, without replevin
and without valuation, the sale of his debtor’s property, at
whatever sacrifice, for gold and silver? The decision was cal-
culated to afford to the banking institutions, a jubilee of ex-
emption from legal restraints, in the coercion of their debtors.

Society could not, it cannot now, bear the practical results of
the new doctrine. It cannot live under them. It cannot surren-
der the right to exert, according to the limits prescribed in the
constitution for their exertion, those remedial energies with
which God and nature endowed it, for the avoidance and miti-
gation of human misery, and the promotion of human happiness.
It was for the right of exercising this power, that the blood of the
revolution was shed, and independence achieved, by the patriots
of seventy-six; it is for the exertion of this power, that Greece
is now prodigal of her blood, and agonizing at every pore—the
power of self-government by the people, of suitine, by their le-
gislative enactments, their laws to their condition, and of varying
them upon the same principle, when their condition shall be
varied.

Your committee, therefore, while they reverence appropriately
the judicial functionaries of the government, and applaud and
admire that independence, in that department, which, in
giving effect to the laws, is regardless of every will, but the de-
liberate will of the people, feel themselves constrained to report
as follows:

Resolved by the General Assembly of the Commonwealth of
Kentucky, That the principles asserted, in the decision pro-
nounced, by the Judges of the Court of Appeals in the cases of
Blair vs. Williams and Lapsley vs. Brashear, are incompatible
with the great principles, upon which the rights, interests, and
happiness of the good people of Kentucky depend, that they en-
croach upon the just and necessary exercise, by the Legislature,
of the powers, accorded by the constitution to that department;
that in narrowing the Legislative power they encroach upon the
freedom of the people; and the encroachment might, if acqui-
essed in, be carried to its utter extinction. Wherefore they do
most deliberately and most solemnly, again, in the name of the
good people of this commonwealth, protest against the obnoxious principles of that decision, as encroachment upon the fundamental principles of freedom and the inherent rights of the people.

And whereas, the hope, with which the people flattered themselves, turned out to have been fallacious, that the Judges of the Appellate court, upon being satisfied as it is believed they ought to have been, by the result of the last elections, associated with the expression of Legislative sentiment before alluded to, would evince their regard for public sentiment, upon this momentous subject, by the resignation of their offices; and as the only mode left to avoid the obnoxious principles of the decision, is to remove the Judges: Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That John Boyle, chief justice, and Benjamin Mills and Wm. Owsley associate justices of the Appellate Court of this state, ought to be removed from their respective offices, and that the following address be presented to the Governor of this Commonwealth, viz:

To his Excellency Joseph Desha, Governor of the Commonwealth of Kentucky.

Two thirds of each branch of the Legislature concurring therein, respectfully shew to your Excellency, that John Boyle, Esq. chief justice of the Court of Appeals of the state of Kentucky, ought to be removed from that office; because he has asserted, and attempted, by his Judicial authority, to propagate and fasten on society, in his decision pronounced in the cases of Blair vs. Williams and Lapsley vs. Brashear, doctrines and principles incompatible with the great and essential rights of the freemen of this republic; and because he adheres to, and has reiterated his attempt to rivet those obnoxious doctrines and principles upon society, in the opinion pronounced by him at the last Spring Term of that court, in the aforesaid case of Stanley vs. Earl; and because, in those opinions, he has denied and persisted in denying, to the Legislature, the exercise of its legitimate power, in the enactment of replevin, valuation, and occupying claimant laws, and other remedial enactments, by vacating those laws and denying their authority.

They would further, respectfully shew to your Excellency, that Wm. Owsley, the second judge of that court has concurred with the chief justice in uttering, propagating and endeavouring to fasten upon society, the obnoxious, erroneous and unjust doctrines and principles aforesaid, and in re-asserting and persisting to endeavour to rivet them upon the free people of this Commonwealth, and in denying to the Legislature the legitimate exercise of the power, constitutionally belonging to that department.
And they would farther respectfully shew to your Excellency, that Benj. Mills, Esq. the other and only remaining judge of that court, hath concurred with the other two judges, of that court in the promulgation and propagation of the unjust and erroneous principles and doctrines aforesaid, and hath united with them in their endeavours to fasten and rivet them on the free people of this state, and to restrict the Legislative department in the exercise of its constitutional and legitimate powers.

They, therefore, pray your Excellency to remove the said John Boyle from the office of chief justice of the Court of Appeals of the state of Kentucky. And having removed him, they pray that, for the same reasons, your Excellency would remove the said William Owsley from the office of second or associate judge of the Court of Appeals of the state of Kentucky. And having removed each of the aforesaid judges, they pray that, for the same reasons, your Excellency would remove the said Benjamin Mills from the office of third judge of the Court of Appeals of the state of Kentucky.

AND S. HUGHES, Chairman
Of the Committee on the part of the Senate.

JOHN ROWAN, Chairman
Of Committee on the part of the House of Representatives.

Which was read and laid on the table.

Mr. S. Daviess moved the following resolution:

Resolved by the House of Representatives of the Commonwealth of Kentucky, That a copy of the preamble and resolutions for the removal of the Judges of the Court of Appeals, be served upon each of said Judges, together with a notice that the House of Representatives will, on the second day of December next, proceed to consider said resolutions and decide thereon.

Which being twice read and amended by adding thereto the following words, was adopted, viz: "and that the said Judges be informed that they are at liberty to attend on that day to give any response to said preamble and resolutions which they may deem proper.

Mr. S. Daviess from the select committee to whom was referred a bill for the benefit of the Centre College, reported the same with an amendment, which being twice read was concurred in, and the said bill as amended, ordered to be engrossed and read a third time.

Mr. Hardin from the select committee to whom was referred, a bill to amend the law vesting power in the circuit courts to decree divorces, reported the same with amendments, which being twice read were concurred in.

Ordered, That the said bill as amended be postponed until the first day of June next.
A message from the Governor by Mr. Loughborough:

Mr. Speaker—The Governor on this day approved and signed enrolled bills which originated in the House of Representatives of the following titles:

An act for the benefit of Peter Mills.
An act to provide a room for the Court of Appeals.
An act for the benefit of Barbary Price.
An act to establish the line between Oldham and Henry counties.
An act for the benefit of Thomas Burgess, a free mulatto.
An act for the benefit of Henry B. Montague.
An act to authorize the inhabitants of the town of Owenborough to elect the trustees of the said town.
An act for the benefit of James McCaughan.
An act to authorize the taking of depositions in certain cases at common law.
An act to authorize the insertion of certain advertisements in the Kentucky Farmer.

No. 26th 1824.

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

A message from the Senate by Mr. Lyon.

Mr. Speaker—The Senate have received official information that the Governor did, on this day, approve and sign enrolled bills which originated in that house of the following titles:

An act to extend indulgence to the Judges of the 13th and 11th judicial districts.
An act to annul the marriage of George and Polly Utley.

And then he withdrew.

Mr. Chapeze from the select committee appointed for that purpose reported a bill to authorize the insertion of certain advertisements in the Western Herald and Farmers Register—which was received and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill having been dispensed with and the same being engrossed,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Chapeze carry the said bill to the Senate and request their concurrence.

Mr. Buford moved the following resolution:

Resolved, That the Rev. Doctor Blackburn be requested to preach in the Representative Chamber on to-morrow evening at candle light, and on Sunday next in the forenoon.

Which being twice read was adopted.

A bill from the Senate entitled an act to provide for the }
porting of the decisions of the Court of Appeals, was read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of the said bill having been dispensed with, the same was committed to a select committee of Messrs. Mosely, H. O. Brown, Forrest and B. Hardin.

Mr. New offered the following resolution:

Resolved by the House of Representatives, That during the balance of the present session, this house will meet at nine o'clock A. M.

Which being read,

The house then adjourned.

FRIDAY, NOVEMBER 26, 1824.

Mr. Wingate presented the petition of sundry citizens of Owen county, praying for the establishment of an election precinct in said county.

Mr. Rodman presented the petition of Mary Teater, praying a divorce from her husband George Teater.

Mr. Payne presented the petition of Mary Ann Cherry, praying that a law may pass to make her an allowance for keeping and maintaining Charles Buckler, a lunatic.

Mr. Thomas presented the petition of sundry citizens of the counties of Barren and Monroe, praying that parts of said counties may be added to the county of Allen.

Mr. Booker presented the petition of the heirs and representatives of Thomas M'Intire deceased, some of whom are minors by guardian, representing that they are the owners of 100 acres of land in Washington county, which is not susceptible of a beneficial division between them, and praying that a law may pass to authorize a sale of the same.

Mr. Triplett presented the petition of the heirs of Joseph Barnett deceased, representing that many years since (after the death of their ancestor,) commissioners were appointed by an act of the Legislature to sell the landed estate of said Barnett, for the payment of his debts; by means whereof, they have been deprived of the control and management of said lands; that at the death of their ancestor there were many entries for lands owned by him, which, owing to the neglect and mismanagement of said commissioners, were never surveyed or carried into grant, but have since been appropriated by other claims and are settled by others; and praying that a law may pass to authorize them to locate said unsurveyed and unpatented entries, on some of the vacant lands of the commonwealth.

Which petitions were severally received, read and referred: the first and fourth to the committee of propositions and griev-
ances; the second to the committee of religion; the third to the committee of claims; and the fifth and seventh to the committee for courts of justice.

The Speaker laid before the house a letter from the commissioners appointed to superintend the rebuilding of the Penitentiary, enclosing a report of moneys disbursed in said building, &c. which was received, read and laid on the table.

Mr. B. Hardin, from the committee for courts of justice, to whom was referred a bill to change the venue in the case of Isaac B. Desha—reported the same with an amendment, which being twice read, was concurred in—and the said bill as amended, ordered to be engrossed and read a third time. And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Rowan carry the said bill to the Senate and request their concurrence.

A message was received from the Senate, announcing the passage of a bill which originated in this house, entitled an act appointing a commissioner of the road from Mountsterling to the Virginia line by way of Prestonsburg, and to instruct the commissioners in relation to the same.—And the adoption of a resolution appointing a joint committee to investigate the accounts and conduct of the keeper, agent and building commissioners of the Penitentiary.

The said resolution was taken up, twice read and adopted, in the following words:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee of three from the Senate and six from the House of Representatives be appointed, to investigate the accounts and conduct of the keeper, agent and building commissioners of the Penitentiary, and that said committee report the result of their investigation to the General Assembly; and that they have power to send for persons, papers and records.

Whereupon, Messrs. M'Connell of Woodford, M'Connell of Greenup, Joyes, Hunter, Slack, and Gordon, were appointed a committee on the part of this house.

Ordered, That Mr. Joyes inform the Senate thereof.

Mr. M'Connell, from the select committee to whom was referred a bill, to provide for the publication of the decisions of the Court of Appeals, made the following report:

The select committee to whom was referred a bill to provide for the publication of the decisions of the Court of Appeals, with instructions to enquire into, and report the expenses incurred in publishing said decisions, for the last year by the late Repor-
OF REPRESENTATIVES

and the probable expense which the commonwealth will annually incur by continuing the office of Reporter; have, according to order, had the same under consideration, and now submit the following report: Your committee find, that during the year 1823, there was published three volumes of Reports, viz.: 1st, 2nd and 3rd Littell's Reports.

For the first volume there was paid by the state, $1247.50
For the second, 1200
And for the third, 1365

Making an aggregate amount of $3812.50

In 1824, has been published three volumes, to wit: 4th and 5th Littell's Reports and his Select Cases.

For the first of these there was drawn from the Treasury, $1192.50
For the second, 1000
And for the third, 1445

Making an aggregate cost for the current year, of $3637.50

And making in the total, for the years 1823 and 1824, $7450.
your committee believe, that much of this expense to the state could be saved with a moral certainty, that the decisions would be published, and that they would be reported by men of distinction, eminently qualified to discharge an undertaking of that character.

Your committee would suggest, as the first means of saving expense, that the state should only receive and pay for two hundred copies of any volume of reports. This, it is believed by your committee, would be amply sufficient for all the purposes of the state. This would be a saving to the state of one fifth of the expense; your committee are informed, that gentlemen of the profession, well qualified to prepare the reports, would furnish the state with the quantity of copies required, at the rate of seventy-five cents for every hundred pages—this would again be a saving to the state of one fourth of the expense. It is further believed by your committee, that in all the volumes of reports, and more especially in those volumes published during the past and current year, there is much useless and unnecessary matter contained; the exclusion of which, from the volumes hereafter to be published, would be calculated to lessen the number of pages, and as a necessary consequence, the expense to the state.

Your committee herewith report the said bill with an amendment, as a substitute for the original, after the enacting clause, one great object of which is to retrench the expenses of the state.
in relation to that subject. In regard to the probable expense which the state will incur, by continuing the appointment of Reporter, your committee cannot speak with any degree of certainty, and can only judge of the future, by the past expenditures; and having, as they believe, submitted in this report all the means of judging, in the power of your committee, they will not hazard an opinion in relation to it. All which is respectfully submitted.

The said bill with the amendment proposed, was presented and read.

Ordered, That the said bill, with the amendment, be recommitted to the committee to whom was referred, on yesterday, a bill from the Senate, entitled an act to provide for the publication of the decisions of the Court of Appeals; and that Messrs. S. Daviess, M'Connell of Greenup, and Hunter be added to said committee.

Mr. Cosby moved the following resolution:

Resolved, That the committee of courts of justice be instructed to enquire into the propriety of providing, by law, for a change of venue in criminal cases and report a bill for that purpose, if found expedient.

Which being twice read, was adopted.

On motion—Ordered, That Messrs. Cunningham, Prince, and Joyes be added to the committee, to whom was referred a bill to reduce the expenses of the Bank of the Commonwealth and branches.

Mr. Maupin, from the select committee to whom was referred a bill to regulate certain officers fees—reported the same with amendments, which being twice read, were disagreed to.

The question was then taken on engrossing the said bill and reading it a third time, which was decided in the negative, and so the said bill was rejected.

Mr. L. Williams moved for leave to bring in a bill to raise the compensation of members of the Legislature.

And the question being taken on granting leave to bring in said bill, it was decided in the negative, and so the said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Cox and L. Williams, were as follows, viz:


NAYS—Messrs. Bates, Booker, Breck, Buford, Carter, Chenowith, Cosby, Cox, Crittenden, Cunningham, Davis, Daviess, Farmer, Ford, Forrest, Galloway, Garth, Gibson, Gers-
Mr. Brown of Jessamine, moved for leave to bring in a bill to repeal the law allowing compensation to the members of the Legislature. And the question being taken on granting leave to bring in said bill, it was decided in the negative, and so the said motion was disagreed to.

The yeas and nays being required thereon by Messrs. L. Williams and G. I. Brown, were as follows:


Leave was given to bring in the following bills:

On the motion of Mr. Chapeze—1. a bill to amend an act to compel the speedy adjustment of land claims, passed on the 9th day of February, 1809, and for other purposes.

On the motion of Mr. W. C. Williams—2. a bill for the benefit of Elizabeth Wells—and

On the motion of Mr. Joyes—3. a bill to amend an act for surveying the military lands West of the Tennessee river. Approved 5th January, 1824.

Messrs. Chapeze, Breck, Prince, B. Hardin, Rowan and S. Daviess were appointed a committee to prepare and bring in the first; Messrs. W. C. Williams, Mayo, M'Connell of Greenup, the second; and Messrs. Joyes, Caldwell and M'Brayer the third.
Mr. Morgan moved the following resolution.

Whereas it is represented to this house that John M. Foster, Register of the Land-Office, has been guilty of repeated drunkenness and other disorderly conduct, unworthy of so high an office, and that said Foster hath been tried and proven guilty of homicide but was acquitted upon the ground of insanity:

Resolved therefore, That a committee be appointed to enquire into the conduct of said Foster, as well in relation to the sanity of his mind as to his habits of intemperance.

Which being twice read was adopted, and Messrs. Morgan, Booker, Holt, L. Williams and Dallam appointed a committee pursuant thereto.

Mr. Morris moved the following resolution, viz:

Resolved, That a committee of five be raised to enquire into the expediency of appointing commissioners to view and mark a state road leading from Louisville to the Iron Banks, who may report by bill or otherwise.

Which being twice read, was adopted, and Messrs. Morris, Joyce, Sterrett, Cox and Gordon appointed a committee pursuant thereto.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. S. Daveiss—1. a bill for the benefit of James F. Nall.

By Mr. Turner—2. a bill to regulate proceedings on executions and for other purposes.

By Mr. S. Daveiss—3. a bill for the benefit of Charles Nicholas Perkins.

By Mr. Patterson—4. a bill further to regulate the Penitentiary.

By Mr. Spalding—5. a bill for the benefit of the Union county Seminary.

By Mr. Thruston—6. a bill to alter the time of holding the Jefferson county court.

By Mr. Gordon—7. a bill for the benefit of the heirs of Isaac Flannery.

By Mr. Chenowith—8. a bill to regulate suits against joint or joint and several obligors—and

By Mr. Hunter—9. a bill appropriating money for the use of the Penitentiary.

Which bills were severally received and read the first time and the 1st, 2d, 4th, 5th, 6th, 7th, 8th and 9th ordered to be read a second time and the third was laid on the table until the first day of June next.

Ordered, That the public printer forthwith print 150 copies of the 4th bill for the use of the members of this house.
And thereupon the rule of the house, constitutional provision and second reading of the 1st, 4th, 6th and 9th bills being dispensed with, the 1st, 6th and 9th (the 9th having been amended at the clerks table) were ordered to be engrossed and read a third time, and the 4th was committed to a committee of the whole house for Wednesday next.

And thereupon the rule of the house, constitutional provision and the third reading of 1st, 6th and 9th bills having been dispensed with and the same being engrossed.

Resolved, That the said bills do pass and that the titles thereof, be as aforesaid.

Ordered, That Mr. Hunter carry the said bills to the Senate and request their concurrence.

A bill for the benefit of the State Hospital at Louisville—was read a second time, and committed to a select committee of Messrs. Thruston, Rowan, Joyes Brown (of Harrison,) Brown (of Jessamine,) McConnell (of Greenup,) Crittenden, New, and McConnell (of Woodford.)

A message was received from the Senate, announcing the passage of a bill, which originated in this house entitled an act appropriating money for the use of the Penitentiary.

The house then according to the standing order of the day resolved itself into a committee of the whole house, on the state of the Commonwealth. Mr. Robertson (of Garrard) in the chair; and after some time spent therein, the Speaker resumed the chair, and Mr. Robertson reported that the committee had according to order had under consideration a bill to provide for the sale of the vacant lands, west of the Tennessee river and had made some progress therein, but not having time to go through the same had instructed him to ask for leave to sit again.

Which being granted.

The House then adjourned.

SATURDAY, NOVEMBER 27, 1824.

On motion—Ordered, That the committee of propositions and grievances be discharged from the further consideration of the petition for the formation of a new county out of parts of the counties of Franklin, Washington and Mercer, and that leave be given to withdraw said petition.

Mr. Wickliffe presented the memorial of sundry citizens of Fayette county in relation to the Penitentiary and the proposition of Joel Scott, relative to the same.

Which was received, read and laid on the table.

Mr. S. Daviss from the committee of propositions and grievances made the following report, viz:
The committee of propositions and grievances, have, according to order had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, viz:

Resolved, That the petition of sundry citizens of Christian county, praying that an election precinct may be erected in said county, is reasonable.

Resolved, That the petition of sundry citizens of Spencer county, praying to be attached to the county of Shelby, be rejected.

Resolved, That the petition of sundry citizens of Garrard county, praying the legislature to grant them the privilege of erecting a fish trap in the Kentucky River, be rejected.

Resolved, That the petition of sundry citizens of Gallatin, Boone and Grant, praying that a new county may be erected out of parts of each of said counties, be rejected.

Resolved, That the petition of sundry citizens of Livingston county praying for a division thereof, so as a new county may be erected out of part of said county, be rejected.

Resolved, That the petition of sundry citizens of Garrard county, praying that a tax may be laid upon dogs, and appropriated to the improving of the public highways, be rejected.

Resolved, That the petition of sundry citizens of Nicholas county, praying to be attached to the county of Harrison, be rejected.

Resolved, That the petition of sundry citizens of Owen county praying for the establishment of an election precinct in said county is reasonable.

Which being twice read, and the third resolution amended by striking out the words be rejected and inserting in lieu thereof the words is reasonable, were concurred in.

Ordered, That the said committee prepare and bring in bills pursuant to the 1st, 3d and 8th resolutions.

Mr. Woods presented the petition of sundry citizens of Montgomery county, praying that Silas W. Robbins, Esq. circuit judge of the 11th judicial district may be continued, and permitted to hold said office.

Which was received, read and referred to the committee appointed to investigate certain charges preferred against said Robbins.

Mr. Turner presented the petition of the Justices of the county court of Estill, praying that a law may pass to authorize a sale of a part of the public square in the town of Irvine.

Which was received, read and referred to a select committee of Messrs. Turner, Woods, Breck and Oldham.

Mr. G. Robertson from the committee for courts of justice made the following report, viz:
The committee of courts of justice have, according to order, had under consideration the petition of the heirs of Thomas M'Intire, dec'd, praying that a law may pass authorizing the sale of a certain tract of land in the county of Washington, and have come to the following resolutions thereupon, viz:

Resolved, That said petition be rejected.

Mr. M'Connell from the committee of Religion made the following report, viz:

The committee of religion have according to order had under consideration the petitions of sundry persons to them referred and have come to the following resolutions thereupon:

Resolved, That the petition of Elizabeth Grace, praying to be divorced from her husband Sanders Grace is reasonable.

Resolved, That the petition of Catherine Robertson, praying to be divorced from her husband Abner Robertson, is reasonable.

Resolved, That the petition of Elizabeth Chrisman, praying to be divorced from her husband Isaac Chrisman, is reasonable.

Resolved, That the petition of Susan Shackleford praying to be divorced from her husband George Shackleford, is reasonable.

Which being twice read was adopted.

Ordered, That the said committee prepare and bring in bills pursuant to said resolutions.

A message was received from the Senate announcing the passage of a bill which originated in this house entitled, an act to change the venue in the case of Isaac B. Desha, with amendments.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. S. Daveiss from the committee of propositions and grievances—1. a bill to establish election precincts in certain counties in this Commonwealth.

By Mr. Robertson from the committee for courts of justice, as unfinished business of the last session—2. a bill to authorize Jesse Kennedy to raise by lottery a certain sum of money.

By Mr. Cunningham from the committee of claims—3. a bill for the benefit of the committees of certain Lunatics.

By Mr. M'Connell from the committee of religion—4. a bill for the divorce of Emily Nixon and Beverley Luster.

Which bills were severally received and read the first time and the 1st, 3d and 4th ordered to be read a second time; and the question being taken on reading the second bill a second time, it was decided in the negative, and so the said bill was rejected.

Mr. Thruston from the select committee to whom was referred a bill for the benefit of the State Hospital at Louisville, reported the same with an amendment, which being twice read, was concurred in.
Ordered, That the said bill as amended, be engrossed and read a third time on Monday next.

Mr. New from the joint committee appointed to visit the Transylvania University and the Lunatic Asylum at Lexington made the following reports:

The joint committee appointed to examine the state and condition of Transylvania University, have discharged the duty assigned, and beg leave respectfully to submit the following report:

The recess from Legislation, afforded the committee an early opportunity of repairing to Lexington, and of making those inquiries and examination which were deemed of greatest interest to the state.

The report of the trustees, marked (K) and the references to the several sub-reports, upon which that is founded, constitute the principal sources of information which were offered to your Committee, and furnish more ample satisfaction, than could result from an abstract. They are therefore submitted in extenso.

The documents are so full and complete in detail, that little remains to be said, except that vouchers were exhibited in support of the various items of account manifesting the receipts and disbursements of the institution.

Since the report to the last legislature, there has occurred a diminution in the number of students in the University, but not such as necessarily indicates any decline in public confidence. The report of President Holley, indicates an extensive range of well selected studies, and such as must generally meet the approbation of an enlightened community.

The advantages resulting from college exercises, always more immediately depend upon the student, though skill in professors, and well arranged and judiciously regulated course of study, act with strong auxiliary influence. In many branches of instruction, the committee witnessed a display of proficiency, which did equal credit to the students and the preceptor.

The report of professor Roche, on the classical pursuit of the University, is highly interesting, and is fraught with the most sound and correct estimate of the value of close and intimate acquaintance, with ancient lore. Your Committee would suggest that to require even a further advance and greater skill in Latin and Greek, to obtain admission into the regular classes of the University, would in their estimation constitute no objection to the plan of education, but would in its ultimate results be beneficial to the student, without injury to the institution. There exists in most sections of the state, schools in which the languages, can be correctly acquired. It is probably more propitious for the morals of the child, that he should remain during the era of youthful effervescence under the immediate inspection of the parent, and were the attainments requi-
site to admission of greater extent and higher accomplishments, there would be precluded from this institution, many whose maturity of experience had not armed them with principles fixed and conviction adequate to guard them against the fascinations of pleasure and allurements of dissipation.

By requiring a greater proficiency in Latin and Greek than now demanded, the higher authors in those languages might be read, the maxims of pure disinterested patriotism more indelibly impressed, and the philosophy of language more accurately acquired; each class might be elevated a grade, and more time given for application to natural, moral and political study. Your Committee congratulates the University, the Legislature, and the State, upon the establishment of the Morrison professorship of mathematical science, which the munificence of the late Col. James Morrison, has enabled the trustees of the University, to add upon a foundation which will be permanent. Such a professorship had long been a desideratum in the institution, and whilst law and medicine, phrenology, craniology, philosophy of mind, metaphysics, in all their multiplied and evanescent ramifications, were flourishing cultivating the fancy, the heart and the affections, too little regard, your Committee apprehend, was bestowed and too low rank was assigned to the exact sciences, the most necessary and most useful, in teaching how to think, to reason, to examine for truth, to know it when found in their application, to the affairs of life and of the world.

Thomas J. Matthews, who has been selected as Morrison professor, is a gentleman whose reputation furnishes a pledge, that the department entrusted to his superintendence, will be conducted so as to increase that reputation, do credit to the choice and redound beneficially to the state.

The increase of the several cabinets of specimens in the academical and medical departments, indicate the interest which exist in their prosperity and proves their growing importance. The library is extensive, flourishing, apparently, well selected and under judicious management.

The philosophy of mind can be as well studied in the acquisition of useful practical knowledge as in efforts to reconcile the jargon of the schools, the confusion of theories in attempts to thread the mazes of metaphysical labyrinths, or pursue the attenuated fibres of speculative abstraction.

From the observations which an intercourse with the world, has enabled us to make, sound information and elevated maxims of morality, blended with a cultivation of taste, for the best models in literature, are the surest guarantees of a virtuous heart and well regulated affections. Moral and political philosophy are the basis of that character, which is most valuable in a republic.
The diminution of students in the law class may be attributed to the pressure of the times, the variation in taste or probably to the fact, that each town contains a law school of its own, where the science is taught and the art practically learned; or perhaps the number is settling down to that which may be uniformly anticipated for the supply of the vacancies in the profession; on this head we refer to report (L.)

It is matter of pride to witness Kentucky irradiating her sister states, with the lights of knowledge and dispensing the blessings of education, to the youth of states much older in political existence than herself.

There are 155 Students in the University from 14 states.—There are 320 Students, pursuing in Transylvania University the path of science, to usefulness and to fame. No object can be more grateful to the legislature, than to contemplate the prosperous results of that liberal and enlightened policy, which has patronized, fostered and cherished this institution into such maturity. The committee amidst the many causes which exist for exulting at the prosperity of the University, can but regret, that that institution should still be indebted to the United States Bank, the sum of $5775, specie—this two after the fund appropriated to the use of the University out of the dividends of the Commonwealth's Bank, has been reduced to $2801 57 1-2 in paper and after a distribution of ten per cent. upon the stock held in the bank of Kentucky.

They recommend to the trustees of the University, the strictest economy, that they refrain from incurring any expenses not indispensably necessary to the vitality of the institution, until that debt is extinguished and their fiscal affairs placed upon a safer foundation.

It is also advised that the item of $9106 30 of old debts as will be fully explained by report marked (L.) be critically investigated and scanned, so much realized as is practicable, and that which cannot be collected, be at once credited by insolvencies, and be no longer estimated as a fund, swelling the value of the institution.

It appears from the report marked (K.) that Transylvania University, will from its profits be perfectly enabled to support itself for the ensuing year. The public patronage, which has been bestowed through legislative enactments upon this institution, your Committee consider has resulted in manifold profit to the state.

The strength of the state physically consists in vigorous yeomanry—morality in the diffused intelligence and aggregate virtue of its citizens. Its wealth is as effectually promoted by reaping the harvest of its own industry, and preventing exhaustion, as by an increase of productions or the direct accumulation of capital. Its political safety, the permanence of its free
institutions and the full growth of its patriotism, are especially ensured by that domiciliary education, which associates with the sunshine and brightness of childhood and adolescence, the verdure of its fields and the benignity of its laws.

The dollars that are saved and the hundreds that are gained to the state, by the resuscitation of Transylvania University, though not to be disregarded by the political economist, constitute but dust in the balance, when it is remembered how the moral and political influence of Kentucky has thus been extended; and conscience tells us our children, and children's children have been and will be thus furnished the means of liberal, enlarged public education, in the bosom of their families and the lap of their country. No foreign manners—no habits incongruous with the softest, kindest and at the same time the most refined and most elevated sentiment; no alienation of feeling—no propensity inimical to the simple republicanism of the father, is generated in the mind of that youth who grows and ripens under the vivifying rays of his natal sun. In a moral and political point of view, your committee deem the influence of Transylvania University of infinite importance.

The prosperity of a republic is founded on virtue—national virtue will, nay must always be proportioned to the intelligence of a community.

The most extended instruction—the most perfect acquirement—the most exquisite refinement of the few, constitute, not that state of information, of intelligence, of education which the patriot admires or the republican demands. Knowledge diffused through the aggregate mass of society, elevating, purifying, refining every class, is the foundation of public virtue and the soul of liberty. The diffusion of learning, not its accumulation in any individual, is most to be desired. What contributes to that diffusion so effectually as cheapness? What brings it so entirely within the family circle as engraving it upon our own stock and nurturing it in our own land?

The influence of Transylvania University, is already visible in that general eagerness for classical and liberal education, which supports the increased number of preparatory schools and subordinate colleges. Its influence will continue to spread; the bar, the pulpit, the legislative assembly and medical science for unnumbered years, will hail with eulogy and thanksgiving, the enlightened epoch which gave light and life to that institution.

The medical department is flourishing in a high degree—the state is peculiarly interested in the continued prosperity of this establishment and your committee beg leave to refer to a letter of Professor Drake marked M, as a part of their report.

Nothing can be more grateful to the pride of a Kentuckian
than the recollection that the land which was so lately the
haunt of the Buffalo and the Indian, is now the seat of cultivation
and of literature, of the sciences and of the arts.

Much praise is due to the President of the University for its
present prosperity—much to the citizens of Lexington for their
co-operation.

With many local advantages and the advantage of an old, a
wealthy and dense population, it is believed no literary insti-
tution is at this day, take it all in all, more flourishing than Tran-
sylvania University.

The committee would suggest for the consideration of the
Legislature, whether it would not be expedient to appropriate
the dividend of the branch of the Commonwealth's bank, located
in Lexington, after discharging what is now due by law to the
University, to the defraying one-half the expenses of such build-
ings as are required according to Dr. Drakes letter, for the
medical institution, upon condition of the other half being paid
by subscription, provided the half paid by the state should not exceed $4,000.

The committee would do injustice to their feelings were they
not to express their highest admiration of the plan of govern-
ment, adopted for the direction of the students, as developed in
the Presidents communication to the board of Trustees. They
do not, cannot doubt its efficacy and complete success, when ad-
dressed to the affections, the honor, and the pride of liberal, en-
lighted and moral agents.

THO. D. CARNEAL, Ch. Sen.
YOU I NG EWING,
R. B. NEW, Ch. H. R.
SILAS EVANS,
P. TRIPLETT,
JACOB A. SLACK.

K.

Transylvania University, Debtor.

1824, September 1,—To amount of note payable to
office of discount and deposit of the Bank of the
United States, $5,775.00

Salaries due and payable as follows, viz:
To President Holley, payable 1st Oct. $753.00
Professor Bishop, do. 300.00
Professor Butler, do. 320.00
Treasurer, do. 166.00
Clerk, 24th do. 50.00—1,571.00

Amount claimed by Mr. John Brown for salary from
the 7th July until 11th August, 24 65

Receipts from the 1st of December, 1823
until 1st of September, 1824 viz:  
From Charles Humphreys, Esq., exr.  
of Joshua Humphreys, late Treasurer, 688 33  
For tuition in college proper, 3,936 74  
do. Preparatory department, 688 91  
From students for fines imposed, 55 25  
For fines and forfeitures, 547 70  
Rents, 54 33  
From Bank of the Commonwealth, part of the Legislative donation, 3,400 00  
From Bank stock, 1,716 00 = 11,137 26  
Balance in favor of the University, 94,386 69  

CReditor,  
Sept. 1.—By real estate, viz: University lot and buildings, estimated at $50,000 00  
Green river lands, estimate at 6,000 00  
Three small escheated lots in Lexington, estimated at 1,000 00  
Fifty acres of land (leased) in Fayette, recently sold for 450 00 — 57,450 00  
143 shares of stock in the Bank of Kentucky, at $90 per share, $10 on each having been received, 12,870 00  
Libraries and apparatus, estimated at 20,000 00  
Balance to be received from the Branch of the Bank of the Commonwealth, of the Legislative donation, 2,331 37  
Old outstanding claims, per list, 9,106 63  
Disbursements from the 1st of Dec. 1823, until 1st of Sept. 1824, viz: Paid to Professors, &c. 4,389 72  
To sundries, (including $1,918 36 paid in Bank,) 3,662 52  
Interest and premiums, 2,947 30  
Cash in the Treasury, 142 00 = 11,137 26  

$112,895 62

The committee on the part of the Legislature having called on the Trustees of Transylvania University for information relative to the situation of the institution generally, and more particularly as to its fiscal concerns; in conformity with this requisition, the board of Trustees appointed the undersigned committee to lay before the committee of the Legislature, the monthly accounts and vouchers, and the general account of the Treasurer, from the 1st December, 1823, until the 1st of September,
1824, which were examined by said committee, who desired a transcript of the general account to be furnished to them, which is stated above, including also the stock account. From which it will be seen, that the stock of the University is as follows:

- Real estate, $57,450
- Library, &c., $20,000
- Bank stock, $12,870
- Due from the Bank of the Commonwealth, $2,331
- Old debts, (these are of little value,) $9,100
- Besides, the Morrison donation is $20,000

Total: $121,757

There yet remains due to the United States, Bank $5,775, which will in part be discharged by the balance stated above due from the Commonwealth's Bank. The current expenditure for law books is evidenced by the accompanying exhibit, marked H, which we wish taken as a part of this report.

The expenditure of the present year, will be as follows:

- The President's salary, in Commonwealth's paper
- Professor of Mathematics, ($1,000 specie)
- Professor Roche
- Principal of the Preparatory Department
- Librarian
- Clerk
- Treasurer
- Porter

Total: $7,950

The resources to meet the expenses are as follows:

- Say 100 Students at $60 each:
- 20 Preparatory Department:
- Morrison donation:

Total: $8,300

Balance in favor of the University, $950, to meet contingencies, discounts &c. and it is believed the number of students as usual, will be greater in December. We refer to President Holley's report, and beg it to be received as part of this report.

E. WARFIELD,
JOHN TILFORD,
Ch. HUMPHREYS,
THOMAS BODLEY,

Law Department with the Treasury in account current Dr.
1824, Jan. 15.—To cash paid Leslie Combs, in part of William T. Barry's claim, in specie, $229.00.
**OF REPRESENTATIVES**

29.—To do. paid do. for do. specie

Paid advance of two for one on 556 56

April 7.—To do. paid do. for balance of William T. Barry’s claim, viz: in specie,

Currency at two for one

To cash paid W. W. Worsley in part of his account, in

currency,

July 7.—To cash paid James W. Palmer, specie, as

per voucher No. 80,

To balance in specie,

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Note.—The department is indebted to D. Gratz, Esq.
in specie, about the sum of

To W. W. Worsley, balance in currency,

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**CREDIT.**

Jan. 14—By cash received from Thomas Anderson for tax on sales at Auction, for the quarter ending on 31st December 1823, in specie,

1824, —By cash received of do. for do. for balance of quarter ending 30th September

1822, viz: in specie,

Currency,

April 7.—By cash received of do. for do. for quarter ending 31st March, viz: in specie,

Currency,

July.—By cash from do. for do. for quarter ending 30th June, in specie,

By balance per contra, in specie,

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**LEXINGTON, Nov. 11, 1824.**

Gentlemen:

In your report of yesterday, we perceive in the stock account this item: “Old debts, (these debts are of little value,) $9,106.” Be pleased to report the true situation of these debts, how they were created, whether they are based on notes or book account, and why they have been lost to the University.

Respectfully,

T. D. CARNEAL, Ch’m.

To the Committee of Finance, T. U.
Sir:

In answer of your note of this day, relative to the item of $9,106 of old accounts, the committee state, that a very small proportion of that sum is actually due. The present Treasurer being directed to report the condition of the movied concerns of the University, went over the former Treasurer’s and Steward’s books, as far back as fifteen or twenty years, and transcribed the balances as they stood, not knowing (what was the fact) that most of them were charges made by the former Treasurers and Stewards, of payments made to persons to whom the University was indebted; and in whose favor the proper credits had not been entered. This fact was not known to the present Treasurer, but was to many members of the board, and appears from the papers and proceedings of the institution; and when the Treasurer’s report came before the board, there was an order made, that the Treasurer and Clerk should go over the books and give each account its proper credit. The account rendered was the Treasurer’s annual report; it having been made out including the list of old debts, could not conveniently be changed, and was, therefore, laid before your committee in that shape.

There is about $2,000 of old debts actually due the institution, $1,000 of which, is a note of Paul Skidmore, deceased, late of Louisville; the rest are old notes and open accounts of several years’ standing, but few of which are likely to be collected.—Some of those debts have been lost by insolvencies, and some by removals and lapse of time.

The organization of the institution at this time, will, in future, prevent any like occurrence, as there is no credit now given.

E. WARFIELD.
JOHN TILFORD,
CH. HUMPHREYS,
THOMAS BOOZE,
Committee of Finance.

T. D. Carneal, Esq. Ch‘m. &c.

To Thomas D. Carneal, Esq. Chairman of the Committee of the General Assembly, appointed to inquire into the state of Transylvania University.

The board of Trustees of Transylvania University, to whom the communication from the Committee of the General Assembly was made, requesting to know the cause of the “diminution of the number of students in the Law department, since the last annual report,” and “what measures are necessary to restore that department to its former respectability and usefulness,” report: That the resignation of Professor Barry occasioned much
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the Law department would not only be restored "to its former respectability and usefulness," but would increase and become one of the most distinguished schools in the Union. That our state possesses men with the necessary qualifications, in an eminent degree, there can be no doubt; and the Trustees have accordingly determined to organize anew, the Law school, on this principle, at the close of the present course of lectures.

Yours respectfully,

JOHN BRADFORD, Chm. T. T. U.

M.

To Thomas D. Carneal, Esq. Chairman of the Committee of the Legislature.

TRANSLVANIA UNIVERSITY, Nov. 10, 1824.

Sir—I feel gratified that you have invited a communication on the subject of an edifice for the Medical department of Transylvania University. It is a matter of the utmost interest, to all who are concerned with that branch of the institution, as Trustees, Professors, Pupils, and Parents, who have sons to educate for the practice of Medicine and Surgery.

The Medical Faculty consists of six Professors and one Assistant, and there have been provided, for the use of the department, a competent number of books and anatomical preparations. What remains as a desideratum, is, a suitable edifice, detached from other buildings, for greater security from fire, and capacious enough to afford lecture rooms for all the professors, and appropriate apartments for the Library, Museum of Anatomical preparations, specimens of diseased parts of the body, specimens of Minerals, specimens of Medicinal Plants and Plants useful in the Arts, specimens of Medicines and the raw materials out of which they are manufactured, Chemical Apparatus, and models of Surgical instruments and Apparel.

These various articles are scarcely less necessary to the popularity, and perhaps more necessary to the perpetuity of the school, than able Professors. To answer the ends for which they are designed, it is indispensable, however, that they should be collected and systematically arranged in one building; and that this should be the same in which the lectures are delivered. Without this connexion, they could neither be employed by Professors nor Pupils, in a way to render them of much utility. It is necessary to bring them before the classes, in the respective lecture rooms, which could not be done, unless they were beneath the same roof.

At the present time, one of the Professors meets his class in a house of his own, and the remainder rent a building, which affords them, with the Library and Anatomical and Mineralogical cabinets, very imperfect accommodations, which are pecu-
particularly, and at every instant, liable to destruction by fire. The building being one of a row of old houses, in a populous part of the city, should any one of the range of which it is a member, take fire, the probability is, that all the collections of the department would be consumed, as they occupy the upper chambers. These collections, books and specimens, have cost the state, the town of Lexington, the Trustees of the University and the Faculty, about $12,000 in specie, and could not be replaced without again raising a similar sum and sending a Professor to Europe, neither of which, in such an event, would perhaps be practicable.

The value of the Medical school of Transylvania to Kentucky, is two-fold. 1st. It places Medical instruction within the reach of a great number of her sons, who are too poor to go abroad, and saves to her all the money which those who might visit distant schools would disburse: 2d. It renders the whole Western country, from the Alleghany mountains to the plains of Missouri, and from the Lakes to the Gulf of Mexico, tributary to her: and indeed, it does not stop here; for between thirty and forty of the students now in attendance on the Medical lectures, are from Virginia, the Carolinas and Georgia, east of the mountains. Of our sister states, Tennessee and Ohio furnish the greatest number, amounting, at the present time, to more than sixty. There is, in short, not an inlet, on the entire circumference of the state, through which Medical students do not enter: and the sum of money which they disburse, from their ingress to their egress out of the state, is so great, as in reality to constitute one of the elements of her prosperity.

There is no reason, moreover, why, in a few years, the number of foreign pupils should not be doubled, with a corresponding increase of expenditure among us. To this object, all our desires should be directed, and every means of accomplishing it should be brought into requisition.

Could no other of the western states establish a similar and rival institution, the interests and prospects of this, would less imperiously call for the attention and patronage of the Honorable the General Assembly, and the sovereign people of the state at large. This is not the case, however; and Ohio has, already, made the experiment in a city, which is supposed to possess some advantages over Lexington, for such an establishment. The first attempt was abortive; but it is not to be presumed that the people, either of that city or state, have entirely lost sight of such an important object, and it is not difficult to foresee, that the time is not distant, when it may be revived, with aspects that will attract, and divide with us the patronage of the west. Now, when Kentucky enjoys the whole, is the time to adopt efficient measures for preserving it undivided, and making herself in the
western United States, what Pennsylvania has been in the eastern, for nearly half a century.

To expect the Professors to erect an edifice, would be unreasonable; it has never been done anywhere. The expense would be too great, to be met by a few persons. As soon as it was incurred, it might be necessary for a Professor to resign and emigrate, or he might die, or, holding his place at the will and pleasure of the Trustees, he might be dismissed; in either case, losing the sum he had thus invested. In short, there is not, in principle, any reason why such a public edifice should be erected by the teachers, who, at this particular time, would occupy it during the sessions of the school, more than that the honorable members of the General Assembly and the great officers of state, should rebuild the state-house out of their private purses, instead of the public Treasury.

That the citizens of Lexington should build it, ought not to be expected. It would be paying too much for the benefit of its location among them. Moreover, they have already given to the department, $11,000 in specie, or about that sum; and it may be safely affirmed, that but for their public spirited efforts, the institution would not now be in existence. In reference to it, the state and the town, are under reciprocal obligations.

From a survey of the whole subject, it appears to me, that the erection of such an edifice, is a legitimate object of Legislative attention; and I therefore beg leave, most respectfully, to recommend it to the honorable the General Assembly, and in the spirit and language of a memorialist, would solicit for it, their consideration. An appropriation, conditioned on the contribution of an additional sum, sufficient for the purpose, by the people of Lexington, and the Professors and Officers of the University, is the most equitable mode which presents itself to me at this moment.

If my zeal and anxieties on the subject, have betrayed me into any expression too strong for the occasion, I hope you will excuse it. The desire to put you in possession of what I wished to say, before you should leave town to-morrow morning, together with the weight of double professional duties in the institution, at the present time, leaves me no opportunity of writing in a premeditated style, or of correcting imperfect sentences.

I have the honor to be, respectfully,

Your friend and obt' serv't.

DANIEL DRAKE, M. D.
Professor Mat. Med. T. U.

To the Honorable and Reverend Board of Trustees of Transylvania University.

GENTLEMEN:

In compliance with your request, I have the honor to
communicate to you the following report concerning the literary, scientific and moral condition of this establishment.

I. THE NUMBER OF STUDENTS.

In consequence of the fact, that the committee of the Legislature have visited us at an earlier period than has been common heretofore, the number of students, which I now return, does not show the full amount of the classes, as they ought to be recorded for the session. Our previous catalogues have been made out in January, and up to that time, additions are continually made. We have good reason to believe, that the aggregate of the present year, though somewhat differently distributed, will be equal to that of past years. There are now in the University, 320 students: 1. Law Class, 19; 2. Medical Class, 184; 3. Academical Classes, 95; 4. Preparatory Department, 23.

The report of the Law Professor (A.) shows, that the Law Class may be estimated at between 20 and 30, for the present session.

The report of Professor Dudley, Dean of the Medical Faculty, (B.) states, that although the number of matriculated students in the Medical Class is now 184, there are already more than 200 in town, attending the lectures, and that the prospect is, of a considerable addition even to that number.

In the Academical Classes, the additions, as we judge from experience, may be estimated at 50, before the usual time of printing the catalogue. For the Preparatory Department, an increase of ten may be allowed.

Of the 320 students, 155 are from 14 of our sister States, a greater number by 10, than we have ever had before from abroad, Pennsylvania, 1; New-York, 14; Indiana, 2; Illinois, 2; Missouri, 5; North-Carolina, 6; Georgia, 9; Louisiana, 12; Virginia, 12; Ohio, 14; South-Carolina, 14; Mississippi, 13; Alabama, 23; Tennessee, 10. Of these, 3 are in the Law Class, and 29 in the the Academical Classes.

Preparatory Schools have multiplied in Lexington and its vicinity, and have taken many pupils, who would otherwise have come to this department of the institution.

II. THE OFFICERS AND COURSE OF INSTRUCTION.

Rev. Horace Holley, L. L. D., President, and Professor of the Philosophy of Mind.

Hon. Jesse Bledsoe, L. L. D., Professor of Common and Statute Law.

Benjamin Winslow Dudley, M. D., Professor of Anatomy and Surgery, and Dean of the Medical Faculty.

Charles Caldwell, M. D., Professor of the Institutes of Medicine and of Clinical Practice.
Samuel Brown, M. D. Professor of the Theory and Practice of Medicine.
Daniel Drake, M. D. Professor of Meteoria Medica and Medical Botany,
William Hall Richardson, M. D. Professor of Obstetrics and the Diseases of Women and Children
Rev. James Bigly, D. D. Professor of Chemistry.
Robert Best, A. M. Lecturer on Pharmacy:
John Roche, A. M. Professor of the Greek and Latin Languages.

Thomas Johnson Matthews, Esq. Morrison Professor of Mathematics and Natural Philosophy.
Constantine Samuel Rafinesque, P. D. Professor of Natural History and Botany, Librarian of the General Library, Keeper of the Cabinet, and Secretary of the Academical Faculty.

John Brown, A. M. Principal of the Preparatory Department.

James Coquest Cross, M. D. Librarian of the Medical Library, and Secretary of the Medical Faculty.

Robert Wickefield, A. B. Librarian of the Law Library.

John Rite Morton, Esq. Treasurer.

William Macbean, Esq. Clerk of the Board of Trustees.

The professorship of Civil and National Law and of Political Economy, is vacant; but the President discharges the duties of it for the present session. The professorship of History, Geography and Chronology, is also vacant; but Dr. Caldwell daily attends the classes in this department.

The following is the course of studies in the Preparatory School and the Academical classes:

Preparatory Department.—Saturn or Caesar, Cicero's Select Orations, Ovid's Metamorphoses, Virgil, Greek Testament, Lucian's Dialogues, Dalzel's Collectanea Graeca Minor, exercises in writing Latin, Arithmetic, Elementary of Ancient and Modern Geography.

Freshmen.—Horace begun, exercises in writing Latin, Dalzel's Collectanea Graeca Majora begun, Algebra and Geometry, Review of ancient and Modern Geography, History begun, Declamation.


Juniors.—Excerpta Latina finished, Juvenal, (Selections,) Livy, (two books) exercises in writing Latin verse, exercises in writing Greek, Majora finished, Surveying, Latrop on the
Globes, Conics. Cronology, Tytler's Elements of Ancient and Modern History, Natural Philosophy and Astronomy, Chemistry, Themes, Declamation.


In Mathematics, Day, Hutton and Legendre's Geometry, the Trigonometry of Lacroix with Farrar's Appendix, the Fluxions of Lacroix, and Cavallo's Philosophy, are used.

Henry, Thompson and Bache, are the works most commonly referred to in Chemistry.

The books of reference in the Law Department, are found in the Professor's report, with the exception of those used by the President, which are Brown, Cooper's Justinian, Domat, Vattal, and Say.

Where instruction is given by lectures, as in the Medical School, text books, properly so called, are not commonly used, but the most approved authors are pointed out to the student in the course of investigation.

In the Academical Department, fifteen recitations are attended daily with the four classes: and three courses of lectures, including one on Natural Philosophy with full experiments, are given during the session. There are two courses of Law Lectures, seven of Medicine, one of Mental Philosophy, besides the recitations in this science, and one of Natural History. Recitations are found best for the younger students, and lectures for the older, though they are blended, in a degree, by all the Professors.

The practice of Declamation is pursued weekly for the two upper classes. Ten students appear every Saturday before an audience in the chapel, where their pronunciation, tone, action, and whole manner, are subjected to faithful criticism on the spot. The inhabitants customarily attend on these occasions, and render them highly exciting and improving. The members of the two lower classes declaim daily before all the students assembled at morning prayers.

Compositions are written upon themes selected by the students and sanctioned by a Professor; and these, after being read aloud by the writer, before his class are criticised by an instructor with his pen in his hand, when all faults are marked and corrected. Forensic debate is also cultivated by the seniors, under the direction of the President, who preserves order during the discussion, and decides the questions afterwards.

The course of history is far better conducted now, than at
any former period in the University. The philosophy of it is presented to the student, and general principles are drawn out for practical utility. In natural philosophy, also, great improvements are made in the mode of instruction, and experiments, which are indispensible, are formed by the Morrison Professor, with great skill and success. Under the combined efforts of this officer and the lecturer on Pharmacy who is an excellent mechanician, our philosophical apparatus is undergoing a thorough repair, and is assuming an entirely new aspect.

In the Law School, there is a Moot Court, as well as a Legislative Assembly, for the benefit of the class. Practice and facility are thus acquired in professional duty.

Six hours a day are devoted to instruction in the Preparatory Department, and this school is decidedly one of the best in our country.

Religious instruction and worship are secured on the Lord's Day, in the Chapel of the University, by clergymen of the principal denominations of Christians, according to a plan drawn up last year by the President, sanctioned by the Board of Trustees, and herewith submitted, in a printed pamphlet marked C. This has had an obviously good effect, and will doubtless be continued so long as it is found to have a favourable influence on the University. The principles of the measure are entirely catholic, and harmonize with the genius of our free institutions and the character of our people.

III. LIBRARIES (Report D.) Law 450 volumes; Medical 2,600 (B); Academic 2,400; total 5,430 volumes. In addition to these, there are about 1000 volumes in the libraries of two College Societies and about 6,000 in the Town Library; thus making between 12,000 and 13,000 volumes to which students in this place can have access, independently of the bookstores and private collections. Of the books belonging to the University, five sixths have been obtained under the present administration of the affairs of the institution, or since the year 1818, when the Legislature took it into their more immediate protection. Besides donations, which have been numerous, books to the amount of $14,775 in the currency of the state, have been placed upon our shelves. Nearly every one of our valuable works in science and criticism, is included in this number. The libraries are kept open daily, and fire, tables and stationary, according to the rules marked E., are provided for the accommodation of students. In this way, the books are rendered far more useful than formerly.

IV. APPARATUS. In the care of the Morrison Professor, are the following articles, as will appear from his report, F. An Acromatc Telescope, a Sextant and Quadrant, a Solar Microscope, a Botanical Microscope, a Magic Lantern, a Came-
ra Obscura, an opera Glass, a Kaleidoscope with a convex lens to present objects from without, an instrument for optical deceptions, a convex Mirror, two glass Prisms, a whirling Table, a case of Mathematical Instruments, an apparatus for demonstrating the Mechanical Powers, an Hydrostatic Balance, an Hydrostatic Bellows, an Hydrostatic Paradox, an Air Pump, an Electrical Machine, two Barometers, a pair of large Globes, an Orrery and two Magnets.

Most of this is in a state fit for use, or will be in a few days, as has been already intimated. The sum of $569 79 in specie, the interest which had arisen on the Morrison Fund before a professor was appointed (G) is now appropriated to purchase additional instruments.

The Anatomical Museum contains about 120 specimens in dry and wet preparations, and in wax models, many of them very valuable, (B.) Among these is a complete human figure from Italy, made with great skill, and susceptible of being taken to pieces, for the purpose of exhibiting the most curious and interesting parts of our interior organization.

A catalogue of the apparatus in the Chemical Room, which is extensive and valuable, I have not yet obtained, but shall request the Clerk of the Board to procure and hand it over to the committee.

The Cabinet, in the care of the Professor of Natural History and Botany, amounts (as in report D.) to 44,000 specimens, including all kinds, plants, shells, insects, fossils, antiquities, and curiosities. A part only of these belong to the University, the majority being depositories by different gentlemen.

V. DISCIPLINE AND MANNERS. Graduates and gentlemen who attend the Law and Medical classes, are presumed to be competent to self government, and are only so far under the superintendence of the Officers of the University, as to forfeit their standing in the institution, and to have their connexion with it dissolved, if they do not observe common decorum and good morals. The Academical Classes are under a more particular code of laws, containing sufficient provisions for all the purposes of collegial government. (See the pamphlet and sheet marked H. and I.) These laws are substantially enforced, while the government is mainly moral and parental. A course of lectures on manners and morals, which the President is in the habit of giving every Saturday, to the students in the chapel, and in which he is as minute and affectionate as his parental solicitude inspires, is found greatly to aid the influence of the laws, and almost to supersede the use of direct authority. The members of the Academical Faculty meet every Monday, at the President's room, to make reports of the condition of their departments, and to hear and decide such cases of discipline as
may arise. At these meetings, the state of the University is considered, the rank of the students ascertained, improvements suggested, complaints at home or abroad discussed, and all the interests of the institution made the subjects of attention.

The conduct of the pupils is in general excellent, and fewer punishments are required in this University, than in any of the several eastern institutions, with which the writer of this report is acquainted. A thorough experiment is now going on with us, to ascertain how far a parental and moral influence, perseveringly exerted in private advice and admonition, with a direct appeal to the interests and generous affections of young men, may supersede the necessity of an academical penal code. Our authority however is always kept in reserve for such cases as will not be governed by better motives. We are happy to find our efforts thus far remarkably successful. The effect of having our young men in the good families of the place, under the immediate and chastening operation of domestic affections and arrangements, and of virtuous female society, instead of being assembled at a common table in a Refectory, with the feelings and coarse associations of barracks, is decidedly most salutary and important. It is fully believed, and respectfully, as well as firmly asserted, that the moral and religious feelings of no portion of the youth of our community, are more just or elevated, or better adapted to make useful and effective men, than those of the young gentlemen of Transylvania University. They not only have the opportunity to hear, in the Chapel, the Preachers of all religious denominations in the town, and in the Churches too, and thus to acquire liberal and well balanced opinions, together with kind impressions toward the different classes of Christians; but are also continually engaged in the investigation and illustration of the most important and purifying truths, that literature, science, and the daily interests of man, can present to the human attention.

Such is the general condition of Transylvania University, a condition which justifies the congratulations of its friends, both in the Church and in the State, both in public and in private life. Notwithstanding the advantages, however, which it possesses, there are some wants, to which, we would point the eyes of its patrons. We greatly need a fund for the support of a Professor of History, Geography and Chronology, and of a Professor of one of the ancient languages, to aid the present Teacher in that department. We also want a fund to procure many valuable books and instruments, the advantages of which we are now obliged to forego.

Respectfully yours,

Nov. 10th, 1824. HORACE HOLLEY.

Since the above was written, the Law Class amounts to 20,
and several new students have come in from other States; so that we have now 20 from Ohio, instead of 14, and 3 from Pennsylvania, instead of 2.

I also send a catalogue of Graduates of the University since its foundation, by which it will be seen that only 22 degrees were conferred for 33 years before 1819, and that 815 have been conferred in the 6 years since.

H. HOLLEY.

A.

Professor Bledsoe's Report, concerning the state of the Law Department, November 9th, 1824.

The professor of Common and Statute Law, in the Law department of Transylvania University, submits the following report to the President of the institution, for the information of the Trustees and the committee of the Legislature.

The number of members in this department, is not so large as that of last year; but it is still confidently believed that it will receive an accession of from six to eight more members, making an aggregate of from twenty to thirty. This department having been heretofore managed by the aid of the President, in filling the Professorship of Civil and National Law, appears, so far as is known, to have been satisfactorily superintended. After the appointment of Judge Boyle as a colleague in this department, the uncertainty whether he would accept, delayed the usual advertisement concerning the class, until a period much later than usual, or indeed convenient, to produce any considerable effect. The uncertainty in the organization of the respective Professorships, produced hesitancy in, or has prevented the attendance of some, who would otherwise have joined the class.

The text books used by the Professor of Common and Statute Law, are Blackstone's Commentaries, Reeve's Domestic Relations, Powel on Contracts, Newland and Comyns on do. Peake's American Edition of Evidence. Phillips on same, Jones on Bailment, Cruise on real Estates. The Lectures are written, and the references numerous.

A proposition was for some time depending, to add an additional common Law Professor. The experiment would, it is conceived, be hazardous inasmuch as it is extremely problematical whether the average aggregate of members of this class, would afford a suitable prospect of advantage to two Professors who are capable; for the expense must either be increased to the student with a prospect of diminution of number in proportion, or the fee or price of the tickets of admission reduced, thus operating directly upon the profits of the Professor, already sufficiently low. The price of both tickets is now sixty dollars in currency, and five dollars in the same for matriculation, to
cover contingencies for use of books, fuel, &c.; and of this sum, by arrangement of last year as well as this, forty dollars in currency is paid to the undersigned. Less than this sum, he does not conceive, will furnish him with an object worth his labors in the University, or be a just compensation for them. The numbers in the department must fluctuate until it shall become fashionable or necessary to procure a diploma in law, as well as in medicine, which is not likely to be soon the case. All which is submitted respectfully.

J. BLEDSOE.

Professor Dudley's report of the Medical Department, as Dean of the Faculty, November 10th 1824.

Sir—In Obedience to your note of yesterday, I proceed to lay before you, answers to the several questions regarding the Medical department of Transylvania University.

The number of matriculated pupils in this department, amounts to one hundred and eighty-four. It is thought there are more than two hundred Medical students in town, and that the class will have an addition of from thirty to forty to its present number. Fourteen different states, have contributed in making up the present number of pupils.

The Medical Library contains five and twenty hundred volumes, besides a large number of pamphlets.

The Museum is made up of forty-four dry and nineteen wet specimens, together with about fifty preparations in wax. The dry specimens, are, principally, different views of the blood vessels, while the wet are composed of morbid preparations of different portions of the body; those in wax are striking, and many of them very valuable. The entire female figure, the different views of the brain, with those of the absorbents, are the most interesting.

The modern and most universally approved authors, constitute the books of reference in the different departments allotted to each Professor.

There are two Medical Societies attached to the institution.

With great regard, your ob'dt serv't.

B. W. DUDLEY, Dean.

President Holley.

Religious Instruction and Worship in Transylvania University.

On Monday last, the following plan of religious instruction and worship in the University, was, by an unanimous vote of the Academical Faculty laid before the Board of Trustees, and
was by them unanimously adopted, thirteen of the seventeen members being present. By a resolution, in which all concurred, their names are subscribed to the measure. It was also resolved, that the editors of newspapers in the town be requested to insert in their columns, a copy of this result of the Faculty and the Board. It is believed, that this is a measure eminently calculated to unite public sentiment, to secure general confidence, to advance the interests of truth, to extend catholicism, and to excite a spirit of emulation in the cause of religious liberality. It would have been gratifying to every patriot and philanthropist, to witness the unanimity and excellent tone of feeling, with which a measure, having so many relations to personal and sectarian partialities and antipathies, was received and adopted by an unusually full meeting of our large Board of Trustees, embracing a representation of the Ancient Church of God under the Old Covenant, and of the most respectable and popular denominations under the New. The truly religious and liberal, will rejoice to find, that an experiment is now to be made in earnest, and under circumstances which warrant no small degree of confidence in its success, to ascertain how far the professed believers of the Bible and worshippers of God, though they are known by different names and associations, can harmonize in the management of the great interests of education, as connected with the most important and practical truths and duties of religion. Our situation is as novel as it is interesting, and is well fitted to attract the attention and enlist the hopes of all the friends of human improvement and happiness. The candid and reflecting will see in this measure the reality of a religious influence in its prompt and cordial adoption for the most valuable ends. In the list of names here presented to the public, may be found the representatives of seven religious denominations, namely, the Ancient people of God, the Roman Catholics, the Episcopalians, the Presbyterians, the Congregationalists, the Baptist and the Methodist, and among these, several clergymen, who, though sincerely devoted to the principles of their respective communions, are heartily engaged in this auspicious enterprise, in favour of our common religion. A strong persuasion is cherished, and an earnest prayer is offered, that our Universal Father and Friend will in his gracious Providence, bless and prosper this united effort to do more than ordinary good in removing prejudice, in allaying jealousy, in awakening confidence, in reviving charity, in enlivening hope, and in extending the benevolent dominion of religion and virtue.

HORACE HOLLEY.

Transylvania University, April 9th, 1824.
At a meeting of the Academical Faculty of Transylvania University, April 5th 1824, the President submitted for consideration, the following PREAMBLE and RESOLUTIONS, which in substance he had twice brought before the Faculty several months since, but had consented to the postponement of a final determination upon them, in consequence of the doubts of their utility which were expressed by the Reverend Professor of Natural Philosophy and History. It being understood that these doubts were removed and that there was a prospect of an unanimous adoption of the measure, the President again called the attention of the Faculty to this interesting and important subject.

The By-Laws of the University, (p. 8) contain an article in regard to the religious instruction and worship of the institution in these words: "It shall be the duty of the President, or in his absence, of one of the professors, to perform divine service on every sabbath, at least once, in the Chapel of the University to such officers and students as may choose to attend. And it is particularly enjoined upon the students to attend public worship somewhere on the sabbath." This duty was discharged for a considerable time by the President, when, at his own request, he was permitted, in consequence of his numerous duties in the superintendence of the establishment, and in its general improvement, as well as in various departments of instruction, to omit this public weekly labor. The principal religious sects having churches in the town, the students had an opportunity to attend such as they or their parents preferred. It is believed, that in this way they have generally received religious instructions, and participated in public worship during the whole of the present administration of the affairs of the University. The Faculty however, knowing it to be the earnest desire of the trustees, as well as their own, to have as far as possible, the best advantages of religious instruction, and worship secured to the youth of the institution, and finding from experience, that an improvement can be made in the existing regulation upon the subject, recommend to the trustees the adoption of a measure, which provides as it is believed, in a safe and effectual manner, for the accomplishment of the several purposes involved in this object of general solicitude, while it guards against dangers and abuses.

The members of the Faculty are aware, that sectarian peculiarities ought not to be introduced into a State University, where there is no established church with legal privileges, and where young men are collected within its walls, from families of all religious denominations, to receive instruction in literature and science. At the same time, it appears to be the general desire and expectation, in accordance with some of the best and
strongest principles of our nature, that the great doctrines of our common religion, those in which the good and pious of all denominations agree, should be taught with the other branches of education, if a mode of doing this can be adopted without opening the door for polemical and sectarian divinity to enter, and disturb and pervert the minds of the students, and thus give just occasion for offence to the parents and friends. The principles of religion in which the enlightened and benevolent of all denominations harmonize, are happily the most important and are such as all patriots and devout men would wish to see inculcated in a state University, leaving the particular tenets of different sects to be taught in families, parishes and theological schools. The plan now offered, embraces as many points as the nature of the case appears to admit with propriety, and provides the same kind and degree of safety for the University in this respect, which are provided for the community at large, under our free government namely, the equal distribution of the proper means and opportunities among the ministers of the various religious denominations. All the sects are included in this catholic measure. None have a right to complain, while all have the privilege of appearing before the youth of the University, to recommend and enforce their common religion. The exclusion of any, would be a departure from the principles which have governed, and still govern the Instructors and the Board of Trustees. Although respectable clergymen from all religious denominations are thus allowed to contribute their aid to the interests of the University, in promoting the great doctrines of our holy religion, and in illustrating and enforcing the pure morals, which it requires, yet from the actual circumstances of the town and its immediate vicinity, there are four or five denominations, whose ministers will have the opportunity to officiate chiefly in the regular course. These are the Roman Catholics, the Episcopalians, the Presbyterians, the Baptists and the Methodists. Provision is made to give to others a suitable opportunity to be heard.

With these views, the Faculty respectfully offer the following Resolutions to the consideration of the Trustees, as the result of their deliberations.

Resolved by the Trustees of Transylvania University, That as they have heretofore considered it their duty, and have made provision in their laws to discharge it, though the execution of this design, in the manner prescribed has been interrupted by the force of circumstances, so they still consider it their duty to cause the great doctrines and virtues of our common religion as they are gathered from the Word of God in the Old and New Testaments to be taught in this institution, so far as it is practicable, free from all sectarian peculiarities, and from all the bitterness of religious controversy.
Resolved. That the imperative form of the existing article in our By-Laws upon this subject, since the president has been allowed at his own request, to omit the performance of the labor assigned him, and which was virtually modified at the time of granting this indulgence be now, and it hereby is, exchanged for the permissive.

Resolved, That in order to carry into effect for the future, what has always been the desire of this Board, as well as of the President and Professors, and what is believed to be accordant with the wishes of the Legislature and of the People, and to secure the impartial instruction of the students in the most useful and important principles of our belief, the ministers of the religious denominations in Lexington, be invited to preach in turn, during the academical session in the Chapel of the University, at nine o'clock in the morning of each Sabbath; and that the students who live in town, be required to attend, unless excused by the Faculty upon satisfactory evidence of conscientious objections on their own part, or on that of their parents or guardians.

Resolved, That each clergyman have the liberty to invite, with the consent of the Chairman or President, any minister in good standing, of his own or of any other denomination, to officiate in his turn; and in order to enjoy the benefit of the talents, learning and piety of distinguished or useful preachers, in good standing from abroad when they may be travelling through our part of the country, it is resolved that the Chairman of the Board, or the President of the University, be authorised to invite such persons to officiate in the Chapel, either at nine o'clock in the morning, or at a suitable time in the day or evening. Should the hour of nine in the morning be selected, in this case, notice must be given on the preceding day to the gentleman whose turn it may be to preach at that time, and his consent must be obtained.

Resolved, That for the present, the ministers of the following churches in Lexington, the Roman, the Episcopal, the Presbyterian, the Baptist and the Methodist-Episcopal, be requested by the Chairman to preach in turn in the Chapel, according to the foregoing arrangement, and that the third Sunday of the present month be the period to begin this duty, it being understood that where there are ministers of the same denomination, they be requested to take the turn alternately. Should any of the ministers decline to preach under this arrangement, the others are to be requested to take the turn in their order.

Resolved, That as the community may desire to know what is the character of every kind of instruction given in the University, and as it is in all respects useful to gratify this desire, it is proper to announce in this connexion what has been heretofore
known as the practice of the institution, that the examinations are as they always have been public; and that decorous and reasonable questions may be put to the students under examination, by any respectable person present, not only as it regards literature and science in general, but also the principles which are taught in moral philosophy and religion, so far as the latter is included in the course, principles which it is the avowed purpose of the Instructor in this department, as well as his duty and his inclination to illustrate and enforce agreeably to the known wishes of the Trustees and the public in perfect conformity to the word and will of God, as expressed in the Sacred Scriptures; it being understood as the simple object of this anunciation, that nothing be taught in opposition to the divine revelation of truth contained in the Old and New Testaments, the oracles of the religion of the country. The Trustees as well as the several Faculties, have always been desirous, and still are, of rendering the examinations as extensively useful as possible, and of making them a satisfactory test of the real character of the education given in the University.

PASSED UNANIMOUSLY BY
HORACE HOLLEY, L. L. D. President.
ROBERT HAMILTON BISHOP, A. M.
Professor of Natural Phil. and History.
JOHN ROCHE, A. M. Professor of the
Greek and Latin Languages.
MANN BUTLER, A. M. Professor of
Mathematics

ADOPTED UNANIMOUSLY BY
JOHN BRADFORD, ESQ. Chairman.
THOMAS BODLEY, ESQ.
CHARLES HUMPHREYS, ESQ.
JOHN WESLEY HUNT, ESQ.
ELISHA WARFIELD ESQ.
REV. JAMES FISHERBACk, D. D.
ELISHA I. WINTER, ESQ.
REV. GEO. THOS. CHAPMAN, A. M.
JAMES TROTTER, ESQ.
WILLIAM LEAVY, ESQ.
CHARLES WILKINS, ESQ.
BENJAMIN GRATZ, A. M.
REV. GEO. CHRISTOPHER LIGHT.

D.
Report of the state of the Library and Museum of Transylvania University, in November 1824, exclusive of the Medical Library.

ACADEMICAL LIBRARY.
Folio and quarto volumes,
LAW LIBRARY.

Octavos, duodecimos and pamphlets, about 2,070

Folios and quartos, 102

Octavos and duodecimos, 328

430

MUSEUM.

Specimens of Minerals, Shells, Animals, Indian remains, and other productions presented to the University, or donations, in number about 1,200

Specimens of ditto, deposited by Dr. Caldwell, from the former (Clifford's) Museum, about 3,000

Specimens of ditto, but principally Insects, deposited by Dr. Crockett, about 1,000

Specimens of Minerals deposited by Professor Rafinesque, about 500

Specimens of animals deposited by ditto 1,500

Specimens of Plants, or Herbarium of American and foreign Plants, deposited by Professor Rafinesque, 38,000

Deposites, about 44,000

C. S. RAFINESQUE, Librarian, and Keeper of the Museum.

President Holley.

Rules of the Library, adopted on the 1st of December, 1823.

1. It shall be opened from 9 until 1 and from 3 to 5, in winter; from 8 to 1 and 3 to 5, in summer.

2. The Librarian or Sub-Librarian, shall be in it at these hours, and the Librarian is held personally responsible, under a penalty of from $1 to 100, at the discretion of the Academic Faculty, for the enforcement of the rules to the letter and spirit.

3. Tables, stationary and fire, when necessary, shall be provided, that the room may be a convenient place for consulting books and taking notes. No student, however, shall come to the Library for the purpose of studying his lesson.

4. The books reserved in the catalogue made out by the Academic Faculty, are not to be taken from the room; but may be freely consulted in it.

5. Two books only, are to be drawn by an individual at one time, and are to be returned on the first Saturday of every month.
6. Every person drawing a book, must have it recorded by the Librarian or his substitute.

7. When one has ceased to use a book, he shall return it to the shelf from which he took it.

8. No leaf shall be turned down in a book, nor blotted, nor soiled, nor laid open with the leaves downwards, nor otherwise injured.

9. Such as are entitled to use the Academic Library, may consult the books of the Law Library, when the law students are not using them.

10. No conversation nor any disturbance, is permitted in the Library; nor is any one to smoke in it, nor to spit upon the floor.

11. No one is permitted to make a passage of it, nor to interrupt in any way, the studies of those that are in it.

The penalties annexed to the violation of these Rules.

Rule 3. From fifty cents to one dollar.

4 & 8. Twenty-five cents, and the immediate return of the book, under a penalty of from one dollar to double the price of the work, at the discretion of the Faculty.

5. Six and a fourth cents each day, for not returning a book, and for a delay of one month, after notice, the price or double the price of the work, at the discretion of the Faculty.

7. Twelve and a half cents for each violation.

8. Twelve and a half cents to double the price of the work, according to the value of the work and the injury done, both of which are to be estimated by the Librarian; an appeal to the Faculty being allowed.

9. From twelve and a half cents to one dollar, according to the degree of aggravation, and expulsion from the Library in a case of obstinate repetition.

10. From twenty-five cents to one dollar.

All fines to go to the benefit of the Library.

Professor Matthews's report of the Mathematical Department and that of Natural Philosophy, November 10th, 1824.

Sir.—Pursuant to your request, I transmit a list of the Philosophical Apparatus belonging to the Transylvania University, together with an account of what may be required to render it complete, as also a list of the text books in the Philosophical and Mathematical departments.

Respectfully,

THO. J. MATTHEWS, Mor. Prof.
of Mathematics & Natural Philosophy.

President Holley.
LIST OF APPARATUS.

Achromatic Telescope, in good order; Sextant, out of order, but easily repaired; Quadrant, in good order; Circumferentor, out of order, but easily repaired; Solar Microscope; compound Microscope, out of order and incomplete, but easily repaired; common Botanical Microscope; Magic Lantern; small Camera Obscura; Opera Glass; Kaleidoscope; Optical Illusion; Convex Mirror; two Glass Prisms; one of them broken. Whirling Table, hardly repairable; case of Mathematical Instruments; Apparatus for demonstrating the principles of the Pulley; ditto for demonstrating those of the Lever; inclined Plane; Hydrostatic Balance, deficient; Hydrostatic Bellows, defective; Hydrostatic Paradox, defective; Air Pump and some Apparatus, much out of order; Electrical Machine, with some Apparatus; two Barometers, one broken; pair of Globes, one of them out of order; Manual Orrery, out of order, but repairable; two Magnets.

LIST OF REQUISITE ADDITIONS.

A complete Hydrostatic and Hydraulic Apparatus; Compound Engine, explaining the mechanical powers; a Magnetic Apparatus; Atwood’s Apparatus for exemplifying the principles of accelerated and retarded motion; complete Whirling Table; Ivory Balls, explaining the principles of collision; various additions to the Electrical and Pneumatic Apparatus; reflecting Telescope, with Microtometer; Equatorial Instrument; Astronomical Quadrant; Repeating Circle; Transit Instrument; Chronometer; Lenticular Microscope; artificial Eye; Large Camera Obscura; Concave and Convex Mirrors and Lenses; Magazine of Drawing Instruments, circular Protractor, proportional, elliptic triangular and pair Compasses; Universal Dial; Optical Models; Burning Mirrors; Armillary Sphere; complete Air Pump, with Apparatus; Models explaining Centre of Gravity; sundry particulars not recollected.

List of Text Books in the Philosophical and Mathematical Departments.

Day’s Mathematics, Hutton’s Mathematics, Legendre’s Geometry, Lacroix’s Trigonometry, Fareau’s Appendix to do, Lacroix’s Fluxions, Cavallo’s Philosophy.

G.

R. I. Winter’s report to E. Wayfield of $569 78, in specie, of the Morrison Fund, to be applied to the purchase of Apparatus.

November 8, 1824.

Sir: The committee to whom was assigned the duty of appropriating the interest due on the Morrison legacy, which accrued prior to the appointment of the Morrison Professor, have in their hands, $569 78, say five hundred and sixty-nine dollars, seventy-nine cents, specie, which will be applied to the purchase
Report of Professor Roche in the Department of Languages.

November, 9th 1824.

Sir,—As you have requested a report of my department, I think it not unnecessary to mention first, the books required for entrance into College. The following are the terms of admission into the Freshman Class: The candidate must be acquainted with Greek and Latin Grammar: He must be able to translate into English correctly, Virgil, Sallust or Caesar, the Select Orations of Cicero, the Greek Testament, and Dalzel's Collectanea Graeca Minor: He must pass an examination in Clark's or Mair's Introduction to the making of Latin. In addition to these, the Faculty have required Lucian's Dialogues for entrance, convinced that the more that is required, without requiring so much as would defeat the intent of the requisition, the better would the students be prepared, and that unless they are well prepared, they must drag uncomfortably along through College, and not receive that benefit, which a more complete preparation would enable them to obtain. The Freshman Class, therefore, begins with Dalzel's Graeca Majora, of which as much is read as the time will permit; in Latin, as much of Horace is read, as the time will allow; and exercises are given in Latin and English Composition.

The Sophomore Class continues the Majora, finishes Horace, and commences Excerpta Latina, of which they study as much as they can, until the close of the session; they also write Latin and English Compositions. In addition to these, Adams' Roman Antiquities are studied.

The Junior Class finishes the Majora, gets through the Excerpta Latina, reads the Select Satires of Juvenal, and finishes the session with a portion of Livy or Cicero de Oratore. During this year, also, Compositions in Greek, Latin and English, are closely attended to, and Greek and Roman Antiquities are reviewed.

Although our Classical course is now equal to any, and more extensive than most of the courses in the institutions of our country, you perceive that requiring Lucian for entrance, will leave some time for studying Homer, the great father of poetry. We have a copious extract from this poet, in the second volume of Majora, in which he holds up to the imitation of posterity, Ulysses, one of the finest models of genius, wisdom, temperance, and all the first and best principles that adorn human nature. Yet I would wish to see the writings of this great man not stu-
died by scraps, but committed to memory by every American youth, assured that he who did so and lived accordingly to the maxims and examples contained in them, must necessarily merit the encomium which the King of Epirus passed on the Roman commander. If time and opportunity permitted, I might easily show, that this panegyric on the wandering bard, is not extravagant. If, then, his writings inculcate such principles, and if a republic is to be mainly supported by virtue, how important is a high and upright education to our country!

The Graeca Majora is an extensive and judicious compilation of extracts from the first Historians, Orators, Philosophers, Critics and Poets of Greece—all full, rich and beautiful, the most perfect models on which to form the taste of youth, expand their faculties, direct their judgment, and elevate and ennoble their characters. Mr. Dalzel has added notes to this work, which, for their purity and ability, would do honor to the highest period of Roman criticism.

The Excerpta Latina, contains extracts from the Roman Historians, Critics and Philosophers, which, together with Roman Antiquities, show by what institutions, laws, manners and customs, that proud people rose, extended their dominion over the then civilized world, and by what causes they at last fell. Every one must at once see, what advantage is derived in a country like ours from such works.

Nor need I dilate on the benefits resulting from the practice of composing. In such a government as this, all must immediately perceive the utility of exercising the minds of those who are destined to control its affairs, in thinking for themselves, and writing on subjects, in the examination of which, the mind is necessarily and constantly carried back to first principles. To yourself, sir, and to the gentlemen for whose inspection you require this statement, I am aware that it is unnecessary to enlarge on the benefits of a classical education; to mention how it affords the best exercise for the faculties of youth, imprints upon their unainted minds the loftiest and purest principles, and qualifies them to discharge with honor, the most sacred duties which their country entrusts to their care.

I am, sir, your humble serv't.

JOHN ROCHE.

President Holley.

N. B. The short notice given, must be my apology for the shortness of my report.

Professor Drake's report of his Text Books, November 10th, 1824.

Dean Sir.—I have not, technically speaking, any text book for my course, as Materia Medica, is not like Geometry and
mental Philosophy, in any state of perfection. The method which I follow, is in some degree, one prepared for the occasion.

The books, however, which I advise the class to read, as accompaniments of the lectures, are, Murray's Materia Medica, Chapman's Elements of Therapeutics and Materia Medica, Eberle's Treatise on the same subjects, and Paris' Pharmacology.

I have the honor to be, respectfully, yours.

DANIEL DRAKE.

President Holley.

H.

By-Laws of the Transylvania University.

Rules and regulations for the government of the Board of Trustees and their Officers.

Chapter I.

1. There shall be one annual stated meeting of the Board, on the Monday preceding commencement, at which all elections of Professors and Instructors shall take place; and two other meetings annually, one on the first Monday in April, and the other on the first Monday in October. The Board shall likewise be convened whenever the Chairman or any three members of it shall direct in writing. When such extraordinary meeting is ordered, due notice thereof shall be given in one of the gazettes published in Lexington, and by the Clerk personally to such members as may be convenient.

2. A Chairman of the Board shall be from time to time appointed.

3. The rules and regulations of the House of Representatives of Kentucky, so far as the same are applicable, shall govern the Board in its deliberative proceedings.

4. The Trustees are to attend at commencement, and if practicable, on days of public examination and exhibition.

Chapter II.

At each April meeting of the Board, the following committees shall be appointed: A committee of three, to inspect the buildings and other property of the University, and to cause all necessary repairs to be made; a committee of three, to superintend the collection of debts, to arrange and adjust the expenses of the Refectory, and to examine the accounts of the Treasurer, and to report at each stated meeting of the Board; and a committee of three, to inspect the library and philosophical apparatus, and to examine the accounts of the Librarian, and to report at each stated meeting of the Board.

Chapter III.

A Clerk shall be appointed during the pleasure of the Board. He shall keep a record of the proceedings of the Board, and for
this purpose shall give his attendance. He shall also record all
the contracts, leases and deeds which have been made and not
already recorded, or which shall be made in future. He shall
carefully preserve the books and papers of the board. He shall
also keep an account of all receipts and disbursements, and
quarterly compare it with the accounts of the Treasurer. He is
to receive such compensation as the board may fix.

CHAP. IV.

1. A Treasurer shall be annually appointed at the April meet-
ing of the board.
2. An account shall be raised by the Treasurer, of each spe-
cies of fund and expenditure; and also, a general account of
receipts and expenditures, which he shall compare quarterly
with the account of the Clerk, and report to the committee of
accounts.
3. The Treasurer shall pay no moneys unless authorized by
a warrant drawn by the chairman of the board and attested by
the clerk.
4. The Treasurer shall deposit in one of the banks in Lex-
ington, all the moneys which he shall from time to time receive.
And the chairman of the board shall be authorized to draw, in
favor of the treasurer, from time to time, for all dividends aris-
ing upon stock belonging to the University, his order being at-
tested by the clerk.

CHAP. V.

1. All moneys arising from the sales of land, shall be vested
in such manner as the United States, or banking institu-
tions, as the board of trustees may order; seven trustees concur-
ing therein. The principal stock belonging to the University
shall not be disposed of without the concurrence of a like number
of the trustees, the dividends arising therefrom and the interest
upon debts due for the sale of lands, being alone applicable to
current expenses.
2. The present seal of the University shall continue to be used
until changed by order of the board.
3. Each member not attending, without reasonable excuse, at
a stated or at an extraordinary meeting, of which he shall have
notice, shall pay a fine of two dollars to the clerk. The disposi-
tion of the fines shall be annually determined by the board, at
the meeting next preceding commencement.

Rules and regulations relating to the University.

CHAPTER I.—Period of Study—Classes—Admission.

1. Four years are required for the regular course of study in
the Transylvania University, for the under-graduates, who are
divided into four classes, the Freshmen, Sophomores, Junior
Sophisters, and Senior Sophisters; a year being allotted to each
of the classes.
To obtain admission in the Freshmen class, the applicant being examined by the Faculty, must be found to have a good knowledge of Latin and Greek grammar, Virgil, the select orations of Cicero, Sallust, Greek Testament, Collectanea Graeca Minora, Clark's or Mann's Introduction to the making of Latin, translate English into Latin, understand common arithmetic, and have studied ancient and modern geography. He must also possess a good moral character, and have obtained the treasurer's certificate of his having paid the dues to the University, required in advance, or given bond according to the by-laws.

3. A student desirous of being admitted into a class in advance of the Freshmen class, may be admitted accordingly, if he shall have obtained a knowledge of all the studies required of the class or classes which he wishes to pass over, or their equivalent, to be determined by the Faculty; and provided that he pays all the fees of tuition which would have been payable if he had entered the Freshmen class, unless he comes from another College, when no such fees shall be charged.

4. As there may be persons, not acquainted with the Greek and Latin languages, who may be desirous of attending the lectures and recitations, the Faculty may, by a vote, admit such irregular students, who are however not entitled to a diploma. They are to pay the same college charges as the class to which they may be attached.

CHAP. II.

Of the Faculty, the President and other Professors.

1. The Faculty consists of the President, Professors and other Instructors of the University, for the time being. The Faculty is charged with the immediate government and direction of the University. It is to attend to the enforcement of the laws and regulations which shall be prescribed from time to time, by the trustees. The President is to preside at meetings of the Faculty, which is to decide by the greater number of votes, that of the President always being one to give validity to the decision of the majority.

2. The Faculty is to designate the books to be read, and the course of study to be pursued by the classes, during the period of their study.

3. It shall be the duty of the President to take charge of the University generally; to superintend the buildings, grounds and moveable property belonging to it; to report to the committee of repairs, such damages as may need repair; and to report to the trustees, as occasion shall require, concerning the state of the University, and concerning such measures as may conduct to its future prosperity.

4. He shall have power to visit the classes and any of the departments of the University. He shall also have power to
give such directions, and perform such acts generally, not inconsistent with the laws of the University, nor the ordinance of the trustees, nor the regulations of the faculty, as shall in his judgment promote the interest of the institution.

3. He shall preside at commencement, and on occasions of exhibitions and examinations. He is charged with instruction in logic, rhetoric, and moral philosophy.

6. It shall be the duty of the President or in his absence, one of the Professors, to perform divine service on every Sabbath, at least once in the chapel of the University, to such officers and students as may choose to attend. And it is particularly enjoined upon the students to attend public worship somewhere on the sabbath.

7. The President shall furnish to the clerk of the board, two months previous to each annual commencement, a report of the names of the students who have attended the University during the session, and the length of time of their continuance.

8. The Professor of mathematics and natural philosophy is charged with instruction in those branches, and with the care of such of the philosophical apparatus as shall be assigned to his department by the President.

9. The Professor of languages is charged with instruction in the Greek and Latin languages, and with Graecian and Roman antiquities. He is under the direction of the President, also charged with the grammar school, and is to be assisted with such tutors as the trustees may for this purpose appoint.

CHAP. III.—Department.

1. Every student shall address and conduct himself towards the President, Professors and instructors, and each of them with all possible respect. He shall observe the strictest decorum while in the class, neither doing nor countenancing any thing which may tend to inconvenience his instructor, or divert the attention of his fellow student.

2. The exercise shall commence in the morning with prayers, to which all the students shall attend with decency and reverence.

3. No student shall possess or exhibit any indecent picture, nor purchase nor read in the University any lascivious or immoral books; and if any student shall be convicted thereof, or of lying, profaneness, playing at unlawful games, or other gross immoralities, he shall be punished according to the nature of the offence.

4. No student shall quarrel with, insult or abuse a fellow student, nor any other person whatever. No student shall go to a tavern nor any other public house, for the purpose of entertainment or amusement, without permission from an Instructor.
nor shall he associate nor keep company with persons of bad character.

5. No hallooing, loud talking, whistling or jumping, or other disturbing noise or act, shall be permitted in the buildings of the University, nor disorderly conduct in the town, by a student; nor shall any student disturb or attempt any imposition on his fellow student, in any manner whatever.

6. If any student offending against the laws, should presume to leave the University without a certificate from the Faculty, of his conduct and standing whilst there, it shall be at the discretion of the Faculty, to make the name of such offender public, with the nature and degree of the offence.

7. No student shall engage or assist in any theatrical performance, unless permitted by the Faculty.

8. The students shall treat all persons with whom they have intercourse, with decency and respect, and shall on all occasions observe the commands of the officers.

CHAP. IV.—Punishments.

The punishments of the University are as follows: Private admonition or reprehension; admonition before the Professors and Instructors; admonition before the class of the offender, or in the presence of a select number of persons; public admonition and reprehension in the presence of all the students; degradation in the class, or to a lower class; suspension from the privileges of the institution; dismission from the University without expulsion; and lastly, public expulsion. Except the first and the third, which may be applied by any instructor, the application of the other punishments, according to the degree of the offence, shall be made by the Faculty. The punishments denounced, as well as the conduct prescribed for the students, are applicable to the grammar school; the students in that school are also liable to the use of the rod, when indispensable in the judgment of the Professor of languages.

CHAP. V.—Mode of Punishment.

1. Complaint of misdemeanor in a student must be made, in the first instance, to the President or one of the Professors, who, unless the offence be so flagrant as in his judgment to require the interference of the Faculty, shall privately admonish the offender; and upon failure of success, may, at his discretion, bring the subject before the Faculty.

2. The punishment of public admonition, degradation, suspension, dismission and expulsion, shall be inflicted only in virtue of an act of the Faculty.

3. A student whom it may be necessary to bring before the Faculty, shall have due notice of the time and place of its meeting, and shall be allowed to defend himself.

4. When a charge of misconduct shall be preferred against
student, the Faculty shall have power to require the attendance of any other student, to testify against the delinquent; and it shall be the duty of such witness to disclose his knowledge of facts touching said charge, on pain of being guilty of contumacy, in case of his refusal; provided that no student shall be compelled to give testimony which may condemn himself.

5. All public punishments shall be according to a written form, which shall be read aloud by the President or one of the Professors, and shall be entered on the records of the Faculty.

CHAP. VI.—Of Instruction.—Study.

1. The students shall keep in their respective apartments, and diligently follow their studies, excepting half an hour after breakfast, and from twelve to two o'clock, and at such hour in the evening as the Faculty may appoint.

2. No student shall attend the instruction of any person who may undertake to teach any language, science or art, in the town of Lexington, unless such teacher shall be approved, and have liberty of teaching such student, granted by the trustees; provided, that the President may give permission to attend upon an instructor of merely the polite accomplishments.

3. The students shall regularly and seasonably attend the public and private lectures and recitations enjoined by the rules of the Faculty, or from time to time announced by the President, or by any of the Professors or Instructors. They shall use their best diligence in preparing themselves for their several literary exercises, and shall perform them with care and precision.

4. The several Instructors, as often as they deem it expedient, may require their pupils to review and recapitulate the whole or any portion of the studies; and for better ascertaining and promoting the improvement of the students, they are desired, at each recitation or private lecture, to satisfy themselves respectively, as far as practicable, that each student has duly studied the lesson assigned. For this purpose they are requested to direct the attendance of one or more, or of the whole section, required to perform an exercise, at other than the stated times.

5. The Seniors and Juniors, until the second Monday in February, and after that, the Juniors and Sophomores, in alphabetical order, not less than ten each week, shall perform public exercises in speaking, under the superintendence of the President. Each student shall declaim alternately in English and in one of the ancient languages, unless, for special reasons, one of the modern be allowed, and shall present his piece to the President some time in the week previous to its delivery; and immediately after, give him a fair copy. Temporary absence from the University shall not excuse a student from this exercise.

6. Every Professor shall cause an exact roll to be kept of
each class attending upon his instructions. The roll shall be punctually called over at the hour of attendance, and all absences marked. An abstract of this roll, in so far as it relates to each student, shall be transmitted semi-annually to his parent or guardian.

CHAP. VII. — Examinations — Exhibitions — Academic honors.

1. There shall be annually a public examination in the presence of the Faculty, a committee of the Trustees, and such other persons as may choose to attend, beginning on the first Wednesday before commencement, in the studies of the preceding year. Every member of a class shall attend punctually, and orderly, and answer such questions as the President, or any instructor, or any member of the committee of Trustees, may propose.

2. The examinations are to be close and rigid, every student being left to stand or fall upon his proper merits; due tenderness being at the same time shown, that the effects of perturbation may be avoided as much as possible.

3. At the close of every examination the students shall be ranked according to their respective merits.

4. No student who may be deficient in the studies of the preceding year, shall be permitted, on any account whatever, to proceed to a higher class; but shall be placed at the bottom of the class to which he shall be adjudged.

5. A student not promoted to the next higher class, may be allowed to take the lowest place therein, if, in the opinion of the Faculty, during the first quarter of the next session, he shall have compensated his deficiency.

6. A student who shall be found incompetent to his studies, or negligent in them, shall be dismissed from the University; and want of sufficient progress to entitle him to proceed to a higher class, after remaining two years in the preceding one, shall always be considered as conclusive proof of such incompetency or negligence.

7. Honorary testimonials, of the first, second and third grades, decorated with the seal of the University, and with suitable devices, shall be adjudged at the annual examination, to such students as may distinguish themselves.

8. No student who shall obtain an honorary testimonial of the first grade twice in succession, shall be a competitor for a premium thereafter, unless he shall appear to have grown negligent, in which case he shall lose the pre-eminence implied by his exclusion, and be again put on the list of the competitors.

9. The names of all students who shall obtain honorary testimonials, or possess the honor of exclusion from competition, shall be announced by the President at the public commence-
ment; and he shall also confer those testimonials in the presence of the assembly.

10. Two weeks shall be allowed for revision, previous to the annual examination; and a month to the senior class, previous to the commencement.

11. Besides the annual examination, there shall be two exhibitions, each of them semi-annually, at such time as the Faculty may announce. Those students who have most distinguished themselves, shall be selected to perform at such exhibitions. Every performer shall lodge with the President, at least one week previous to the exhibition, a fair copy of his composition; and at such time within the week, before the exhibition, as the President may fix, each of the students so selected shall rehearse their parts.

Chap. VIII.

Commencement.—Academic Degrees—Vacation—Absence.

1. There shall be a commencement on the second Wednesday of July, in each year, when the Academic degrees shall be conferred. No one shall be admitted to a first degree, who has not attended upon, and satisfactorily performed the course of academical exercises; nor any one who refuses or neglects to perform the part in the Thesis, and also for commencement, assigned him by the Faculty. Every one to whom a part in the Thesis has been assigned, shall lodge in the hands of the President, a fair copy of his Thesis, by such time as the President may direct; and each performer at commencement shall deliver a fair copy of his part to the President, one week at least previous to commencement. If any one make additions to what is contained in the copy delivered by him to the President, or shall presume to deliver any thing in public which he has been directed to omit, he shall not be suffered to proceed, and shall be liable to lose his degree.

2. No Alumnus of this University shall obtain the degree of Master of Arts in less than three years after the date of his first diploma, nor unless he shall have made such literary progress, as in the judgment of the Faculty, shall entitle him thereto.

3. Previous payment of all College dues, and the return or replacing of all books taken by the candidate from the library, are also required, before any degree is conferred.

4. There shall be one vacation, from commencement, for eleven weeks. The stated exercises, after those of the morning, will not be required on the days of public exhibition and examination, nor on Christmas Day, nor on the 4th day of July.

5. No student shall abide at the University in vacation, without permission, for some special reasons, from the Faculty, nor in the town of Lexington, unless that be the place of his resi-
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dence. All who remain in the University, or in Lexington, in vacation, shall be subject to the laws enjoining orderly conduct, as during the session.

6. No student shall be absent a day without leave granted, for some good reason, by the Instructors, whose exercises he is required to attend; nor shall he prolong his absence beyond the granted time. If his absence exceed three months, his relation to the University will cease, without some cause be assigned, satisfactory to the Faculty.

CHAP. IX.—Library.

1. A Librarian shall be appointed by the Faculty, from among the instructors or students, every year. He shall arrange and number the books belonging to the library, make a catalogue thereof, and have repairs, when necessary, made.

2. No person, except a professor, officer, or trustee, shall be admitted to the library, or to handle or use the books.

3. Those students who shall pay to the treasurer half yearly one dollar and a half, shall be entitled to the use of the books, except such as the Faculty shall direct not to be taken out of the library.

4. The Librarian is responsible for the contributions of students to whom he shall give the use of the books. He is to attend at the library, at 12 o'clock on every Friday, except during vacation, to deliver and receive books, of which he shall keep an account, as well as of the condition in which the books are, when taken out and returned.

5. No student shall keep out a book longer than as follows, to wit: A folio, two months; a quarto, one month; and any other book, two weeks. No person shall lend out a book pertaining to the library. Every person receiving books shall be responsible for their safe return, and for all injuries done to them whilst in his possession. If any volume shall be lost, defaced, or otherwise injured, a sum shall be paid equivalent to the damage incurred, or the work of which the volume makes a part, shall be replaced, at the option of the librarian, subject to the right of appeal, on the part of a student, to the Faculty.

6. On the first day of January, and the first day of July, annually, the librarian shall render to the treasurer an account of all students who shall have had the use of the library during the preceding six months; and shall also pay over to him any money that he may have received, on account of the library, during the same period.

CHAP. X.

Refectory—Commons—Occupation of Rooms—Steward.

1. The old house on the ground of the University is appropriated to a refectory, and the residence of the Steward. And all the apartments of the new building, which shall not be ne-
ecessary for the purposes of instruction, and such parts of the old as are not necessary to the Refectory and Steward, are appropriated as lodging rooms for the instructors and students, to be furnished, heated and lighted at their expense.

2. No student shall lodge or board out of the University, except with his parent or guardian, without the leave of the Faculty; and then at such houses as it shall approve. The students shall reside in the chambers respectively assigned to them; nor shall a student suffer any one to lodge in his chamber, his parent or guardian excepted, without the permission of one of the Faculty.

3. When more than one student occupies a chamber, each shall find his just proportion of furniture, fuel and candles, whether he be present or not. If any one refuse or neglect such contribution, it shall be charged in his bill, and paid in the advance required by the by-laws, or according to the bond.

4. All who reside in the University, shall constantly, while in town, breakfast, dine and sup in the Commons Hall, at the hours which shall be fixed, except in case of sickness, or when invited out. If all the instructors, whose duty it is to ask a blessing and return thanks, should be absent at any meal, the senior under-graduate at each table, shall ask a blessing and return thanks; and all shall take their places, on a signal to be given by the Steward, and conduct themselves with decency. No one shall leave the table before thanks returned.

5. The Faculty shall prescribe such rules for the preservation of order at meals, and for enforcing due respect to the Steward, as shall appear, from time to time, to be necessary.

6. The commons table shall be well supplied with plain, substantial and comfortable diet, such as is used in families in the middling circumstances in life.

CHAP. XI.

Of charges to the University.

1. A Refectory being established for the purpose of economy and good discipline, and without any view to profit, the incidental expense, comprehending boarding, lodging, fuel, furniture of the commons hall, and salary of the Steward, shall be so adjusted by a committee of the trustees, from time to time, as to be equally apportioned among those who derive benefit from the establishment.

2. To meet all charges of students living in commons, the parent or guardian of the student, at his option, may give bond with surety residing in Lexington, to be approved by the treasurer, to pay those charges at the stated times in the college year, as the bills are made out and presented by the treasurer to the student, or in lieu of such bond, advance fifty dollars upon the first Monday in November, or on his admission; fifty
dollars on the first day of January, and \$50 on the first of April, annually to be credited in his bills. And in like manner bond and surety are required for those students who do not live in commons, or the advance, at the option of their parents and guardians, of \$13 33 for those who enter the classes, and \$10 for those who enter the grammar school, on the first Monday of November, upon their admission respectively, and the same sums on the first day of January, and the first day of April, annually. The stated times for the payment of the college dues, are the beginning of the term, the first of January, and the first of April. If a student shall be admitted beyond one month after the commencement of a term, he shall be entitled to a proportionate abatement.

3. The tuition fees shall be, in the grammar school, thirty dollars, and in the classes, forty dollars, the college year.
4. The Steward shall be appointed by the Trustees, and shall receive such salary as may be agreed upon.
5. Each person in Commons shall be responsible for breakage and injury done by him to the furniture of the commons hall.
6. If any damage shall be wantonly done by any student, to the buildings, philosophical apparatus, or other property of the University, he shall pay double the expense of repairs, to be assessed by the Faculty.

I.

Regulations which are to be observed by every under-graduate in Transylvania University.

1. He shall not, after the exercises of the session have commenced, and the classes are formed, enter or leave a class, without permission from the President, or, in his absence, from a Professor.
2. He shall not, without a similar permission, leave town, except for Saturday after declamation, and for Sunday.
3. He shall attend the stated declamation of the students on Saturday in the chapel.
4. He shall not visit his fellow students in their rooms during the hours of study, nor unreasonably at night.
5. He shall not throw water out of a college window, but shall provide himself with a suitable vessel to receive it, which shall be statedly emptied by a servant.
6. He shall not lay wood against any portion of the plastered wall, nor write upon it, nor cut any of the wood work of the building, nor deface it in any other way.
7. He shall not bring a dirk, a sword, or any kind of firearms into college, nor shall he use them when they are brought in by others.
8. He shall not play on any instrument of music during study hours, nor when any officer is delivering a lecture in the building, nor after 9 o'clock at night, nor on Sunday.

9. He shall not walk in any of the college entries for the purpose of studying or talking, nor shall he stand at a door, except to converse with an officer of the University.

10. He shall not, except he reside in college, sleep in it at night, nor stay in it unseasonably, nor sleep out of it if he be a resident in it, without permission from an officer of the Faculty.

11. He shall make no disturbance at the door of any room in college, for the purpose of gaining admission, nor for any other purpose.

12. He shall not leave, unless he also leave a person in the room, a burning candle in it, nor a fire upon the auditories, but shall carefully lay the wood upon the hearth in a safe position.

13. He shall not carry fire carelessly from room to room, nor up or down stairs.

14. He shall not introduce into his room, nor use in it, ardent spirits, without a written permission from an officer of the Faculty, or from a regular physician.

15. He shall not take, nor leave, nor exchange a room in college without permission from the President, or, in his absence, from a Professor.

16. He shall not play, jump, talk loud, or be guilty of any other disturbance in front of the colleges, within the pavement of brick which passes from one gate to the other, nor at the ends of the building, nor back of it in the college yard.

17. He shall not bring upon the college grounds, nor use upon them, any stone or brick, or other weight to aid him in jumping, or in any other exercise; nor shall he make holes in the yard, nor play handy in it.

18. He shall not discharge fire-arms or crackers on the college grounds, without permission from the President or a Professor.

19. He shall stop his play in the yard when an officer of college, or a gentleman or lady is passing so near as to be disturbed by its continuance.

20. He shall not wear his hat in the chapel, library or recitation room, without permission from the officer present.

21. He shall not smoke tobacco in any of the public rooms, nor in an entry of the college.

22. He shall not put a wood box out of a room without permission, nor destroy it, nor shall he put any article of furniture into an entry of college to remain there for a night.
23. He shall not break off a limb from any tree on the college grounds, nor cut or otherwise injure the bark.

24. He shall not climb the fence, nor sit upon it.

25. He shall not play billiards at any public house during the session.

26. He shall not walk in the streets during study hours, except in going to and from his college exercises, nor shall he go to the shop of any grocer, confectioner, or other person whatever, during study hours. If he make extravagant bills at such places, and the fact be known to the Faculty, it will be considered as a proper subject of censure and discipline.

27. If he be absent without satisfactory reasons, three times from his recitation to any instructor, he shall be called before the Faculty, and censured or otherwise punished, as the case may require, and information shall be given to his parent or guardian.

28. Each monitor shall give his bill to the officer who first hears his class on Monday.

29. The monitors shall not only note absences from prayers, but from the stated declamations, and they shall also note each student who leaves the chapel during any lecture or exercise which he is required to attend.

30. Students residing in families in town, are bound by the same rules with those residing in college.

31. The members of the Preparatory Department, unless they reside in the University Hall, shall not come into it, without permission from an officer of the college, or unless they be sent on some proper errand, or be accompanied by their parents or guardians. To attend the declamation on Saturday, they must get leave from the President, or, in his absence, from a professor.

32. No student is admitted for a shorter period than the session, or the part which remains after his admission.

33. No student shall possess or exhibit any indecent picture, nor purchase or read in the University, any lascivious or immoral books, and if any student shall be convicted thereof, or of lying, profaneness, playing at unlawful games, or other gross immoralities, he shall be punished according to the nature of the offence.

34. No student shall quarrel with, insult, or abuse his fellow student, nor any other person whatever. No student shall go to a tavern or any other public house, for the purpose of entertainment or amusement, without permission from an instructor; nor shall he associate nor keep company with persons of bad character.

35. No hallooing, loud talking, whistling or jumping, or other disturbing noise or act, shall be permitted in the buildings of
the University, nor disorderly conduct in the town, by a student; nor shall any student disturb or attempt any imposition on his fellow student in any manner whatever.

36. If any student offending against the laws, should presume to leave the University without a certificate from the Faculty, or his conduct and standing whilst there, it shall be at the discretion of the Faculty to make the name of such offender public, with the nature and degree of the offence.

37. No student shall engage or assist in any theatrical performance, unless permitted by the Faculty.

38. The students shall treat all persons with whom they have intercourse, with decency and respect, and shall on all occasions observe the commands of the officers.

The last six regulations are from the 3d chapter of the college laws as printed by the Trustees.

LUNATIC ASYLUM.

The joint committee have also, according to order, examined the situation of the Lunatic Asylum, and now beg leave to report.

With relation to the finances of the institution, they appear to the committee to have been managed with care and economy; the disbursements prudently and advantageously made, so far as they came within their notice; and the accounts correctly kept, and supported by vouchers, which were submitted to the committee, and by them carefully and rigidly examined, and every item contained in the account herewith filed and made a part of this report, appeared correct.

The Commissioners have received from the public Treasury, the sum of $7,500.00

From private individuals, $420.00

And have expended for building, improvements, furniture and necessities for the Lunatics, including wages of attendance and all other expenses, $7,920.00

Leaving still in the hands of the Chairman of the Commissioners, subject to future appropriation, $1,924.21.

Of the sum expended, $3,065.94 may be considered as vested capital, having been converted into permanent improvements and advances; $2,920.85 have been expended in the maintenance of the Lunatics, wages of their keepers, attendants, and may be considered as the current expenses of the institution from the period May first, when it was first prepared for the reception of Lunatics, to the 9th November, 1824.
There are, at this time, thirty-three individuals in the institution, four of whom are supported at their own expense, or of their friends, and twenty-seven by the munificence of the state; one case of mortality has occurred; two have been completely restored to the use of reason and discharged, added again to the family of happy and rational man, as living examples of the utility of this humane institution. On the score of economy, therefore, the committee, comparing the present expense with that incurred previous to the erection of the Lunatic Asylum, are irresistibly led to the conclusion, that it is not only the most humane, but the cheapest plan that could have been devised, for the safe-keeping and restoration of that unfortunate class of the community, which it is the duty of the Legislature to protect and provide for. The institution appears to have been well governed, and its regulations as well adapted to the purposes of its creation, as the means within the control of the Commissioners would admit of. From the personal examination and information obtained by the committee, the unfortunate tenants seem to have been well provided with medical attendance, and all the comforts which the most tender regard for their situation could have suggested, and we have reason to believe have never suffered for any of the conveniences which mental derangement could enjoy, and the Commissioners had power to procure. But the Committee would suggest, that the Lunatics are not sufficiently guarded against the inclemency of the winter. The building was not constructed for the purpose to which it is now applied, and in consequence, wants many of the conveniences which the committee think necessary. It is three stories high, its rooms spacious and well aired, and however well adapted to the purposes of a hospital for the sick, for which it was originally intended, will require material alteration and some additional buildings, before it can be rendered a suitable asylum for the maniac. The Commissioners have erected, in the third story, small temporary cells of plank, for their comfort and safe-keeping; but the cells are all in one room, in which there is but one fire-place, and, consequently, but few can receive the benefit of the fire. It is feared those confined in the cells farthest from it, will suffer severely from cold, even if those nearest to it, should be sufficiently warm to be comfortable. The danger from fire, under the present arrangement, is also a subject not unworthy of attention, as the presence of their keepers is always necessary to prevent mischief, while the maniacs have access to it.

Confinement in separate and solitary cells, is often required, not only for the safety and good government of the maniac, but to procure that quiet and repose sometimes so essential to the restoration of reason. Without inquiring into manifold causes of insanity, which may be as various as the avenues of thought
or sources of human misery, its effects are frequently seen in a contest between reason and madness, for empire over the mind of the subject. To assist reason in this struggle, by all the means in his power, is a duty of the mental physician. To soothe the wounded spirit, recall the wandering mind, and fix the attention steadily upon such subjects as are best calculated to calm a heated imagination or quiet an overstrained and excited intellect, is the first step towards restoring the dominion of thought; but how can this be accomplished, when, very often, at the moment reason re-asserts her empire, and before she is yet well seated on her throne—at the time when the patient needs repose to collect his scattered thoughts and tranquilize his mind, his ears are assailed by the cries, the shrieks or the wild declamation of some less tranquil maniac? Yet this evil cannot be prevented, so long as the patients are separated only by a plank partition. The Committee would, therefore, strongly recommend, that the Commissioners should be vested with the power, and a sufficient sum of money appropriated, to build the necessary number of cells, with a stove or other mode of warming them, in each. The ground attached to the institution, and used as a yard and garden, is, at this time, enclosed with a post and rail fence only, which precludes the possibility of the Lunatics being indulged in a free access to the open air, and the advantages of exercise, so conducive to bodily as well as mental health, and their safety from escape would also be ensured, was this evil remedied by a stone, or even a plank fence; for the present one is neither a barrier to the escape of the Lunatics, or to their annoyance by idle and unfeeling spectators. This committee also, for the reason assigned in the report of the Commissioners, recommend the reduction of their number to five. Wherfore, the committee recommend the adoption of the following resolutions:

Resolved, That the sum of be appropriated to the use of the Lunatic Asylum, and subject to the check of the Chairman of the board of Commissioners; and that the said board of Commissioners be empowered by law, to make such additional improvements, as in their opinion may be necessary for the comfort and safe-keeping of the unfortunate Lunatics confined therein.

Resolved, That the number of the board of Commissioners of the Lunatic Asylum, be reduced to the number of five.

From the Senate,

THO. D. CARNEAL, Ch'm.
YOUNG EWING.

From the House of Representatives,

R. B. NEW, Ch'm.
P. TRIPPLETT;
SILAS EVANS;
JACOB A. SLACK.
To the General Assembly of the Commonwealth of Kentucky.

In pursuance of the law of last session, the Commissioners of the Lunatic Asylum report, that the institution was organized and prepared, on the first day of May last, for the reception of the afflicted and unfortunate members of the community, for whose comfort and advantage the bounty of the State had been kindly bestowed.

Your Commissioners have received from the public Treasury, the sum of seven thousand five hundred dollars, and from private individuals, four hundred and twenty dollars. They have expended the sum of five thousand nine hundred and ninety-five dollars, seventy-nine cents; leaving in their hands on the 8th day of November, 1834, the sum of nineteen hundred and twenty-four dollars, twenty-one cents. Of the expenditures, eleven hundred and sixty dollars ninety-five cents, have been laid out for the purchase of furniture and other materials necessary for the institution, and which they now have on hand, and the further sum of nineteen hundred and five dollars thirty-nine cents, in permanent improvements and repairs to the buildings, &c. which are more explicitly set forth in the accounts hereto annexed. These accounts, together with the vouchers evidencing the correctness of the charges, have been submitted to the Asylum Committee, appointed by both houses of your honorable body, at their present session, for their inspection.

There are, at this time, thirty-three individuals enjoying the full benefit of this institution, twenty-seven of whom are supported by the munificence of the State, and the remainder under contracts made by the board of Commissioners with their committees or friends, to be fulfilled out of their individual estates. Two have been completely restored to the lights of reason, to the joy of their friends and the friends of humanity, and have been discharged; and although most of the cases are of long standing, and of the most desperate kind, strong hopes are entertained by your Commissioners, (and the Medical Faculty of Transylvania University, who have generously contributed their services,) that several other cases will terminate in the like happy result. One case of mortality has occurred.

Your Commissioners beg leave to suggest the propriety of reducing their number, providing a mode of supplying vacancies in the board, and granting to them the power of causing some further improvements to be made, by building, &c. They are well aware, that in this, they are travelling out of the strict line of the duties enjoined on them. By law, they are required to report the condition of the institution; but believing that the public good and the comfort, welfare and preservation of those enjoying the bounty of the State, require some improvements
and changes, they have (not without some hesitancy, however,) ventured to suggest them.

The building is large and spacious, sufficient as a hospital, to contain and accommodate one hundred individuals, for the purpose it was originally planned and the walls erected. The rooms are generally large and spacious, and well adapted to the comforts and conveniences of the sick and infirm; but wholly unfit for the maniac. They require confinement to prevent injuries to themselves, or those around them; they require separate apartments for their quiet and repose; they require, in the winter season, small apartments that can be comfortably warmed, without placing fire within their reach, and in the summer, all the indulgences of air and exercise that can be extended towards them. Any other confinement than that to a room, is prejudicial, and should never be resorted to, unless through absolute necessity. Your Commissioners are impressed that it is indispensably necessary, that there should be some cells erected for separate confinement, in cases of severe mania, and they had contemplated their erection out of the funds already appropriated by law, believing there would be enough for that purpose and support of the institution, until the present meeting of the Legislature; but a majority of the board, on a strict examination of the law, were of opinion they had no power to make such appropriation, and were unwilling to take upon themselves the responsibility. It would add much to the comforts and conveniences of the institution, if the whole of the ground was so enclosed as to prevent the escape of individuals who should be permitted to go at large. As it now exists, they must be pent up in a small enclosure, or watched at an expense greatly disproportionate to the value of a wall or fence. It is presumed, that an appropriation for the ensuing year of the sum of $15,000, would be sufficient for the improvements suggested, as well as for the entire support of the institution. In this estimate, we presume the additional improvements will cost about $7,000.

It is a difficult matter to convene a sufficient number of the Commissioners to form a board, when the affairs of the institution may require it. The same labor and attention bestowed by three, or at most five individuals, which is now required of the ten, it is believed, would be productive of more salutary effects. If there were but three, the individual wishes, suggestions or orders of each, would be more promptly obeyed by those under their control. Their meetings could be more frequent, and their views and sentiments more readily imparted and interchanged. It would then be more necessary, that provision should be made by law, for filling vacancies that might occur; and it is hoped, that individuals could be selected, with either integrity or individual responsibility sufficient to guarantee to
the state, the due application of the funds placed under their control, without compelling them to tax the generosity of their friends, in becoming their sureties. All which is respectfully submitted.

JOHN W. HUNT, Chairman.

Lexington, November 9th, 1824.

Statement of expenditures and receipts by the Chairman of the board of Commissioners of the Lunatic Asylum, in Lexington, from March 1st, 1824, to November 9th, 1824.

Paid for transportation of Lunatics, as per receipts, $415 31
Do. Bacon, beef, meal, groceries, hay, corn, flour, &c. 791 40
Do. Medicines, 251 34
Do. Wages of Steward, Governess, assistants, cook, washer, &c. 643 70
Do. Furniture and fixtures in the house, 1,160 95
Do. Additional buildings, fences, paving and repairs, 1,905 39
Do. Clothing for the Lunatics, 131 50
Do. Grave digging and coffin, 12 00
Do. 110 cords of wood, 384 00
Do. 3 cows and 1 calf, 60 00
Do. 1 horse, 125 00
Do. Cart and gears, 110 00

Received of Lunatics for board, &c. $415
Do. for one calf sold, 5
Do. from the Treasury of the State, 7,500—7,920 00

Balance in the hands of the Chairman, Nov. 9, 1824, $1,924 21

Now in the Asylum, 30 males and 13 females—total, 43
Discharged cured, 2
Escaped, 2
Taken away by friends, 3
Died, 1

Total admitted, 41

Ordered, That the public printer, forthwith, print 500 copies of said reports, for the use of the members of this house.

And then the house adjourned.
Mr. Caldwell presented the memorial of sundry citizens of Logan county, in relation to the management of some of the branches of the Commonwealth's Bank.

Mr. Wickliffe presented the petition of sundry citizens of Fayette county, praying that a law may pass, to alter the mode of working, and keeping in repair, the public roads in said county.

Mr. Joyes presented the petition of Charles Cook, praying a divorce from his wife Sarah, late Sarah Brookbank.

Mr. S. Daviess presented the petition of sundry citizens of Mercer county, praying that the application of John Neff for a divorce, may be granted—and

Mr. Wickliffe presented the petition of sundry citizens of Lexington, praying that a law may pass to incorporate them, under the style and title of the *Kentucky Institute*—for the promotion of the arts and sciences.

Which petitions were severally received and read: the first and second were laid on the table; the fourth was referred to the committee of religion; the fifth was referred to a select committee of Messrs. Wickliffe, Triplett, Cosby, G. Robertson, Cunningham and Coleman; and the question being taken on referring the third petition to the proper committee, it was decided in the negative, and so the said petition was rejected.

A message was received from the Senate announcing the passage of a bill, which originated in this house, entitled an act to alter the time of holding the Jefferson county courts. And the passage of a bill, by the Senate, entitled an act to authorize the trustees of the *Kentucky Seminary* to dispose of, by compromise, the interest of said Seminary in certain lands. And a bill entitled an act to amend an act entitled an act providing for copying certain records in the Surveyor's office of Fayette county. And a bill entitled an act for the benefit of the heirs and representatives of David Allen, deceased.

Mr. Joyes, from the select committee to whom was referred a bill, to change the law concerning fine money, reported the same with an amendment, which being twice read was concurred in; and the said bill, as amended, ordered to be engrossed and read a third time, to-morrow.

Mr. Daviess, from the select committee to whom was referred a bill, to reduce the expenses of the Bank of the Commonwealth, reported the same with an amendment.

It was then moved and seconded, to lay the said bill and amendment on the table; and the question being taken thereon, it was decided in the negative.
OF REPRESENTATIVES.

The yeas and nays being required thereon by Messrs. McConnell of Greenup, and Turner, were as follows, viz.

YEAS—Mr. Speaker, Messrs. Cunningham, S. Daviess, Garth, Goggin, Mason, Mosely, Rowan, Simpson, and R. Taylor—10.


The said amendment was then read and disagreed to. The said bill was then ordered to be engrossed and read a third time on to-morrow.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Booker—1. a bill to amend an act entitled an act to carry into operation the Lunatic Asylum.

By Mr. Woods—2. a bill to amend the several acts more effectually to suppress the practice of duelling.

By Mr. Hardin of Monroe—3 a bill for the benefit of Henry P. Maxey, late deputy sheriff of Monroe county.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second and third readings of the third bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hardin carry the said bill to the Senate and request their concurrence.

A message was received from the Senate announcing the passage of bills, by the Senate, of the following titles:

An act for the benefit of Rebecca Watson and Henry Durham and An act concerning Kentucky land warrants, which may have been lost.

The amendments proposed by the Senate, to a bill from this house, entitled an act to provide for a change of venue in the case of Isaac B. Desha, were taken up and read,
It was then moved and seconded, to postpone the further consideration of said bill and amendments until the first day of June next.

And then the house adjourned.

TUESDAY, NOVEMBER 30, 1824.

Mr. Prince, from the joint committee of enrollments, reported that the committee had examined enrolled bills and a resolution of the following titles, and had found the same truly enrolled, viz:

An act to alter the time of holding the Jefferson county courts;

An act appointing a commissioner of the road from Mount Sterling to the Virginia line by the way of Prestonsburg; and to instruct the commissioners in relation to the same.

An act appropriating money for the use of the Penitentiary—and

A resolution appointing a joint committee to investigate the accounts and conduct of the Keeper, Agent and Building Commissioners of the Penitentiary.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. Morgan presented the petition of sundry citizens of Nicholas county; debtors to the Branch Bank of the Commonwealth at Falmouth and others, praying that a law may pass to transfer their notes and accounts to the Branch Bank at Flemingsburg, as a place more convenient for the transaction of their business.

Mr. R. Taylor presented the petition of sundry citizens of Maysville, members of the Baptist Church in said town, praying that a law may pass, to authorize them to lease out the house and lot owned by them, until a sufficient sum can be raised, to pay a sum of money due for building said church.

Mr. Payne of Fayette, presented the petition of William G. Blackmore and Ellen his wife, late Ellen Payne, one of the children and heirs of Sandford Payne deceased, who is under the age of 21 years, praying that a law may pass, to authorize a sale and conveyance of the interest of the said Ellen in, and to the landed estate of the said Sandford Payne.

Mr. Brown of Jessamine, presented the petition of the widow and heirs of Jacob Kellar deceased, the minors by their guardian, praying that a law may pass, to authorize a sale to be made of a part of the real estate of the decedent, in lieu of the personal estate, for the purpose of discharging the debts due by the decedent.

Mr. McConnell of Greenup, presented the petition of sundry citizens of Greenup, praying that a law may pass, to le-
galize the appointment of trustees for said town, made by the county court of Greenup, and the acts of said trustees since their appointment; and to make certain amendments to the laws regulating said town—and

Mr. Payne of Warren, presented the petition of James D. Hinds and others, representing that they were employed as guards to convey John Murphy, who was convicted of felony in the Warren circuit court, to the jail and penitentiary house; and that the prisoner made his escape from them; that they offered and paid a reward for his recapture, and conveyed him to the penitentiary; and praying that a law may pass, to repay to them the reward so paid by them, for the apprehension of said prisoner.

Which petitions were severally received, read and referred: the first to the committee of propositions and grievances; the second to a select committee of Messrs. R. Taylor, Stark and McConnell of Greenup; the third to a select committee of Messrs. Payne of Fayette, Rodman and Samuel; the fourth to the committee for courts of justice; the fifth to a select committee of Messrs. McConnell of Greenup, Shepherd and Stone; and the sixth to the committee of claims.

Mr. Buford, from the committee of propositions and grievances, made the following report, viz:

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of Lewis county, praying the passage of a law authorizing the extension of the navigation of Kinnonick, and have come to the following resolution thereupon, to wit:

Resolved, As the opinion of this committee, that the petition aforesaid is reasonable.

Which being twice read, was concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to said resolution.

Mr. McConnell of Woodford, from the committee of religion, made the following report, viz:

The committee of religion have, according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit:

1. Resolved, That the petition of Sarah Dale, praying for a divorce from her husband Alexander Dale, is reasonable.

2. Resolved, That the petition of Hannah Mayberry, praying to be divorced from her husband Joseph Mayberry, is reasonable.

3. Resolved, That the petition of John Neff, praying for a divorce from his wife Nancy Neff, is reasonable.

Which being twice read, the first and second resolutions were concurred in, and the third laid on the table.
Ordered, That the said committee prepare and bring in bills pursuant to the first and second resolutions.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Robertson, from the committee for courts of justice—1. a bill for the benefit of Robert Pogue.

By Mr. A. H. Davis—2. a bill for the benefit of John McLaughlin—

By Mr. Joves—3. a bill to amend the act for surveying the military lands West of the Tennessee river.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second reading of the first bill having been dispensed with, the same was committed to a committee of the whole house on the state of the commonwealth, for the 15th day of December next—and it is resolved, that Mr. Pogue be permitted, on that day, to appear at the bar of this house by himself or his counsel, in support of said bill.

Mr. Spalding read and laid on the table the following resolution:

Whereas, it appears that some of the directors of the Commonwealth's Bank or its branches have failed to comply with the calls on their notes under discount: For remedy whereof,

Resolved by the Legislature, That in the election of directors for said bank, that no director or person whatever, shall be eligible to the office of director of said bank and its branches who shall appear to have failed to comply with the calls of said bank and its branches on their notes under discount in the bank and its branches.

And be it further resolved, That whenever it shall hereafter happen that any director of said bank or its branches shall fail to comply with the calls of the bank or branches, by paying whatever shall be due and owing thereon, that such director shall not be permitted to exercise the office of director, until he shall pay all sums due and owing the bank or its branches and be restored to credit in the same.

On motion. Ordered, That the committee raised to investigate the official conduct of the Register of the Land Office, be invested with power to send for persons, papers and records for their information.

A message from the Senate by Mr. Lyon:

Mr. Speaker—The Senate has received official information that the Governor did, on this day, approve and sign an enrolled resolution, which originated in that house, for appointing a joint committee to examine and report the conduct and accounts
of the Keeper, Agent and Building Commissioners of the Kentucky Penitentiary.

And then he withdrew.

A message from the Governor by Mr. Loughborough:

Mr. Speaker—The Governor did, on this day, approve and sign the following enrolled bills which originated in the House of Representatives, to wit:

An act appointing a commissioner of the road from Mount-sterling to the Virginia line by the way of Prestonsburg, and to instruct the commissioners in relation to the same.

An act appropriating money for the use of the Penitentiary.

An act to alter the time of holding the Jefferson county courts.

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

A message from the Senate by Mr. Chilton, their Secretary:

Mr. Speaker—The Senate have passed bills of the following titles:

An act authorizing the collection of certain moneys due to the first Presbyterian Church in Louisville—and

An act for the relief of the sheriffs of Christian and Henry counties—in which bills they request the concurrence of this house.

And then he withdrew.

The house resumed the consideration of the amendments made by the Senate to a bill, which originated in this house, entitled an act to change the venue in the case of Isaac B. De-sha—and the motion made on yesterday to postpone the further consideration of said bill and amendments until the first day of June next. And the question being taken on postponing the further consideration of said bill and amendments, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Morgan and Willis, were as follows, viz:


Mr. Holt moved the following resolution, viz:

Resolved, That the Reverend Doctor Blackburn be invited to deliver a sermon in the Representative Chamber this evening, at early candle light.

Which being twice read, was adopted.

And then the house adjourned.

WEDNESDAY, DECEMBER 1, 1824.

Mr. Thurston presented the petition of the widow and heirs of William Bryan dec'd, the minors by their guardian; praying that a law may pass to authorise a sale of certain lands which descended to them from their ancestor.

Mr. Hunter presented the petition of Malinda Lawrence, praying a divorce from her husband David Lawrence, and,

Mr. Grisham presented the petition of Matilda Waters, praying a divorce from her husband Thomas Waters.

Which petitions were severally received, read and referred: the first to the committee for courts of justice, and the second and third to the committee of religion.

Mr. Robertson from the committee for courts of justice, made the following report, viz:

The committee for courts of justice have according to order, had under consideration, several petitions to them referred, and have come to the following resolutions thereupon, viz:

Resolved, That the petition of the heirs of Joseph Barnett, deceased, praying that a law may pass authorising them to lift certain entries made by their ancestor, and locate and survey them on some vacant lands in this commonwealth, be rejected.

Resolved, That the petition of the administratrix and heirs of Jacob Kellar, deceased, praying that a law may pass authorising the sale of a mill and five acres of land adjacent thereto, (the property of said decedent) and appropriating the proceeds thereof to the payment of the debts of said decedent, is reasonable.

The committee have also had under their consideration a resolution directing them to enquire into the propriety of providing by law for a change of venue in criminal cases, and to report a bill for that purpose if it should be found expedient: and have come to the following resolution thereupon, viz:...
Resolved, That it would be inexpedient to report such a bill. Which being twice read, was adopted.

Ordered, That the said committee prepare and bring in a bill pursuant to the second resolution.

Mr. Cunningham from the committee of claims, made the following report, viz:

The committee of claims have according to order, had under consideration several petitions to them referred, and have come to the following resolutions thereupon, to wit:

1. Resolved, That the petition of Patrick Shields and D. Heran praying that a compensation may be granted them for expenses incurred in apprehending John Bowman, a fugitive from justice, is reasonable.

2. Resolved, That the petition of James D. Hindes, Jesse Bettisworth, V. Crosthwait and John Vance, praying that the sum of eighty-five dollars may be refunded them, money paid as a reward for apprehending John Murphy, a convict, be rejected.

Which being twice read—It was then moved and seconded, to amend the first resolution by striking out the word is reasonable, and inserting in lieu thereof, the words be rejected: and the question being taken on adopting the proposed amendment it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Rowan and H. C. Payne, were as follows, viz:


The said resolution as amended was then concurred in—the second resolution was then twice read and concurred in.

A message from the Governor by Mr. Loughborough:

Mr. Speaker—I am directed by the Governor to lay before this house a message in writing.

And then he withdrew.
The said message and accompanying documents were then taken up and read as follows:

_Gentlemen of the Senate,

and of the House of Representatives:

I have the honor to transmit herewith to you, for your consideration, a communication lately received from the Governor of the state of Ohio, enclosing certain resolutions of the legislature of that state, relative to the construction of a navigable canal around the falls of the river Ohio; and also, the reports upon that subject of the engineer and assistant engineer, employed by the state of Ohio.

Jos. Desha.

Dec. 1, 1824.

_Columbus, Nov. 20, 1824.

His Excellency, the Governor of Kentucky,

Sir—I herewith transmit a copy of certain resolutions of the General Assembly of the state of Ohio, passed at their last session; and in accordance therewith, have to request of your excellency, that you will communicate the same, with the accompanying reports of the engineer and assistant engineer, to the General Assembly of your state. The report of the engineer was formerly communicated, but unaccompanied with the resolutions of the General Assembly.

I have the honor to be, very respectfully,

Your obedient servant.

Jeremiah Morrow.

The joint committee to whom was referred the Governor's Message and accompanying documents relative to a canal at the falls of Ohio, beg leave to report:

That they have examined the report of the engineer appointed by the Governor, in pursuance of "an act respecting a canal at the falls of the river Ohio," which act had for its object the attainment of correct and satisfactory information relative to the practicability of, and facilities afforded for cutting a canal around the falls, on the Kentucky and Indiana sides of the river. And your committee do not hesitate to say, that the minute and thorough examination made by Judge Bates (whose character, skill and experience as an engineer, entitles his report to the fullest confidence,) presents all the information necessary to a decision on the rival pretensions of Kentucky and Indiana, on this highly important and interesting subject. Yet your committee are not to be understood, as expressing any predilection in favor of a canal on either side of the river, especially when the practicability of constructing a navigable canal
round the falls on either side of the river, at an expense which bears no proportion to the magnitude and importance of the work, is placed beyond all doubt. But as Ohio can only contribute to the work, or participate in its advantages by permission of the states of Kentucky or Indiana:

Therefore, without attempting to enumerate the advantages which will result to the states bordering on the Ohio, from the accomplishment of such a work, a clear and comprehensive view of which has been taken by Mr. Kelly, the canal commissioner, and presented in his report; your committee recommend the adoption of the following resolutions:

Resolved by the General Assembly of the State of Ohio, That this state feels a lively interest in the execution of all works of a character which tends to promote internal improvement, or advance the commercial facilities of the community; and believing that a navigable canal round the falls of the river Ohio, would be emphatically such a public work, the benefits of which would be evidently diffused and sensibly felt by the inhabitants of the west, and others whose produce floats upon the waters of that river; therefore, in order to manifest the sincerity of those feelings and opinions,

Resolved further, That this state, if allowed so to do by the proper authority, will unite in the execution of said work, with one or the other of the states of Kentucky or Indiana, they agreeing to embark in the enterprise, and securing to Ohio, an equal participation in the privileges and profits to be derived therefrom in proportion to the capital to be invested; and if both the said states aforesaid determine to make a canal, and shall submit propositions, on the subject in accordance with the principles aforesaid; that this state will stand pledged to accept one or the other as they may be most favorable to her interest.

Resolved, That the Governor be requested to transmit to the executives of the states of Kentucky and Indiana, copies of the foregoing report and resolutions, together with copies of the reports of the commissioner and engineer, Judge Bates, with a request that the same be laid before their respective legislatures at the commencement of their next session, and that the result of the deliberations of their respective states on the subject, be transmitted to the Governor of Ohio, at as early day as practicable, to be by him communicated to the Legislature of Ohio, at the succeeding session thereof.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.

ALLEN TRIMBLE,
Speaker of the Senate.

February, 25th 1824.
Hon. Jeremiah Morrow,
Governor of the state of Ohio.

Sir:—Pursuant to your directions and agreeably to the provisions of an act of the Legislature of the state of Ohio, I proceeded to examine the falls of Ohio river, in company with Alfred Kelly, Esq. whom you were so kind as to associate with me for that purpose, and have the honour to present to you the result of our investigation.

The obstruction which nature has placed across the river, appears like a dam; having its commencement under the Kentucky shore and extending across the river in a north easterly direction. The fall occasioned by this dam or rock is between twenty seven and twenty eight feet; but at the time I levelled it, was, from the surface of water above, to the surface of water below the falls, somewhat more than twenty four feet. This difference is attributable to the state of the water, which was two feet higher at the head, and five feet at the foot of the falls, than extreme low water.

Various methods have been suggested at different times to improve this rapid; but it appeared to us, that the most efficient mode would be, by a canal and locks; and in consequence have surveyed and levelled, a route on each side, agreeably to the directions of the statute.

In examining and sounding at the head of the falls, we found that the junction of the Bear Grass creek, with the Ohio, in front of Louisville, was deep water which continues down the river on that side about half a mile, forming a natural basin of good depth, unimpeded by rocks or shoals, or any of the substances which usually float down, and deposit themselves along the banks of the river. These circumstances appearing to us favourable, we commenced our survey at the lower end of this basin, and ran our first line on the bank of the river, generally guided by its bendings, to a point on the map and profile marked 15; thence north 48 degrees west, 60 chains to an angle; thence north 54 1-2 degrees west, 50 chains to the Ohio river, 4 chains and twenty links easterly from Gray's ware-house, and a little below Shippingport. On these courses we took levels, but on a re-examination, we thought it advisable to exclude all that part of the line on the river bank, which appears on the map and profile herewith presented, from station No. 1, to station No. 14, and to adopt, in its stead, a line which will start from No. 1, and take its course across a bend of the river, forming a single course with that running from station 15. On this part of the line, which is distinguished by a red line accompanying the black lines, we have thought proper to advise
the erection of a mole; of which a plan, No. 4, is presented, and
beg permission to submit an estimate of the expense, together
with that of the whole expense on the Kentucky side of the river.
Mole 2805 feet long  Side timbers one foot
24 & 10 eq'll 17 average square 190,740
thick 84 do high, Cross timbers one do
of 10 inches square 135,252

\[
\text{Total: } 325,992 \text{ ft}^3
\]

Framing, raising, trencilling, and bolting the above

\[
\text{Total: } \$3 9779.76
\]

500 iron bolts equal to inch square each, 5 lbs
is 2500 lbs 3 c. 200 00
Drilling 500 holes 8 inches deep a 6 1.4 c. 51 25
Excavating 23,293 cubic yards rock (bare) in
bed of the river to form channel of the canal,
and to be placed in the mole, $1 per cubic yard

\[
\text{Guard lock at head of mole, walls 58 feet high, 18}
\text{ feet average thickness, 44 feet long, 4 walls,}
\text{each 165,818 perches, all 633,272 perches, a $2 50 16,581 80}
\]

To be built of hammerd stone, except the hollow
quoins which should be well cut.

Four platforms, on which to work the balances of
the Gates, a $3 90 35

Additional mole, land side between the head and
tail gates of guard lock, 185 feet long

1,110 07

Embankment from head of guard lock to high
ground, average 30 feet high 7500 cubic yards

1,125 00

Excavation 417,706 cubic yards of earth, aver-
age about 20 feet deep, a 28 cents, to be formed
into regular bank, river side, above high water

116,957 68

Excavation 41,922 cubic yards, rock a $1 37 1 2

57,642 75

Do 8,000 at site for
lock (foundation) a $1 50

12,000.00

Three combined locks, walls 650 feet long, 15 feet
high, 6 feet average thickness, rise of lock 933
feet, stone to be hammer dressed, except hollow
quoins which must be cut, 9600 perches, a $3

28,300.00

Three circular breast walls, 9.33 feet high, 3 feet
thick, 34 feet long each, 583,54 perch a $3

1,750 62

Extra walls behind the uppermost 3 gates 90 feet
long, 6 feet thick, 9 feet high, 539 perch a $3

2,767 02

Embankment from head of first lock to high
I will remark here, that I consider the price per perch of three dollars sufficiently high to cover the expense of wood and iron work necessary for the locks.

Detail.—The advantages which would attach themselves to a canal on this side are:

1st. The basin at its head, forms a harbor, in which vessels may lay at any stage of water, and through which they may at all times approach to, and depart from the head of the canal.

2d. The aggregate distance of navigation is shortened.

3d. Hydraulic establishments, such as flouring mills, factories and saw mills, may profitably be erected on its banks, both at head and foot, from which much revenue might be collected.

4th. A dry dock or docks may grow out of this improvement, which will be eminently conducive to the welfare of navigation, and a very great source of revenue to the canal. It appears to me that every owner of a steam vessel, on the Ohio and Mississippi, and I am informed there are about an hundred, would cheerfully pay for the use of a dry dock, in preference, to pursuing the present tedious and dangerous method of running his boat aground, shoring her up on stanchions, digging a pit under her to facilitate his operations, and then undergoing his repairs with the continual fear that a flood may rise (which sometimes happens) which will sweep away his preparations and his boat together.

5th. Some advantage may be derived from the circumstance of this canal terminating in the harbor of Shippingport, where vessels may lay with comparative safety.

Remark.—From the course which the river assumes at the head of the falls, some part of the drift wood which floats down its current, is drawn between the Kentucky shore and corn island—this has a tendency to lodge in a slight degree, along the shore about mid-way of the mole, and extends considerably below its junction with the land canal. This evil does not appear to be great, and I cannot conjecture that any danger is to be apprehended, as the head of the mole and guard lock, do not stand in its course; though if it did, it presents its end to the attack, while its sides is nearly parallel to the stream, and presents no point of concussion.

The excavation of the canal is every where deep enough to form a bank of sufficient base, and higher than the greatest rise.
of water.—This bank will be presented to a still, smooth current, and be but little liable to abrasion—but should it be subject to waste by the attrition of the water, it will be effectually protected by the rock which will be excavated and necessarily thrown to the outer side.

**CANAL ON THE JEFFERSONVILLE SIDE—INDIANA.**

Guard locks—same as at Louisville, 6632 72-100 perches a 2 50

Pit and foundation (digging) for do, intermediate moles, to be sunk to the rock, or if that be not near, at least four feet below the bottom of canal and locks—excavation 2000 cubic yards, a 12 1-2 cents

Foundation of timber 51,500 feet, one foot square a 3 dollars

Wall of timber and stone (mole) between the head and tail gates of guard lock 1,443 33

Excavation of earth, average thirty six feet deep, on the first 50 chains 407,152 cubic yards, a 32 cents,

Do average about 20 feet above rock 336,682 cubic yards, a 23 cents 99,870 96

Embankment at head of locks near the mouth of Cane run 2000 cubic yards a 12 1-2 cents 250 00

Excavation of rock 131,997 cubic yards a $1 37 1-2 cents 181,405 87

Do at and below site of locks, for foundation &c, a 1 50 22,701 00

Three locks combined walls 660 feet average thickness 8 feet, height 14 feet, rise 3 33-100 feet, with breast and extra walls included, 30,162 63

**Contingent and incidental,** 48,458 92

**Total, 535,048 20**

**DETAILS.**

1st. The canal will take its departure from the river on this side, at a place where the general course is nearly straight, forming no embayment, but is at all times approachable and easy of access.

2d. The natural surface of ground through which the canal must run the first fifty chains is nearly as high as the highest rise of floods of the Ohio, and therefore entirely safe.
3d. At its termination it falls into a natural basin, which is said to be a safe one.

4th. It will unite all the advantages of hydraulic establishments and dry docks, which are enumerated on the Kentucky side.

**Remark.**—An objection the extent of which it was not in my power to ascertain, arises from the termination of the canal on this side, it being above the termination of the falls. This might be obviated by extending the line across some ridges and ravines, and making its termination at the mouth of Mill-creek or near it, but the additional expense would be great. Or it might be obviated by improving the reef at the lower end of the basin, so as to give to it the level of the water at Clarksville, which is the termination of the falls, and on the same general level as is the water at Shippingport.

**BED OF THE RIVER.**

After having examined the two routes above described, I examined the bed of the river on both sides in order to ascertain the practicability of improvement thereon. To improve here, we would encounter a cutting of about 165,000 cubic yards of rock a part of which is at times dry, and a part at all times lower than the surface of the river.

**The Expense.**—Placing the improvement on either side, would not probably differ materially, from the following estimate:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excavation 165,000 cub. yds. (rock)</td>
<td>$226,875 00</td>
</tr>
<tr>
<td>9 Locks not combined 120 ft. increase of length of walls.</td>
<td>$6,255 14</td>
</tr>
<tr>
<td>Moles requiring 60,000 feet of timber at $5</td>
<td>$3,000 00</td>
</tr>
<tr>
<td>Excavation of pits for locks say 12,000 c. yds.</td>
<td>$18,000 00</td>
</tr>
<tr>
<td>Contingent a 10 pr. ct.</td>
<td>$284,130 14</td>
</tr>
<tr>
<td></td>
<td>$28,415 01</td>
</tr>
<tr>
<td></td>
<td>$312,545 15</td>
</tr>
</tbody>
</table>

This method presents no facilities to navigation except at low water, and as an objection to that, it must from its position be immersed entirely by the floods before they have risen to half their maximum height; in consequence the improvement would be out of the use or control of its proprietors during the rise, continuance and subsidence of floods, and would be liable to much injury from them when at a certain stage. Further —no hydraulic improvement could be connected with it. Another method of conquering these falls has been suggested.
which is to cut a channel through the rock with a regular declivity, and leave it for use in that situation.

To this, an objection immediately presented itself, viz: the current through this channel would be so forcible, as to preclude the possibility of ascending, or dash in pieces any vessel descending it. And from its velocity, it would become a thin volume of water before it had reached the foot of the falls. The expense probably would not exceed $200,000.

It will be proper here to remark that the highest point to which the water was ever known to rise at the head of the Falls is as shown to us, thirty six feet, and at the foot sixty feet.

These canals, on either side, will in all probability, be subject to deposits of alluvial matter, which might, if they were not duly attended to, fill them and prevent navigation, and use.

The remedy is at hand and easy—At the proper time, open your guard and lock gates and give the current a free passage through the canal, and all sediment, whether arising from alluvial deposit or accidental slips of bank will easily, quickly and readily be carried off and no injury be sustained. I beg leave to submit the following plans; which have resulted from this examination.

No 1. Map of that part of the river affected by the falls.

No. 2. Profile of the ground along the line surveyed on Louisville side with diagrams of the Canal.

3. Profile of the ground along the line surveyed on Indiana side.

4. Diagram of mole—100 feet.

5. Plan of a Lock, with the addition of extra walls, necessary to combine it with another Lock immediately above it.

6. Plan of Lock gate.

The canal which I have thought proper to adopt as the basis of the calculations made is, in Earth cutting 44 feet wide at bottom 4 feet deep at lowest water and 56 feet wide at top in lowest water.

The locks I have believed would be necessary to be 42 feet wide, 200 feet between gates, 190 ft. from gate to breast, clear chamber.

In rock cutting, I have excavated perpendicular and given the earth above the rock 4 feet increase of width.

Before closing this report, I would beg leave to remark that the astonishing amount of business done on the Ohio river, irresistibly demands the improvement of this rapid. That the interest of the state of Ohio, and all above the Falls, is intimately concerned in the transaction—and that it would not be difficult to shew by computation which would be indisputable, that the business of the country above the Falls annually, pays a tax to this rock of greater amount than it would cost to make
the improvement—and that that tax is increasing with the rapidly growing exports and imports of your country.

I beg leave to acknowledge the very ready assistance which I have received in making these examinations from Alfred Kelly, Esq. Jos. Gest, Surveyor, and Capt. Levi James, master and owner of the Vulcan Steam Boat.

All of which is respectfully submitted,

DAVID S. BATES, Civil Engineer.

January 12, 1824.

MR. KELLEY'S REPORT.

His Excellency,
Jeremiah Morrow, Governor of Ohio.

Having been requested to accompany David S. Bates, Esq., to the Falls of Ohio for the purpose of assisting in the examination of that obstruction to the navigation of the river, and in devising the most feasible method of overcoming that impediment, and having performed that duty, I now beg leave to submit some of the ideas and views which have been suggested by that investigation.

In examining this subject a number of topics naturally present themselves for consideration—Of these the most prominent are the damage sustained by the country above the Falls in consequence of that obstruction—the necessity of its removal—the practicability of accomplishing this object—the proper means and best method of constructing the proposed work—and its importance in a commercial point of view to an extensive and populous district, and as a source of pecuniary emolument to the states of individuals who may engage in the project.

It may be assumed as a fact, that more damage is annually sustained by the country situated on the Ohio and its branches above the Falls, in consequence of that obstruction, than the whole amount required to provide a complete and permanent remedy for the evil. The actual expense incurred in the transportation of property round the Falls, forms but a small item in this account. The damage sustained in consequence of the delays occasioned by this obstruction, in conveying to market the surplus products of the upper country, is one of much greater magnitude. The market at New Orleans is so fluctuating that the delay of a few days often occasions a serious diminution in the price obtained for a cargo of provisions. The climate and situation are such, that the investment of a large surplus capital in that place applicable to the exigencies of commerce, can never be reasonably expected. The market is therefore liable to be overstocked and a regular demand for a time destroyed. Provisions if long exposed on their passage down
The river or in the ware houses at New Orleans, to the heat and moisture of that climate, are subject to be damaged and consequently diminished in value, and injured in their general reputation in foreign markets.

The obstruction to commerce presented by the Falls of Ohio prevents the surplus produce of the upper country, from being sent to New Orleans when the market in that place is best and the demand greatest. When the Falls can be descended with safety, a vast amount of property is thrown at once into a market, which from the causes before stated is limited in extent, and fluctuating in price.—If this obstruction were removed, the upper country would be able to throw into market a more equal supply of its productions, and thus prevent the great depression in price which so frequently occurs. Although the average price of flour in New Orleans is 25 or 30 per cent less than in the sea ports of the Atlantic states; yet it frequently occurs that New Orleans is supplied with that article for home consumption from those very ports. This serves to illustrate the great inequality of price in that market owing to the instability of the supply.

Much the largest proportion of the surplus productions of the upper country still descends the Ohio and Mississippi in flat boats, although those rivers are now navigated by a large amount of steamboat tonnage. This is owing in a great measure to the obstruction presented by the Falls to steamboat navigation. This rapid can only be passed by steam boats, especially in ascending, during a small part of each year. Provisions from above the Falls are on an average fifteen days longer in reaching their place of destination, and much more subject to be injured by exposure to the weather and other accidents, when transported in flat boats, than when shipped in steam boats. On this account many persons prefer sending their flour, pork and other provisions to market on board of steam boats, even at the present prices of freight, charged by those boats, which on flour is now about one dollar per barrel from Cincinnati to New-Orleans.

Should the proposed canal round the Falls, be constructed, the price of freight on this article will immediately be reduced to fifty cents per barrel. This effect would be the result of the more constant employment obtained by those boats, the greater safety and less delay in navigating the river, as well as from the reduction in the actual expense now incurred in passing the Falls and carting the cargo across the portage at that place. Admitting then, that flour, even now, can be transported most advantageously to the owners in steamboats, from the causes before stated; and that 300,000 barrels annually descend the Falls, which estimate is probably below the truth, the sum of
150,000 dollars on the freight of this article alone would annually be saved to the upper country. But it is believed that the loss sustained by delay, actual loss and damage received by the property, its bad reputation in market, the extra expense of transportation, and the sacrifice necessarily made in an overstocked market, in consequence of the obstruction at the Falls and the method of conveying property which it induces, is altogether equal to one dollar on each barrel of flour. Flour is supposed to constitute about one fourth part of the value of the products of the upper country which annually descend the falls; and it is certainly reasonable to estimate at least an equal amount of loss on all the other articles, which together form a sum three times as great.

The above estimate will appear the more reasonable, when we take into consideration the following circumstances. About 5000 flat boats are supposed to descend the Mississippi to arrive at New-Orleans annually; these boats from their construction can never be used in ascending navigation, and they are therefore usually sold for a medium price, not more than sufficient to pay the wharfage with which they are charged. These boats cost in their construction an average of from 70 to 100 dollars each, and supposing their medium cost to be 80 dollars, that sum is sacrificed on each boat. Of these boats it is estimated that more than 8000 annually descend the Falls of Ohio. Calculating the loss on each of these boats at 80 dollars, the total amount of loss sustained by the upper country on this item will be 240,000 dollars per annum.

A greater number of hands are required to transport property on board of flat boats than would be required in the transportation of the same amount on board of steamboats. These hands are compelled to take passage home in steam boats, and are unemployed during their passage up the river. For this expense and loss of time they must be remunerated by the wages they receive on their voyage down the river in the flat boats. The damage sustained by property conveyed on board these badly constructed vessels, the loss and risk incurred and the exposure of health and life, occasioned by this method of transportation, together with the bad appearance and low reputation of provisions, must all be taken into the account, in forming an opinion of the relative advantages and disadvantages attending the two methods of conveyance.

Of the practicability of constructing a canal round the Falls of Ohio, no person, acquainted with canalizing, who has viewed the ground can for a moment doubt. The report of Judge Bates, whose skill, experience and intelligence, entitle him to the fullest confidence, both in regard to the feasibility and expense of
the work, must be satisfactory to every one who is willing to rely on the opinion and estimates, of an able practical engineer.

From that report it appears that this great obstruction which nature has placed in the Ohio; may be overcome by incurring an expense far less in amount than would be warranted by the importance of the object, provided that additional expense had been necessary to its attainment.

A particular description of the plan of the proposed work being given in the report of Judge Bates, it will be unnecessary, and might be considered assuming in me, to attempt a detail of that plan, or a statement of its peculiar advantages. It may however be proper to remark that in order to make that work as useful as the facilities offered by nature seem to indicate, and as the demands of a great and growing commerce require, the dimensions of the canal should be such as to admit the passage of the largest class of steam boats, which can be used, with advantage in the navigation of the river. Much of the commercial business transacted on the Ohio and Mississippi rivers, has of late years been transferred from flat boats, keels and barges, to steamboats, and no doubt can be reasonably entertained, that a still greater change in favor of the latter method of transportation will take place, particularly if the obstruction at the Falls be removed. In order to reduce the price of freight as low as the nature of the trade will admit, and still give to the owners of vessels a reasonable profit, it is necessary that their tonnage should in some measure correspond with the length of the voyage they are required to perform. The distance from any part of the Ohio river, above the Falls, to New-Orleans, the natural depot of the surplus productions of the western country, is so great as to require boats of considerable burden to be used in their navigation. The depth of water on the bars and ripples in the Ohio, both above and below the Falls, is so little in dry seasons, that boats of great draft of water cannot pass them. Their depth being thus limited, their length and breadth is required to be greater, in order to obtain the requisite tonnage. This object cannot be accomplished with safety by extending the boat in length alone; for the power exerted by the engine in order to propel the boat against a strong current, is necessarily so great, that a breadth of beam, corresponding in the proper ratio, with the length of keel, is important in order to give the boat sufficient strength to withstand, uninjured, the agitation occasioned by the exertion of the power required.

Gentlemen well acquainted with the navigation of the Ohio and Mississippi rivers, state that about 40 or 41 feet, is the greatest breadth necessary for the largest class of steam boats,
which can advantageously navigate the Ohio. One or two boats, now on those waters, are still broader, but it is supposed that their models cannot be profitably copied, and it is therefore unnecessary to adopt the dimensions of the proposed canal to their convenience.

Of the benefit which will result to the country above the Falls from the construction of the canal, a limited view has already been given, in advertting to the inconveniences and disadvantages which it would obviate. Every saving in the expense of transporting the surplus produce of a country to market—every loss and injury to that property which is prevented, will be so much added to the wealth of that country. To this consideration we may add the blessings resulting from the stimulus which is given to productive industry, by increasing its profits; and from calling forth the latent energies of an extensive country, rich in natural and acquired advantages. The means of accomplishing this object—the proper agent to furnish these means, to direct and control the work, and its profit in a pecuniary point of view, when completed, are subjects which merit particular consideration.

From an estimate of the amount and value of property which will pass through a canal at the Falls of Ohio; and of the revenue which may with propriety be drawn from that source, without discouraging commerce, it must appear evident, that the interest on the sum required for its construction, will be paid by the profits of the work immediately after its completion, and that the stock will eventually become more valuable, in proportion to its cost, than any in America, or perhaps in the world. It has been satisfactorily ascertained, that 70,000 tons of property, being the surplus produce of the country bordering on the Ohio and its branches above the Falls, for the year 1822, was exported and descended the Falls, during the latter part of that year, and the early part of 1823. If we suppose that two sevenths of this amount of property is annually transported down the river in steam boats and would pass through the proposed canal, and that it is made to pay a toll of 37 1-2 cents per ton, the sum of 750 dollars per annum would be produced from this item. More than 8000 flat boats annually descend the Falls. Of this number 2000 pass at a stage of water when prudence requires the employment of pilots, to conduct them safely over the rapid. Three dollars for each boat is the customary price demanded by pilots, for this service. A steersman and one or two other hands in addition to the ordinary crew of the boat are frequently required; so that the actual expense of navigating a boat over this obstruction in ordinary stages of water, will average at least four dollars. If then a toll of four dollars is charged for passing each of these boats through the
canal, the expense of the two methods of descending the Falls being nearly equal, safety will decide the question in favor of the canal; and these 2000 boats will be made to pay a revenue of $8000 dollars. I have not the means of estimating with certainty the amount of property which, in ascending the river, annually passes the falls. It is supposed to exceed 10,000 tons. We shall undoubtedly be safe in assuming this as the amount which will pass through the canal in ascending the river, and from which a toll may annually be collected. If 75 cents per ton be charged on this amount, it will yield the sum of $7500 dollars.

Boats not having on board full freight, would frequently pass through the canal, particularly in ascending the river. To equalize the duties it would therefore be proper to assess a reasonable toll on the tonnage of each boat, as well as on the property freighted. The aggregate amount of steam boat tonnage now employed on the Ohio and Mississippi rivers, is ascertained to exceed 15,000 tons. More than one half of this amount would be engaged in the trade of the country above the Falls, if the obstructions to steam boat navigation at that place were removed. This statement will appear the more reasonable, when we consider that more than three fifths of the population of the United States, west of the Alleghany Mountains, excepting that part of it, bordering on the Lakes and the Gulf of Mexico, is contained in the great valley watered by the Ohio, above the Falls, and its tributary branches. If we then estimate the steam boat tonnage, employed in the trade of this district of country, at 8000 tons, we certainly shall not exceed the truth. Admitting these boats to make, on an average, five trips in each year, and that in descending it will be necessary to pass through the canal three times out of five; and in ascending, four times out of five; it will be found that the aggregate amount of tonnage descending, will be 24,000 tons, and that ascending 32,000 tons, which will annually pass through the canal, and be subject to pay tolls. Should ten cents per ton on descending boats, and twenty cents per ton on ascending boats be levied, the total sum thus produced will be $8,800 dollars per annum. The carrying of passengers is a source from which the owners of steam boats derive a large portion of their profits. As the removal of the obstruction at the Falls, would prevent much delay and expense now incurred by passengers at that place, and enable steam boat owners to draw a greater revenue from this part of their business; it would be reasonable that each boat should pay a moderate toll in passing the canal for every passenger on board, supposing 2000 cabin passengers and 4000 deck passengers to pass the falls annually in steam boats, by means of the
canal, and a toll of one dollar for each cabin passenger and
twenty five cents for each deck passenger, to be levied, the
sum of 3000 dollars would thus be produced.

The following short summary, will shew at one view, the re-
venue annually derivable from the foregoing sources.

Toll levied on 20,000 tons of property descending the river in
steam boats and passing through the canal, at 37 1-2 cents
per ton, $7,500 00

Toll levied on 10,000 tons freight ascending in steam
boats and passing through the canal, at 75
cents per ton, 7,500 00

on 2,000 flat boats descending the river and
passing through the canal, 8,000 00

on 8000 tons steam boat tonnage passing
through the canal three times in descen-
ding the river, equal to 24,000 tons at 10
cents, per ton, 2,400 00

on same amount steam boat tonnage passing
through the canal four times each year in
ascending, equal to 32,000 tons at 20 cts.
per ton, 6,400 00

for 2000 cabin passengers at $1 00 each 2,000 00

for 4000 deck passengers at 25 cts. each 1,000 00

Making the aggregate sum of $34,800 00

Assuming the cost of the proposed canal on the Louisville side
of the river, at $312,543 15 agreeably to the estimates of Judge
Bates, it will be seen from the foregoing statement, that a nett
income of 10 per cent per annum, on the whole sum expended
in its construction, will be produced from the above enumerated
items, after deducting $3,545 68 1-2 to defray the expense of
superintending the work, collecting the tolls, and repairing any
accidental injuries which may occur.

The data upon which the above calculations are founded, are
drawn partly from a circular, published by Page and Robbins
of Cincinnati, in which are a condensed a number of interesting
facts, collected with much industry, from information derived
from intelligent merchants, steam boat owners and captains,
and other individuals, both at Cincinnati and Louisville, and
from observations made when at the Falls. The estimates are
made upon the business now transacted on the river, which
must necessarily increase with great rapidity, particularly if
this obstruction to its navigation be removed. The change, in
the method of transporting produce to market from flat boats
to steam boats, which will take place immediately after the con-
struction of the canal, will greatly increase its revenue, as the
same property conveyed in the latter, will pay more toll than when transported in the former manner.

The rates of toll above proposed are considered low by persons acquainted with the commercial business transacted on the Ohio and Mississippi rivers; they are much lower than those fixed by the legislature of Kentucky, in the chartered grant made by that state for the construction of a canal at the Falls of Ohio in the year 1813. All the statements relative to the amount of business from which the revenue is proposed to be drawn, are believed to be below the truth.

In addition to the toll arising from the passage of boats through the canal, a considerable revenue may be derived from the water power, which would be obtained by its construction. Water power sufficient to keep in operation sixty pairs of mill stones, or the same amount of power for other hydraulic works may be used, without causing a current in the canal even at the lowest stage of the water, which will impede, materially, its navigation. Should this water power be rented, even at a low rate, it would produce annually, a large sum. All this power will not at first be put in requisition. The time, however, is not far distant, when the exigencies of the country, and the inducements offered by mechanical operations, will require the whole of this power, and even a greater amount, which may easily be obtained, by increasing either the breadth or depth of the canal.

The facilities created by the canal, if completed on the proposed plan, for the construction of dry docks are among its most prominent advantages. There are at this time, near one hundred steam boats on the Ohio and Mississippi rivers; most of which need partial repairs every year; and extensive repairs once in 4 or 5 years. In order to repair these boats, it is now necessary to run them on the shore, or on some bar, when the water is up, and there to await a fall of the river, which will permit the carpenter to commence his work. The expense of removing the ground from underneath the boat, and of securing the boat by means of docks and shores, in its position, is also considerable. When the side or bottom of the boat is opened for repairing, a sudden and unexpected rise of water may occasion its total destruction. The Car of Commerce, a valuable steam boat, was lately lost in this manner, on the bar near the foot of the Falls. After encountering all these delays, dangers and expenses, the boat is frequently detained on the bar, one, two, or three months after the repairs are completed, for the want of sufficient water to float her from her position. All these evils may be effectually remedied by the construction of dry docks.

A number of basins of the requisite dimensions, may be form-
ed contiguous to each other, adjoining the canal, near its lower
termination, and communicating with it by lock gates of the
usual construction: by means of a culvert passing under the
whole line of basins parallel with the canal, and communicating
with each, through a small gate, the water may be drawn off
from either of these basins, without interfering with the others,
and discharged into the river below. Five of these basins might
probably be constructed for an expense not exceeding 50,000
dollars, and their number may be increased if business should
require. Admitting that fifty steam boats would annually en-
ter these docks, for repairs which would not require a time ex-
ceeding one week in the completion; for which each boat should
be charged one hundred dollars— and that twenty boats would
annually need repairs, requiring them to occupy one of these
basins five weeks each; for which fifty dollars per week, should
be demanded; these docks would produce annually ten thousand
dollars, equal to 20 per cent, on their cost. These prices or
even much higher, the owners of steam boats would gladly pay,
and would still be great gainers by the arrangement.

If the estimates made by Judge Bates, of the expense of con-
structing the proposed canal be correct; and if the above cal-
culation of its profits, founded on principles sanctioned by truth,
of which I think no reasonable doubt can be entertained, the
conclusion irresistibly follows, that the profits of the stock will
at first more than pay the usual rate of interest on its cost, and
will continue to increase, with the increasing commerce of a
great and growing country. By whom, then, shall this impor-
tant work be undertaken— by whom shall it be controlled when
finished? If the true policy of the states, most deeply interested
in the project, be consulted, the answer to this question cannot
be doubtful. Kentucky and Ohio will receive the greatest ben-
efit from the proposed canal. To three fourths of the popula-
tion of Ohio, which now contains above 700,000 inhabitants;
and to three fifths of the population of Kentucky, which proba-
bly contains 600,000, it is a work of immense importance. These
states ought therefore to have the control of the canal; in
which ease its tolls can be so regulated, and the work so man-
aged, as best to subsist the true interests of the states, and of
the individuals of which they are composed.

If the legislature of these states have not at present within
their control the disposable funds required for the construction
of the canal, they can unquestionably obtain the necessary am-
ount on loans at a moderate rate of interest, by pledging the
faith of the states, and the profits of the canal, for the regular
payment of the interest, and the eventual redemption of the prin-
cipal. To give these pledges, even the most scrupulous cannot
hesitate, when convinced that they may be redeemed solely from
the profits of the work, within a few years; thus leaving to the
states a large amount of productive stock, which will not have
cost them a single cent. And which may be made to constitute
a permanent and productive fund applicable to the support of
literature, the advancement of internal improvements, or any
other great and valuable object.

The stocks of the numerous canals in England, many of which
serve but to facilitate neighborhood intercourse, are now worth
on an average more than 600 per cent. on their costs;—some
pay more than 100 per cent. per annum, on the amount expen-
ded in their construction. What then may be expected from a
canal which is required to be less than two miles in length en-
countering no serious difficulties, in order to remove the only
important obstruction, in a natural channel of commerce, of more
than 2000 miles in length, affording an easy conveyance for the
surplus productions of the country capable of supporting a pop-
ulation greater than that of the United Kingdom of Great Brit-
ain and Ireland? Shall these important advantages, shall a
source of revenue so great be disregarded, or put into the hands
of a company of individuals who seek only private emolument?
Shall this powerful engine be entrusted to those who may be dead
to all the feelings of patriotism; or even hostile to the public
welfare? No man who is capable of discovering the true in-
terests of the state, or who regards its honor and prosperity,
can for a moment assent to propositions so inconsistent with the
public good.

I would respectfully suggest, that the two states of Kentucky
and Ohio, should become jointly interested in constructing the
proposed canal—that the prosecution of the work, and the regu-
lation of the tolls should be entrusted to one or more agents or
commissioners, to be appointed by each state; that neither state
should increase or reduce the rates of toll, without the consent
of the other.

From the legislature of Kentucky a liberal charter for the
purpose may undoubtedly be expected; many of the principal
citizens of that state, are anxious for the accomplishment of the
object, and will gladly lend to the project their exertions and
influence.

It remains for the General Assembly of Ohio, to consult the
true interests of her citizens, and the welfare and dignity of the
state by uniting in an undertaking which public sentiment de-
mands; and with regard to the prosperity of a great and grow-
ing Republic imperiously requires. In their intelligence and
patriotism, we may with confidence rely.

I have the honor to be, Sir, with respect, yours,

ALFRED KELLY, Acting Com'r.
Columbus, Jan. 14, 1824. Of the Erie and Ohio Canal.
Ordered, That the said message and documents be referred to a committee of the whole house, on the state of the commonwealth, for Tuesday next, together with the report of the committee on so much of the Governor's message as relates to internal improvements; and the bills reported by said committee, the second reading of which was dispensed with for that purpose.

Ordered, That the public printer forthwith print 150 copies of said message and documents, for the use of the members of this house.

The Speaker laid before the house a letter from the Judges of the Court of Appeals, which was read as follows, viz:

FRANKFORT, Dec. 1, 1824.

SIR,

We have received from the clerk of the House of Representatives, over which you have the honor to preside, the copy of a preamble, resolutions and address, proposed by a committee, as proper to be adopted for the purpose of removing us from office, accompanied by an order of the house, which informs us, that you are at liberty to attend and give any response that we may deem proper.

Of this permission, we intend to avail ourselves, and deliver a response in writing to the complaints and charges against us, and have progressed to some extent in the execution of our design. But a trial of a contested will was fixed by order of court to a particular day, before the proceedings of the legislature, with regard to us could have been anticipated, and indeed before the session of the legislature commenced. This trial has drawn to this place, many witnesses from a distant part of the country, some of whom could not travel with convenience, and in support themselves when here. It would be imposing burdens upon them, which they could not easily sustain, either to compel them to travel here again, or detain them here now for many days, and indeed we cannot suppose, that the legislature as well as the court would deem it proper to subject a number of our fellow citizens to such inconvenience. We have therefore, felt ourselves bound to proceed with the trial, and it is now progressing. This has bereaved us of that time, given us to be devoted to our response to the house, and renders it impracticable to forward it so soon as we are required.

We, therefore, solicit of the house to extend the time given for one week. And if in the mean time we shall become earlier prepared to present our views on the subject, we shall do so,
in order that the house may have them under consideration, before the day set for a decision on our cases.

Accept for yourself, and the House over which you preside assurances of our high respect,

JOHN BOYLE,
WILLIAM OWSLEY,
B. MILLS.

Hon. R. J. Ward, Speaker
of the House of Representatives.

Whereupon, Resolved, That the time asked for in said letter for making their response be granted.

A message was received from the Senate announcing the passage of a bill, which originated in this house, entitled an act to authorize the insertion of certain advertisements in the Western Herald and Farmer’s Register—and the passage of bills of the following titles:

An act for the benefit of William Gordon and Elizabeth McPherson.
An act to change the time fixed by law for electing members of Congress—and,
An act to regulate the town of Stephensport and vest the title of the land set apart for said town in certain trustees, and for other purposes.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Shepherd, 1. A bill declaring Kinnacomick navigable to the mouth of the Laurel Fork—and,

By Mr. Cosby, 2. A bill to provide for the removal of the seat of government from the town of Frankfort to some more central and eligible site.

Which bills were severally received and read the first time and ordered to be read a second time.

The yeas and nays being required on the second reading of the second, bill by Messrs. Somers and Cosby, were as follows, viz:


NAYS—Mr. Speaker; Messrs. G. I. Brown, H. O. Brown, Buckner, Buford, Caldwell, Carter, Coleman, Crittenden,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Shepherd carry the said bill to the Senate, and request their concurrence.

Mr. McConnell, from the select committee to whom was referred the amendments proposed by the Senate to a bill which originated in this house, entitled an act to change the venue in the case of Isaac B. Desha, reported the same with amendments, which being twice read, were concurred in.

Ordered, That Mr. Coleman inform the Senate thereof, and request their concurrence in said amendments.

On motion—Ordered, That the bill "to amend and explain the penal laws," referred to a committee of the whole house, be made the order of the day for to-morrow.

The amendments proposed by the Senate to a bill which originated in this house, entitled an act further to regulate the debt due the Commonwealth for the sale of the vacant lands acquired by the treaty of Tellico, were taken up, twice read, and concurred in, with an amendment.

Ordered, That Mr. Hardin inform the Senate thereof, and request their concurrence in said amendment.

The amendments proposed by the Senate to a bill, which originated in this house, entitled an act allowing additional justices of the peace in certain counties, were taken up, twice read, and concurred in.

Ordered, That Mr. W. Patterson inform the Senate thereof.

Engrossed bills of the following titles were severally read a third time:

1. An act further to provide for opening and keeping in repair the road from Danville to the Tennessee line, in the direction of Murfreesborough.
2. An act further to regulate the valuation of taxable property in this commonwealth.
3. An act allowing an additional justice of the peace to Adair county.
4. An act for the benefit of Archalans A. Strange of Adair county—and,
5. An act for the benefit of the Centre College.
Resolved, That the said bills do pass: that the titles of the 1st, 2d, 4th and 5th be as aforesaid, and that the title of the 3d be amended to read “an act allowing an additional number of justices of the peace in certain counties.”

The yeas and nays being required on the passage of the fifth bill, by Messrs. Bookore and Chenowith, were as follows, viz:


Ordered, That Mr. S. Daviess carry the said bills to the Senate, and request their concurrence.

Ordered, That an engrossed bill, entitled an act further to regulate the payment of the debt due the commonwealth for the sale of vacant lands, be laid on the table.

On motion, Ordered, That Mr. Triplett be added to the committee raised under the resolution of this house to enquire into the expediency of establishing a state road from Louisville to the Iron Banks; and that Mr. Joyes be added to the committee appointed to enquire into the conduct of the register of the land office.

And then the house adjourned.

THURSDAY, DECEMBER 2, 1824.

Mr. Buford presented the petition of William McBride, representing that there was granted to himself and Lapsley McBride, by the Legislature, in the year 1811, land warrants to the amount of 800 acres, in consideration of public services performed by their deceased father, in the year 1780: that he has been unable to find vacant land subject to appropriation by law, to satisfy said warrants heretofore; and praying that a law may pass, to authorize the balance of said unlocated warrants, to be located on the vacant lands South West of the Tennessee river.
Mr. J. Patterson presented the petition of John M. Sherrard, guardian for the infant heirs of George C. Maxwell deceased, representing that the said infants are interested with others, in several claims to land in this state, which are interfered with by other claims; and praying that a law may pass, to authorize him, as the guardian of said infants, to compromise and adjust said land claims, and to carry into effect compromises already made for portions of said land, by authorizing the proper conveyances to be made.

Mr. Triplett presented the petition of sundry citizens of Daviess county, praying an appropriation of $5,000, to enable them to complete the state road, proposed to be cleared out, from Franklin in Simpson county, to the town of Owenborough on the Ohio river.

Mr. Stephens presented the remonstrance of sundry citizens of Campbell county, against the removal of the present seat of justice of Campbell county—and

Mr. Fulton presented the petition of James Ellis of Nicholas county, praying compensation for erecting a jail at Ellisville, the former seat of justice for said county.

Which petitions and remonstrance were severally received, read and referred: the first and fifth to the committee of claims; the second to the committee for courts of justice; the third to a select committee of Messrs. Triplett, Morehead, Mosely, Hodge, Porter, Wilcoxen, Sterrett and S. Daviess; and the fourth to the committee of propositions and grievances.

Mr. Cosby moved the following resolution:

Resolved by the House of Representatives, That thereafter, when this house shall take up the orders of the day, the clerk shall commence at that point in the orders at which the house was, when last in the orders of the day and proceed on thus through the orders.

Which being twice read, was adopted.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Buford, from the committee of propositions and grievances—1. a bill to erect a Fish trap on the Kentucky river—and

By Mr. Robertson, from the committee of courts of justice—
2. a bill for the benefit of the widow and heirs of Jacob Kellar.

Which bills were severally received and read the first time, and ordered to be read a second time; and thereupon, the rule of the house, constitutional provision and second and third readings of the second bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.
Ordered, That Mr. Brown carry the said bill to the Senate and request their concurrence.

Mr. Robertson, from the committee for courts of justice, to whom was referred a bill to create a new Judicial District North of the Kentucky river—reported the same with the following amendment, in lieu of the original bill, after the enacting clause, viz:—

The committee of courts of justice to whom was referred a bill to create a new Judicial District on the North of the Kentucky river, report the following as a substitute for the original bill:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a district to be called the sixteenth judicial district shall be and the same is hereby formed, out of the counties of Bourbon, Montgomery and Nicholas; and a circuit judge for said district, shall be commissioned according to law, and receive the same salary as other circuit judges.

§ 2. Be it further enacted, That the county of Greenup, late of the first judicial district, shall be and the same is hereby attached to, and form a part of the eleventh judicial district.

§ 3. Be it further enacted, That the county of Jessamine, shall be and the same is hereby made a part of the tenth judicial district.

§ 4. Be it further enacted, That the several courts above named shall hold their terms the same length of time, as is now prescribed by law, until changed by act of this legislature.

§ 5. Be it further enacted, That the circuit court of Estill, shall hereafter hold its terms, commencing on the first Monday's of May, August and November.

§ 6. Be it further enacted, That the circuit courts of the counties composing the eleventh judicial district, shall hold their terms at the times and for the periods hereinafter expressed, to wit:

The county of Bath, on the first Mondays in April, July and October, and shall continue its session twelve judicial days if the business require it. The county of Greenup, on the third Mondays of April, July and October, and shall hold its terms twelve judicial days, if the business of the court requires it. The county of Lawrence, the Mondays succeeding the fourth Mondays of April, July and October, and hold its session six judicial days, if the business of the court require it. The county of Pike, on the Monday succeeding the Monday on which the Lawrence circuit court commences its session, and hold its terms three judicial days, if the business of the court requires it. The county of Floyd, on the Thursday succeeding the Monday on which the Pike circuit court commences its session, and shall continue three judicial days, if the business of the court requires it. The county of Morgan, on the Mondays succeeding
the Thursdays on which the Floyd circuit court holds its session, and continue three juridical days, if the business of the court requires it.

§ 7. And be it further enacted, That said courts shall respectively hold their terms in each and every year, at the times in this act prescribed.

§ 8. And be it further enacted, That all process of whatsoever description now made returnable to the courts according to their present times of holding their sessions, shall be and the same is hereby made returnable to the courts as prescribed by this act; and all process after the passage of this act, shall be made returnable to the terms as fixed hereby.

§ 9. This act shall be in force from and after its passage.

It was then moved and seconded to postpone the further consideration of said bill and amendment until the first day of June next; and the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and McConnell of Greenup, were as follows, viz:


NAEAS—Mr. Speaker, Messrs. Booker, H. O. Brown, Buckner, Buford, Carter, Clarkson, Coleman, Dallam, A. H. Davis, Garth, B. Hardin, Holl, Hunter, Marksberry, Mason, W. Patterson, Prince, Rodman, Rowan, Shortridge, Stone, Thruston, Triplett, Watkins, Wilcoxen, W. C. Williams, and W. Wilson—23.

A message was received from the Senate announcing their concurrence in the amendment proposed by this house, upon concurring in the amendments proposed by the Senate to a bill, which originated in this house, entitled an act to change the venue in the case of Isaac B. Desha.

An engrossed bill entitled an act for the benefit of the State Hospital at Louisville, was read a third time; and the question being taken on the passage of said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Oldham and Thruston, were as follows, viz:
OF REPRESENTATIVES.


Ordered, That the title of the bill be as aforesaid; and that Mr. Thruston carry the said bill to the Senate and request their concurrence.

On the motion of Mr. B. Hardin, leave was given him to report a bill to change the place of taking the votes in the Bloomfield precinct in Nelson county—whereupon, Mr. Hardin reported a bill under the title aforesaid, which was received and read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hardin carry the said bill to the Senate and request their concurrence.

A message was received from the Senate announcing the passage of bills, which originated in this house, of the following titles:

An act to establish the county of McCracken—and
An act to authorize the county court of Washington county to appoint an additional constable in said county and for other purposes, with amendments.

And the passage of bills by the Senate of the following titles:

An act for the benefit of James House—and
An act for the benefit of Jesse Walker and others.

The house then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth. Mr. Cosby in the chair; and after some time spent therein, the Speaker resumed the chair; and Mr. Cosby reported that the committee had, according to order, had
under consideration an engrossed bill, entitled an act to amend and explain the penal laws, to them referred, and had gone through the same with sundry amendments, which he handed in at the clerk's table and which being twice read were concurred in.

Ordered, That the said bill, as amended, be re-engrossed and again read a third time, to-morrow.

And then the house adjourned.

**FRIDAY, DECEMBER 3, 1824.**

Mr. Prince from the joint committee of enrollments reported that the committee had examined enrolled bills of the following titles and had found the same truly enrolled, viz:

An act to allow additional justices of the peace in certain counties of this Commonwealth—and

An act to authorize the insertion of certain advertisements in the Western Herald and Farmers Register.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. M. Hardin presented the petitions of sundry citizens of Mead county, praying a removal of the seat of justice of said county.

Mr. Wilson presented the petition of sundry citizens of Oldham county, praying a removal of the seat of justice of said county from Lynchburg to Westport.

Mr. Joyes presented the petition of sundry citizens of Oldham county, praying a removal of the seat of Justice of said county from Lynchburg to the Cross Roads—also the petition of sundry citizens of said county, praying that the seat of justice may remain at its present seat.

Which petitions were severally received, read and referred to the committee of propositions and grievances together with the resolution reported by said committee relative to the seat of justice of Oldham county.

A message was received from the Senate announcing the passage of bills by the Senate of the following titles:

An act for the benefit of the widow and heirs of James Shockley deceased.

An act to authorize Charles Mullens and Micajah Vanwinkle to erect a gate on a public road passing through their farms.

An act for the benefit of William B. Duncan late sheriff of Hickman county.

An act to change the place of holding the courts of Mead county.

An act concerning Theatrical performances.

An act for the benefit of William Myers.
OF REPRESENTATIVES.

Dec. 3.

An act for the benefit of Abraham Wood and others. And
the passage of bills which originated in this house of the fol-
lowing titles:
An act to legalize the proceedings of the Woodford county
court and to change the time of holding the March, June and
September term thereof.
An act for the benefit of James F. Nall.
An act for the benefit of Henry P. Maxey late deputy sheriff
of Monroe county.
An act to provide for the running and marking the line be-
tween the counties of Owen and Grant.
An act for the benefit of Archalaus A. Strange of Adair
county.
An act to authorize the county court of Morgan to lay an ad-
ditional levy.
An act for the benefit of Henry Miller and Peter Anderson.
An act to authorize the county court of Pike to lay an addi-
tional levy—and
A resolution from this house concerning the bank of the Com-
monwealth of Kentucky and branches.
The following bills were reported from the several committees
appointed to prepare and bring in the same, viz:
By Mr. H. C. Payne—1. a bill for the relief of Ellen Black-
more.
By Mr. J. Patterson—2. a bill for the protection of burying
places.
By Mr. Stone—3. a bill for the benefit of securities.
By Mr. Triplitt—4. a bill for the benefit of securities in cer-
tain cases—and
By Mr. Farmer—5. a bill to amend an act approved Decem-
ber 29th 1825, entitled, an act to amend the law in relation to
the turnpike and wilderness road and for other purposes.
Which bills were severally received and read the first time
and ordered to be read a second time.
And thereupon the rule of the house, constitutional provision
and second reading of the 1st, 2d and 3d bills having been dis-
pensed with, the first was ordered to be engrossed and read a
third time, the second was recommitted to a select committee of
Messrs. Patterson of Scott, Kennedy, Thomas, Breck and
Rowan, and the third to a select committee of Messrs. M'Con-
nell of Greenup, Wickliffe, Rowan and Stone.
And thereupon the rule of the house, constitutional provision
and third reading of the first bill having been dispensed with
and the same being engrossed.
Resolved, That the said bill do pass and that the title thereof
be as aforesaid.
Ordered, That Mr. H. C. Payne carry the said bill to the Senate and request their concurrence.

On motion—Ordered, That leave be given to withdraw the petition of sundry citizens of Nicholas county, praying to be added to the county of Harrison.

The orders of the day having been called for and taken up; it was then moved and seconded to take up from the said orders, for consideration, an engrossed bill entitled, an act to amend and explain the penal laws.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Dallam and Wickliffe were as follows, viz:—


Engrossed bills of the following titles were severally read a third time, viz:

1. An act to establish the town of Pikeville in the county of Pike—and

2. An act to change the law concerning fine money.

Resolved, That the said bills do pass; that the title of the first be as aforesaid and that of the second be amended to read, an act to appropriate fines and forfeitures.

Ordered, That Mr. Mayo carry the said bills to the Senate and request their concurrence.

An engrossed bill entitled, an act to reduce the expenses of the bank of the Commonwealth was read a third time.

It was then moved and seconded to recommit said bill to a select committee for the purpose of amendment.

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

The yeas and nays being required thereon by Messrs. Maupin and H. O. Brown were as follows, viz:


Whereupon, Messrs. Breck, Rowan, Brents, Turner, Morris, Booker, R. Taylor, Hunter, Litton, Stephens, Willis, Brown of Harrison, Cunningham, Morehead, Maupin and M'Connell of Woodford were appointed a committee pursuant thereto.

A message from the Governor by Mr. Loughborough:

Mr. Speaker—The Governor did on this day approve and sign enrolled bills which originated in this house of the following titles, viz:

An act to allow additional justices of the peace in certain counties of this Commonwealth.

An act to authorize the insertion of certain advertisements in the Western Herald and Farmer's Register.

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

A bill to amend the several acts concerning conveyances, was read a second time, and an amendment moved thereto.

Ordered, That the said bill and amendment be committed to the committee for courts of justice, and that the public printer forthwith print 150 copies of said amendment for the use of the members of this house.

And then the house adjourned.

SATURDAY, DECEMBER 4, 1824.

Mr Prince from the joint committee of enrollments, reported that the committee had examined an enrolled bill entitled an act, to change the venue in the case of Isaac B. Desha, and had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr Prince inform the Senate thereof.
Mr. R. Taylor presented the petition of the widow and heirs of Nathaniel Harlan deceased, praying that a law may pass, to authorize a sale of a tract of land owned by the decedent, for the payment of his debts.

Which petition was received, read and referred to the committee for courts of justice.

On motion.—Ordered, that the committee of the whole house on the state of the Commonwealth, be discharged from the further consideration of a bill to dispose of the vacant lands in the state of Tennessee, between Walker's line, and the latitude of 36° 30'—and that the same be recommitted to a select committee of Messrs. Brents, Hodge and Hardin, (of Monroe.)

Leave was given to bring in the following bills:

On motion of Mr. Booker—1. A bill better to secure the collection of damages assessed in actions of trespass.

On motion of Mr. Hunter—2. A bill to authorize the county court of Franklin, to appoint an additional constable in said county.

On motion of Mr. Forest—3. A bill to amend the act establishing the town of Lebanon, in Washington county.


On the motion of Mr. Willis—5. A bill to authorize the county court of Green county, to appoint an additional constable in said county.

On the motion of Mr. Litton—6. A bill for the benefit of William Secs. of Whitley county.

On the motion of Mr. Holt—7. A bill for the benefit of the Judge of the tenth judicial district.

On the motion of Mr. Samuel—8. A bill to amend the law now in force, relative to Billiard tables.

On the motion of Mr. Watkins—9. A bill to legalize the proceedings of the proprietors of the town of Lewisburg.

On the motion of Mr. Wilcoxen—10. A bill to establish an election precinct in the county of Bullett, at the house occupied by Isaac Price, commonly called Price's tavern.

On the motion of Mr. W. C. Williams—11. A bill to legalize the proceedings of the Trustees of the town of West Liberty.—and

On the motion of Mr. Hodge—12. A bill to amend and explain the law exempting property from execution.

Messrs. Booker, Breck and Balford, were appointed a committee to prepare and bring in the first; Messrs. Hunter, Breck, and Stetrett, the second; Messrs. Forrest, Booker and Brents, the third; Messrs. Gresham, Breck and Williams, the fourth; Messrs. Willis, Brents and Mayo, the fifth; Messrs. Litton, Gresham, Bates and Napier, the sixth; Messrs. Holt, Buckner, and Clarkson, the seventh; Messrs Samuel, M'Connell and T.
P. Wilson the eighth; Messrs. Watkins Sterrett and Triplett, the ninth; Messrs. Wilcoxen, Spalding and Chapeze, the tenth; Messrs. W. C. Williams Mayo and Summers, the eleventh; and Messrs. Hodge, Williams and M'Connell, of G, the twelfth.

Mr. Mossely presented the petition of Francis Erwin, representing that he is now confined in the jail of Ohio county, on a charge of murder; and that from the prejudice prevailing against him, he believes he cannot obtain a fair and impartial trial therein; and praying a change of venue.

Which was received, read, and referred to the committee for courts of justice.

Mr. M'Connell (of Greenup) from the select committee to whom was referred a bill, for the benefit of securities, reported the same with an amendment, which being twice read was concurred in—and the said bill as amended laid on the table.

Ordered, That the public printer forthwith print 150 copies of said bill for the use of the members of this house.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. M'Connell, from the committee of Religion—1. a bill for the divorce of sundry persons.

By Mr. Willis—2. a bill to authorize the county court of Green county to appoint an additional constable in said county.

By Mr. Garth—3. a bill for the benefit of Andrew Hicking-bottom—and

By Mr. Rodman—4. a bill to authorize the sheriff of Oldham county, to collect the muster fines of that part of the 38th Regiment of the Kentucky militia, which now composes a part of the 117th Regiment.

Which bills were severally received and read the first time, and ordered to be read a second time.

Thereupon, the rule of the house, constitutional provision and second reading of the second bill, having been dispensed with; the same was recommitted to a select committee of Messrs Hunter, Willis, Riddle, Sterrett, J. Taylor, Summers, Hodge, Porter, Forrest and Stephens.

Mr. L. Williams read, and laid on the table the following resolution.

Resolved, By the General Assembly of the Commonwealth of Kentucky, that when they adjourn on the 18th instant, they will adjourn without day.

The House took up the resolution laid on the table on the instant by Mr. Spalding, concerning the directors of the Bank of the Commonwealth and branches, which being twice read was committed to the committee to whom was referred, a bill to reduce the expenses of the Bank of the Commonwealth,

The following bills were severally read a second time viz:
1. A bill concerning answers in chancery.
2. A bill for the benefit of James Gilpin.
3. A bill for the benefit of Dosby Barlow.
4. A bill for the divorce of Elisha McCormas, from his wife Respha McCormas.
5. A bill in addition to an act, entitled, "an act authorizing certain county courts to appoint port wardens, and prescribing their duties, approved February the 6th 1819."
6. A bill to authorize McMurtry and Ward, of Greenup county, to raise their mill-dam across Little Sandy, higher.
7. A bill establishing the seat of justice of Spencer county.
8. A bill to change the time of holding the Spencer circuit court, and the circuit and county courts of Oldham counties.
9. A bill for the benefit of Ermena McHaney.—and,
10. A bill for the benefit of Martin Beatty.

The first, second, fourth, fifth, sixth, seventh, ninth and tenth bills, (the ninth having been amended at the clerks table) were ordered to be engrossed and read the third time; and the question being taken upon engrossing the third bill and reading it the third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs M. Hardin and Willis, were as follows, to wit:


And the 8th was committed to a select committee of Messrs; Joyes, Hardin, (of Nelson) Triplett, and McConnell of Greenup.

And thereupon, the rule of the House, constitutional provision and third reading of the second, third, fourth, fifth, sixth, seventh, ninth and tenth bills having been dispensed with and the same being engrossed.

Resolved, That the said bills do pass, and that the titles of the 2nd, 3rd, 4th, 5th, 6th, 7th, and 10th, be as aforesaid; and
and that of the ninth be amended by adding thereunto the words, "and Elizabeth Chrisman."

Ordered, That Mr. Dalham carry said bills to the Senate, and request their concurrence.

A message from the Governor by Mr. Loughborough, assistant secretary.

Mr. Speaker—The Governor did on this day, approve and sign an enrolled bill, which originated in the House of Representatives, entitled, "an act to change the venue in the case of Isaac B. Desha."

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

A bill from the Senate, entitled, "an act for the benefit of Celia Maxwell," was read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second and third readings of said bill, having been dispensed with, and the same having been amended.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Breck inform the Senate thereof, and request their concurrence in said amendment.

A resolution from the Senate, concerning repairs to the Government House, was taken up, twice read, and adopted in the following words:

1. Resolved, by the General Assembly of the Commonwealth of Kentucky, that a law ought to pass, authorizing the Governor to draw upon the Treasurer for the amount of the repairs done to the government house, and for articles of furniture therein.

2. Resolved, That the Governor cause to be made, the necessary repairs to the rooms in the upper story of the government house.

Ordered, That Mr. Slack inform the Senate thereof.

And then the House adjourned.

MONDAY, DECEMBER 6, 1824.

Mr. Prince from the joint committee of enrollments, reported, that the committee had examined enrolled bills and a resolution of the following titles, and had found the same truly enrolled, to-wit:

An act for the benefit of Henry Miller and Peter Anderson.

An act to legalize the proceedings of the Woodford county court and to change the time of holding the March, June and September terms thereof.
An act for the benefit of Henry P. Maxey late deputy sheriff of Monroe county.

An act to authorize the county court of Morgan to lay an additional levy.

An act to provide for the running and marking the county line between the counties of Owen and Grant.

An act for the benefit of Archibald A. Strange of Adair county.

An act to authorize the county court of Pike to lay an additional levy.

An act for the benefit of James F. Nall.

A resolution concerning the bank of the Commonwealth of Kentucky and branches.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

On the motion of Mr. B. Hardin—Ordered, That leave be given to bring in a bill to amend an act to change the venue in the case of Isaac B. Desha.

Whereupon, by the consent of the house, Mr. Hardin reported a bill under the title aforesaid, which was received and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third reading of said bill having been dispensed with and the same being engrossed,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Hardin carry said bill to the Senate and request their concurrence.

Mr. Shepherd moved the following resolution:

Resolved, That the Speaker of the house, during the present session of the General Assembly, shall invite any one he may think proper to preach in the Hall of the house of Representatives.

Which being twice read, was adopted.

Mr. Mosely from the committee of propositions and grievances made the following report:

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of the counties of Rockcastle, Clay, Whitley and Knox, praying for the formation of a new county out of parts of each of said counties, and have come to the following resolution thereupon, viz:

Resolved, as the opinion of this committee that the said petition be rejected.

Which being twice read was concurred in.

Leave was given to bring in the following bills, viz:
On the motion of Mr. Riddle—1. a bill to legalize the proceedings of the trustees of the town of Burlington, Boone county.

On the motion of Mr. Cox—2. a bill to regulate the pay of the sheriffs for comparing the polls for Governor.

Messrs. Riddle, Stephens and Joyes were appointed a committee to prepare and bring in the first, and Messrs. Cox, Hardin of Hardin and Cunningham the second.

Mr. McConnell of Greenup, from the select committee to whom was referred a bill to amend the law concerning the working on public roads, reported the same with an amendment, which being twice read was laid on the table.

Ordered, That the said bill and amendment be laid on the table, and that the public printer forthwith print 150 copies of said amendment for the use of the members of this house.

The house took up the report of the committee of religion favourable to the petition of John Neff for a divorce, which being twice read was concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to said resolution.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz.:

By Mr. Holt—1. a bill for the benefit of the Judge of the tenth judicial district.

By Mr. R. Taylor—2. a bill concerning the Baptist church in the town of Maysville.

By Mr. Wilcoxen—3. a bill to establish an election precinct in Bullitt county.

By Mr. Maupin—4. a bill to change the place of taking votes in the southern precinct in Barren county.

By Mr. Morris—5. a bill appointing commissioners to view and mark out a state road from Louisville to the Iron Banks.

By Mr. Booker—6. a bill the better to secure the damages assessed in actions of trespass.

By Mr. Forrest—7. a bill to amend the act establishing the town of Lebanon in Washington county—and

By Mr. Riddle—8. a bill to legalize the proceedings of the trustees of the town of Burlington.

Which bills were severally received, and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of the 1st, 2d, 3d, 4th, 5th, 6th, 7th and 8th bills having been dispensed with; the 1st, 2d, 3d, 4th and 7th were ordered to be engrossed and read a third time; the sixth was laid on the table and the eighth was committed to a select committee of Messrs. Riddle, Stephens, Joyes and J. Patterson.
Ordered, That the public printer forthwith print 150 copies of the seventh bill for the use of the members of this house.

And thereupon the rule of the house, constitutional provision and third reading of the 1st, 2d, 3d, 4th and 7th bills having been dispensed with and the same being engrossed.

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That Mr. Holt carry the said bills to the Senate and request their concurrence.

Mr. Willis read and laid on the table the following resolution.

Resolved by the General Assembly of the Commonwealth of Kentucky, That on the day of the present instant, they will proceed to elect the different public officers of the Commonwealth aforesaid, whose term of service expire with the present session of the legislature, and who are eligible by the same.

A message was received from the Senate announcing the passage of bills which originated in this house of the following titles:

An act to provide for the disposition of the estate of William Moore deceased.

An act to amend an act to change the venue in the case of Isaac B. Desha.

An act to change the place of taking the votes in the Bloomfield precinct in Nelson county—and

An act to alter the time of holding the November term of the Owen circuit court and for other purposes, with amendments to the two latter bills; and the adoption of a resolution concerning the Penitentiary.

The said resolution was then taken up, twice read and concurred in, with amendments.

Ordered, That Mr. Willis inform the Senate thereof and request their concurrence in said amendments.

A message from the Governor by Mr. Loughborough.

Mr. Speaker—The Governor did on this day approve and sign the following enrolled bills, which originated in the house of Representatives, viz:

An act for the benefit of Henry P. Maxey late deputy sheriff of Monroe county.

An act for the benefit of Archelaus A. Strange of Adair county.

An act to provide for the running and marking the county line between the counties of Owen and Grant.

An act for the benefit of Henry Miller and Peter Anderson.

An act to authorize the county court of Morgan to lay an additional levy.

An act to legalize the proceedings of the Woodford county court and to change the time of holding the March, June and September terms thereof.
An act to authorize the county court of Pike to lay an additional levy.

An act for the benefit of James F. Nall.

A resolution concerning the bank of the Commonwealth of Kentucky and branches.

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. Mosely from the select committee to whom was referred, a bill from the Senate entitled, an act to provide for reporting of the decisions of the Court of Appeals: also, the bill on the same subject, which originated in this house, and the amendment proposed to said bill and the report of the select committee to whom the same was referred, made the following report:

The committee to whom was referred the bill from the Senate, to provide for the publishing the decisions of the Court of Appeals and to whom was committed the bill, which originated in the house, on the same subject, with the amendment proposed by the former select committee; together with the report of that committee made in obedience to the resolutions of the house, having fully investigated the subject, submit the following report:

It is true, as stated in the report of the former committee, that there was drawn from the treasury during the years 1823 and 1824, for Littell's Reports, the total sum of $7,450, but if this information were desired by the house, for the purpose of estimating what would be the probable cost of the publication in future, it is certainly necessary to state, in addition to the information given in the former report, that the expenditures of the two preceding years, for this object were augmented to the sum above mentioned by causes which can never hereafter occur.—The first volume of Littell contains the decisions of the spring term, 1822, which the Reporters who preceded him having neglected to publish, Littell was specially required, by law, to report. The second contains the decisions of the fall term of the same year and the Selected Cases contains decisions delivered from the year 1795, but omitted by all the former reporters who had held the office down to the year 1821, which Littell was, by act of last session, specially required to collect and publish.—From these facts, it appears that the sum paid for two of these volumes, namely, 1st Littell and "Selected Cases" was paid at the treasury during the years 1823 and 1824, merely in consequence of the neglect and omission of former reporters and the special requisitions of the law upon Littell, to publish and deliver them, that the reports might be complete. And yet the former committee included in their estimate of the expenditures on this object, for the years 1823 and 1824, all three of the above mentioned volumes, which cost in the aggregate the sum of $8,
892. no one of which contains any decision delivered during either of those years. And on these calculations, without any explanations left the house "to judge of the future by the past expenditures." We, therefore, considered it our duty to give the above additional facts. And it may be proper to add, that the reports are now complete to the present time, and therefore, if the bill should pass, reviving and continuing in force the late acts on this subject, and the officer perform his duty, which he must do or fail to receive any compensation—no such accumulation expenditure can take place in future, but each year will be subject to its proper charge and no more.

This committee have found no difficulty in estimating the probable annual cost of the number of volumes, heretofore taken by the state, at the established rate and will exhibit to the house the data upon which they make their estimates.

It was believed that the size of the volumes and consequently their cost to the state would be considerably reduced by an act passed at the last session "to prescribe the duty of the Judges of the Court of Appeals," &c. by which it is provided, that it should not afterwards be the duty of the court to "deliver written opinions in cases involving matters of fact only, or principles of law, previously settled by said court." For, by reducing the number of written opinions, which alone the Reporter is authorized or indeed could publish, even if he were disposed, that consequence would necessarily follow. The committee, therefore, looked into the actual operation of this act and have found, that at the last spring term of this court (the only entire term which has transpired since the act was passed,) one hundred and fifty four decisions were given, of which only about one hundred and twelve were written out by the Judges and published by the Reporters—the balance, upwards of forty in number, having, in the opinion of the court, involved no new principle of law, were not written out by the Judges and are consequently not published. And by a comparison of the volume containing the decisions of that term, with the other four volumes of the regular term reports, it is found to be less than they are, upon an average, by about eighty or ninety pages, although it contains petitions for rehearing which were overruled by the Judges.

Having thus accounted for the diminished size of the last fifth volume, it might be taken as the means to estimate the probable future cost. On this datum the annual cost of two hundred and fifty copies of the Reports of the decisions of each term could not exceed the sum of two thousand dollars. But your committee do not believe that the annual cost will, hereafter, be near that sum. They are informed, that the late reporters confidently anticipated, that by the operation of the act of last session above mentioned, and the continued diminution in the
number of causes in which it would be necessary for the judges to write out opinions for publication, the volumes would shortly be reduced to three hundred pages. And when it is recollected that for several years past, the docket of the court has been crowded by an unusual number of novel and complicated cases, which arose from the previously highly commercial and afterwards extraordinarily embarrassed and distressed state of the country, and that the volumes which have been estimated, contain the opinions in the principal part of those cases; and that the causes hereafter can be such only, as arise in the ordinary state of society—we may reasonably calculate, that whilst the speedy publication and distribution of the reports to the inferior courts, would diminish the total number of causes, those involving new principles of law must also decrease. Should these calculations be realized, the annual cost of these books, to the state, will not, in future, exceed fifteen hundred dollars.

This committee are as much inclined to support measures of retrenchment as the former committee could have been, but they cannot believe that an officer, who has to expend all he receives from government in the employment of mechanics, can now afford to perform the duty for less, in the present currency, than the prices paid, when the charges of the mechanics were so much below their present rates. And it may be proper to add, that the compensation to this officer differs from the salaries paid to others in this: that all he receives is for books containing the public acts of the judicial department of government; and are deposited in the hands of public officers who have to govern themselves according to their decisions, and are deposited with the journals of both branches of the legislature, in the clerks' offices throughout the state, where every citizen, by the permanent law, has the right to use them for the examination of any particular case; that the people, to whom both departments are ultimately alike responsible, may be correctly informed: that the books still remain the property of the state and subject to their control, or are exchanged for other valuable books for public use.

As to the publication of the petitions for rehearings, we have ascertained, by examination of the volumes containing the decisions of the last spring term, that they do not occupy more than about one page for every twelve contained in the opinions, and consequently their publication produces a very small increase of expense—that it is useful to publish them, the committee entertain no doubt. It is notorious, that great dissatisfaction prevails in the community, against the judges for their decisions, not only in cases involving the constitutions, but it is feared they are extending their invasions into the statute and common law of the country—if for these apprehensions there be any grounds,
there is surely no better means of exposing them than to allow the publication of such petitions as the judges may overrule. The petitions were drawn by counsel on great consideration, and are never presented but in cases in which they differ with the court. And as they present the opposite of the opinion of the judges the reader is enabled, by the contrast, to determine who may be in the right. The legislature, at their last session, so considered this subject and by the provision in the act recited in the bill from the Senate, required the publication, by which the able and learned petition of George M. Bibb, Esq. in the cases of Blair and Williams and Lapsley and Brashear is published to the world and will go down to posterity in juxta position with the opinion of the judges. And as it appears, the court are attempting to extend into other cases the principle asserted in those cases, the committee can see no reason for changing the law, which is so well calculated to expose all the applications that may be made of that principle, as well as every other innovation that may be attempted.

As to the rules of court, it may be well to have them digested and collected into one view. The provision of the bill on that subject will not cost the state more than fifteen or twenty dollars in that many years. As to the number of copies which are required for the use of the state, your committee find, that at least two hundred and fifty are wanted for public purposes. It will take about one hundred and eighty to supply the public offices and clerks offices. It will require twenty three to exchange with our sister states for the decisions of their Superior courts, for the use of our state library; which will leave some less than fifty copies in the library for the use of the General Assembly, each member of whom, by the law establishing the library, are entitled to use them during the session. But out of these, have to be supplied the officers of new counties and any judicial officers that may be created hereafter, and besides, the Secretary of State is authorized, by law, to exchange any extra volumes for other books for the gradual increase of the library. The committee, however, to satisfy themselves on this subject, have enquired at the Secretary's office and found, that before the loss of the capital, there remained on hands of 1st Bibb only nine volumes, 2nd Bibb twenty three, 3rd Bibb twenty seven, 4th Bibb twenty five, 1st Marshall eleven, 2nd do. thirty eight, 3rd do. fifty six, 1st Little fifteen, 2nd do. thirty three, and of 3rd Little only fifty six copies, (the other volumes are not yet distributed,) which proves that the two hundred and fifty copies, directed to be taken for the use of the state by the act of 1815, (the number proposed in the bill from the Senate,) are not too many. The committee are, therefore, not disposed to make any innovation on this subject. In relation to the price which the
state ought to pay the reporters for these volumes, it might be sufficient to state, that this is the only compensation which he receives from the state, and the price of one cent per page contemplated by the original bills, is the same which was paid before the introduction of paper currency, and being fifty cents per copy less than what is paid by individual purchasers—it would seem to follow that the price was not too great, if indeed it can be sufficient.

This committee have however, been more particular; they find that when the office was created in 1815, two hundred and fifty copies were directed to be taken for the state, at the price of eighty three and one third cent per 100 pages. But the officer who was appointed under that act, found in the course of a few years, that the compensation was not adequate to the labour and time, which was required to discharge the duties, and he resigned the office. The successor very shortly afterwards, became also satisfied that the price was too low—and in the year 1820, the general assembly under the conviction, that the price they had before paid was not adequate, passed an act fixing it at one cent per page. This was done before the establishment of the Bank of the Commonwealth, when the books were paid for in funds nearly equal to specie, and must have been most extravagantly high; or the price is not now more than a fair one. The act of 1822 recited in the bill, fixed and continued the same rate, the committee can therefore perceive no reason for its reduction, and in this opinion they have been confirmed by an inquiry into the expenditures which the reporter has necessarily to incur in the mechanical part of the work. We find by inquiry from those who performed the work in publishing Bibb's and Littell's reports, that the paper, printing and binding of two hundred and fifty copies of such a book as Littell's last volume, would cost about the sum of $750. For that number of copies of such a volume, the Reporter would only receive one thousand dollars; leaving for his necessary attendance in court, his labour in arranging the work, composing the marginal notes, digesting and arranging the indexes, and correcting the proof-sheets, and his risk in contracting and responsibility for a faithful discharge of the office, only the sum of $250, which all must agree is entirely inadequate. He may, however, we are advised, by the use of this sum, and the advance out of his own pocket, of the additional sum of about one hundred dollars, publish about three hundred additional copies, which we are informed and satisfied are as many as he could expect to sell. In the proceeds of the sale of these, after a reimbursement of the sum, he would have to advance, he is to expect his compensation. Whether by this course the compensation would be swelled to too great a sum, will be readily determined upon a statement
of the following facts, of which the committee are assured. The 4th volume of Bibb's reports was published, and three hundred copies thrown into market about seven years ago, and yet there now remain in the book stores, about one hundred copies unsold. The owners of Littell's edition, assure us, that they have not been able to sell even by sending over the state by peddlars more than about one hundred copies of the first and second volumes, and of each of the succeeding, not more than sixty have been sold—hence it appears that although the officer may in time, expect a tolerable compensation for his labours, he has to advance money for the purpose, and wait a most unreasonable time for the enjoyment of the profits.

If he were to force the sale of the whole edition, it is believed he could not obtain one half the retail price, perhaps not a third, for traders could do much better by employing their capital otherwise, than vesting it in books of such slow sale. This committee cannot, therefore, on any view of the subject, believe the price heretofore fixed by law, will be more than sufficient to command "a man of distinction well qualified to discharge an undertaking of the kind." As to the hope that by an omission to pass any law on the subject, the publication of the decisions would be undertaken by some distinguished individual—it is perfectly clear from what has already been said, that no individual would do so without the patronage of the state, either in possession or expectancy, unless he had capital he would not otherwise vest, and time on his hands, he could find no other means to employ. The omission then to pass a law authorizing the appointment of an officer, would either occasion a total suppression of the decisions of the court, or leave it in a state which it is not believed the present General Assembly, would by any means desire. If the bill from the Senate should pass, the Judges will be required, by one of the acts created, to deliver their written opinions (which are not now required to be recorded) over to the reporter; if it should not pass, the Judges will have it in their power, to deliver them over to some favorite lawyer for publication, which will be virtually appointing him the exclusive reporter of their own decisions and the Legislature would only have to confirm this Judicial appointment at their next session by purchasing from this irresponsible person, the number of copies requisite for the use of the state, at such prices as he might think proper to fix.

The former committee have however, said, that they are informed that a gentleman of the profession well qualified to prepare the reports, would furnish the state with the number of copies required (200 according to this estimate) at the rate of seventy-five cents per hundred pages. This committee having regarded this information with some surprise, have deem-
ed it their duty to investigate it fully, and to lay the facts be­
fore the house. We find from the information of those who
judge from actual experience in the business, that the paper,
printing and binding, of 200 copies of a volume of the size of
fifth Littell, would cost the reporter, about the sum of seven
hundred dollars. No more being published—for which he
would receive at the rate proposed, only the sum of five hun­
dred dollars, from the state which would leave him to pay one
hundred dollars per volume, equal to two hundred dollars per
annum, for the honor of holding the office. It is true he might
by vesting a considerable capital in addition to the two hun­
dred dollars paid for the office, and waiting many years for its
return, afterwards receive some reward. This proposition
and the qualifications of the persons who made it, having been
reported to the house, as a ground for the reduction of the price
to be paid by the state for the reports, this committee deemed
it their duty to enquire who were the gentlemen who were thus
bidding for the office, but they have not been able to hear of
more than one.

As to his qualifications, we possess no information, and there­
fore can give none to the house. This committee for the rea­
sons above suggested, disapprove of the amendment proposed
by the former. The bill as it originated in this house, they ap­
prove in principle, but it would require amendment. The bill
from the Senate founded on the same principles they consider
perfect in its provision.

The committee therefore report the bill from the Senate with­
out amendments.

R. MOSELY, Ch'm.

The bill from the Senate was again read in the following
words:

Sec. 1. Be it enacted by the General Assembly of the Common­
wealth of Kentucky, That the Governor shall nominate, and by
and with the advice and consent of the Senate, appoint a fit per­
son, Reporter of the decisions of the court of appeals, who shall
perform the same duties which were required of the late Re­
porter, and shall on the same conditions receive a like compensa­
tion, payable in the same manner and be subject to the same
rules and regulations as provided by the act entitled, an act to
amend the several acts providing for the publication of the de­
cisions of the court of appeals, approved December 11th, 1822,
and also subject to the provisions and conditions of an act en­
titled, an act prescribing the duties of the reporter of the de­
cisions of the court of appeals, approved, January 7th 1824.

Sec. 2. Be it further enacted, That in addition to the duty of
the Reporter, to be appointed under this act, to publish in his
first volume, all the rules of the court of appeals, now in force, and in his subsequent volumes to publish all alterations made in the said rules, and all decisions given by the court touching the same.

Sec. 3. Be it further enacted, That at the expiration of each period of two years, from and after the date of the appointment of said Reporter, the term of service of such Reporter shall expire, and a new appointment shall be made as provided for in the first section of this act.

It was then moved and seconded to amend said bill by striking out the whole thereof, after the enacting clause and to insert in lieu thereof the following:

That a Reporter of the decisions of the court of appeals of the state shall be chosen by a joint vote of both houses of the General Assembly, who shall hold his office from the time of his election until the next annual meeting of the General Assembly and until another shall be regularly chosen in his stead, whose duty it shall be to report the decisions of said court in the manner which now is, or hereafter may be, prescribed by law.

Sec. 2. Be it further enacted, That it shall be the duty of the Reporter to furnish in his first volume, all the rules of the court, which have not been heretofore published in the reported decisions of said court, and it shall be expressly the duty of said Reporter, not to publish any of the opinions or decisions of said court which do not contain some new principle not contained in any case heretofore decided in said court and reported, nor to publish any petitions for a rehearing.

Sec. 3. Be it further enacted, That the said Reporter shall only furnish to the Secretary of state for the time being, two hundred copies of said reports and upon the same being examined and approved of as now provided for by law, he shall receive therefor, when neatly bound and in good order, at the rate of one dollar for every hundred pages which may be so furnished, in volumes of convenient size. Provided however, that the same shall contain a complete index and marginal notes of the cases, and that the same shall have been well printed, on good paper with a suitable type.

Sec. 4. Be it further enacted, That the said Reporter shall, before he enters upon the duties of his office, make an affidavit before some justice of the peace, well and truly to report the decisions of the court of appeals agreeably to law, to the best of his skill and abilities; which affidavit shall be filed with the Secretary of state for the time being and shall be by him carefully preserved.

It was moved and seconded to postpone the further consideration of said bill and amendment until the first day of June next.
And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Crittenden were as follows, viz:


The question was then taken upon adopting the said amendment in lieu of the original bill, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'CConnell of Greenup and Cosby, were as follows, viz:


The said bill as amended, was then ordered to be read a third time.

The Speaker laid before the house a communication from the President and Directors of the branch bank of the Commonwealth at Lexington, which was received, read and referred to the committee to whom was referred a bill to reduce the expenses of the bank of the Commonwealth, and Mr. Spalding was added to said committee.

The house took up a resolution laid on the table on the 22d, ult., by Mr. Holt, providing for an election of trustees for Tran-
syl\na University, which being twice read, and the blank therein filled with the 14th instant, was adopted.

Ordered, That Mr. Holt carry the said resolution to the Senate and request their concurrence.
And then the house adjourned.

TUESDAY, DECEMBER 7, 1824.

Mr. Prince from the joint committee of enrollments, reported, that the committee had examined enrolled bills and a resolution of the following titles and had found the same truly enrolled, viz:

An act to amend an act to change the venue in the case of Isaac B. Desha.

An act to provide for the disposition of the estate of William Moore deceased—and

A resolution concerning repairs to the Government house, Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. Wickliffe presented the petition of Jonathan Rigg, representing that he furnished sundry materials which were employed in building the Lunatic Asylum at Lexington, for which he has received no compensation, and praying that a law may pass to authorize the payment of the amount of his claim for said materials out of the public Treasury.

Which was received, read and referred to the committee of claims.

On the motion of Mr. Roundtree—Ordered, That leave be given to bring in a bill for the relief of George M'Lean, sheriff of Hart county; and Messrs. Roundtree, Cox and Brents were appointed a committee to prepare and bring in said bill.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Roundtree—1. a bill for the relief of the sheriff of Hart county.

By Mr. B. Hardin—2. a bill to amend the revenue laws of this Commonwealth.

By Mr. Buford from the committee of propositions and grievances—3. a bill to provide for the selection of a permanent seat of justice for Campbell county.

By Mr. Rowan—4. a bill to incorporate the town of Louisville—and

By Mr. Joves—5. a bill to regulate and amend the laws for inspecting beef and pork.

Which bills were received and severally read the first and ordered to be read a second time.
Ordered, That the public printer forthwith print 150 copies of the second and fourth bills for the use of the members of this house.

And thereupon the rule of the house, constitutional provision and second reading of the 1st, 3d and 4th bills having been dispensed with, the 1st was ordered to be engrossed and read a third time, the 3d, was laid on the table and the 4th was committed to the committee for courts of justice.

Ordered, That Mr. Rowan be added to said committee.

And thereupon the rule of the house, constitutional provision and third reading of the 1st bill having been dispensed with and the same being engrossed,

Resolved, That said bill do pass and that the title thereof be as foresaid.

Ordered, That Mr. Roundtree carry the said bill to the Senate and request their concurrence.

A message was received from the Senate announcing the passage of a bill which originated in this house entitled, an act to erect precincts in certain counties in this Commonwealth, with amendments, and their concurrence in the amendments proposed by this house to a resolution which originated in the Senate concerning the Penitentiary.

Mr. Willis from the select committee to whom was referred, a bill from the Senate entitled, an act concerning constables, reported the same with amendments, which amendments were concurred in and the bill and amendments recommitted to a select committee of Messrs. Willis, Cosby, Maupin, Green, Mayo, Sterrett and Triplett.

A message from the Governor by Mr. Loughborough, assistant secretary:

Mr. Speaker—The Governor did, on this day, approve and sign enrolled bills which originated in the House of Representatives, of the following titles:

An act to amend an act to change the venue in the case of Isaac B. Desha.

An act to provide for the distribution of the estate of William Moore, deceased.

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. Chenowith from the majority on the vote by which a bill from the Senate entitled, an act to provide for the reporting of the decisions of the court of appeals, as amended, was ordered to a third reading on yesterday, moved to reconsider said vote.

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

The yeas and nays being required thereon by Messrs. B. Hardin and S. Daviess were as follows, viz:


It was then moved and seconded to reconsider the vote by which the amendment offered by Mr. McConnell of Greenup was adopted in lieu of the bill from the Senate.

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

The yeas and nays being required thereon by Messrs. Oldham and Galloway, were as follows, viz:


The question was then again taken on the adoption of the amendment aforesaid, which was decided in the negative.

The yeas and nays being required thereon by Messrs. Crittenden and B. Hardin were as follows, viz:

YEAS—Messrs. Bates, Booker, G. I. Brown, Caldwell, Cosby, Cox, Crittenden, Cunningham, Farmer, Ford, Goggin, Gordon, Green, Gresham, B. Hardin, M. Hardin, Litton, J. M. McConnell, Miller, Morris, Oldham, W. Patterson, W. C. Payne, Prince, Riddle, Rodman, Shepherd, Simpson, Slack, Spalding, Sterrett,
Mr. B. Hardin then moved to amend said bill by attaching thereto the following as an additional section, viz:

"Be it enacted, That instead of the two hundred and fifty copies, which by said acts intended to be received, that the commonwealth will purchase only two hundred.

Mr. Wickliffe then moved to amend said amendments by subjoining thereto the following words, viz: seventy-five cents for every one hundred pages which he shall publish and deliver agreeably to the provisions of said act."

And the question being taken on the amendment to the amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Garth, were as follows, viz:


The question was then taken on the adoption of the amendment offered by Mr. Hardin, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. B. Hardin and Cosby were as follows, viz:

YEAS—Messrs. Bates, Booker, Brents, Buckner, Caldwell, Clarkson, Colemen; Cosby, Cox, Crittenden, Cunningham, Farmer, Ford, Forrest, Fulton, Galloway, Goggin, Gordon, Green, Gresham, B. Hardin, M. Hardin, Joyes, Litton, J. Mc-

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Mr. Wickliffe then moved further to amend said bill by attaching thereto the following clause: "This act shall continue and be in force two years from and after its passage."

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Coleman were as follows, viz:


The said bill as amended was then ordered to be read a third time.

A message was received from the Senate, announcing that the Senate had received official information that the Governor did on this day, approve and sign an enrolled resolution which originated in the Senate concerning the government house, and that the Senate had passed a bill entitled, an act for the divorce of Polly Gillispie.

The Speaker laid before the house a letter from Wm. Hardin, keeper of the Penitentiary, containing proposals for conducting and managing that institution free of charge to the state for the ensuing twelve months.

Which was received and laid on the table.

And then the House adjourned.
Mr. R. Taylor presented the petition of the Board of Trustees of the town of Maysville and of sundry citizens thereof, praying an amendment to the act of the last session to amend the several laws now in force concerning the town of Maysville, county of Mason—so as to authorize the said board to keep a ferry across the Ohio river at Maysville—also the counter petitions of Jacob Boon, Jeremiah Martin, Jonathan Armstrong and James Power, and also the counter petitions of sundry citizens of Mason county.

And Mr. Gordon presented the petition of sundry citizens of Smithland in Livingston county, praying that the proceedings of the trustees in the establishment of said town may be legalized—and

Mr. J. Patterson presented the petition of William B. Warren administrator of the estate of William Warren, deceased, praying that a law may pass to authorize the sale of a part of the real estate of the decedent, for the purpose of discharging the debts due by the decedent—the personal estate being represented as insufficient for that purpose.

Which petitions and counter petitions, were severally received and referred:

The first (with the counter petitions) to the committee of propositions and grievances; the second to a select committee of Messrs. Patterson (of Scott) T. P. Wilson and Buckner, and the third to the committee for courts of justice.

Mr. Prince from the joint committee of enrollments, reported that the committee had examined an enrolled resolution concerning the Penitentiary—and had found the same truly enrolled—whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Whereupon, Messrs. M'Connell (of W.) Breck, Joyes and R. Taylor, were appointed a committee on the part of this house pursuant to said resolution.

A message from the Senate by Mr. Ward.

Mr. Speaker—The Senate have passed a bill which originated in this house, entitled, "an act to allow the justices of the peace of Morgan county, each a copy of the digest laws and for other purposes," with an amendment; in which amendment, they request the concurrence of this house.

And then he withdrew.

Mr. S. Davis from the committee of propositions and grievances, made the following report, viz:

The committee of propositions and grievances have according to order, had under consideration several petitions to them referred, and have come to the following resolutions, to wit:

Resolved, As the opinion of this committee, that the petition.
of sundry citizens of Mead county, praying the passage of a
law to remove the seat of justice of said county, is reasonable.
Resolved, That the petition of sundry citizens of Nicholas
county, praying that a law may pass to transfer their notes from
the Fairmount Branch, to the Flesingburg Branch Bank, be re-
jected.
Resolved, That the petition of sundry citizens of Barren coun-
ty, praying to be added to Allen county, be rejected.
Resolved, That the petition of sundry citizens of Monroe
county, praying to be added to Allen county, is reasonable.

Which being twice read (and the second resolution having
been amended by striking out the words "the rejected" and in-
serting in lieu thereof the words "is reasonable") was concur-
ed in.

Ordered, That the said committee prepare and bring in bills
pursuant to the first, second and fourth resolutions.

The proposition of Mr. Hardin communicated to the house on
yesterday, was taken up, read, and referred to the committee
raised on the part of this house under the resolution appointing
a joint committee to receive and hear proposals for the man-
ageinent of the Penitentiary.

A bill to provide for the selection of a permanent seat of jus-
tice for Campbell county—laid on the table on yesterday, was
taken up and ordered to be engrossed and read a third time, and
thereupon the rule of the house and constitutional provision and
third reading of said bill, having been dispensed with and
the same being engrossed.

Resolved, That the said bill do pass, and the title thereof be
as aforesaid.

Ordered, That Mr. Stephens carry the said bill to the Senate
and request their concurrence.

Mr. McConnell from the committee of religion, reported a
bill for the divorce of John Neff, Hannah Mayberry and Sarah
Dale—which was received and read the first time and ordered
to be read a second time.

And thereupon the rule of the house, constitutional provision
and second reading of said bill having been dispensed with, the
same was recommitted to the committee of religion.

The house, then according to the standing order of the day,
resolved itself into a committee of the whole house, on the state
of the commonwealth—Mr. Booker in the chair—and after
some time spent therein, the Speaker resumed the chair, and
Mr. Booker reported that the committee had according to or-
der had under consideration—1st. A bill to constitute a board of
commissioners of public work.

2. A bill providing a fund for Internal Improvement.

3. A bill providing for the issuing a writ of ad quod damnum,
to condemn a site for a canal.
4. A bill to provide for constructing a canal at the falls of Ohio—and

5. A bill authorizing the county court of Mason to levy money and for other purposes—and had gone through the same with amendments to the 1st, 2d, 3d, 4th and 5th, bills—the amendments to the 1st, 2d, and 4th, bills were twice read and concurred in. The 1st, 2d, 3d and 4th bills were ordered to be engrossed and read a third time to-morrow.

The yeas and nays being required an engrossing the fourth bill and reading it a third time by Messrs. Sterrett and Watkins, were as follows, viz:


And then the house adjourned.

THURSDAY, DECEMBER 9, 1824.

Mr. Breck presented the petition of Andrew Mershon, representing that he stands indicted for felony in the county of Garrard, and that owing to the undue prejudice prevailing against him, he cannot obtain a fair and impartial trial in said county, and prays a change of venue.

Mr. Wingate presented the petition of Jesse Baker, Jr., praying to be divorced from his wife Mildred Baker.

Mr. Gordon presented the petition of sundry citizens of Livingston county, praying for the establishment of an Hospital in Smithland at the mouth of the Cumberland River.

Mr. Turner presented the petition of Thomas Blanton, praying to be divorced from his wife Nancy Blanton.

Also the remonstrance of George Shackleford against the petition of his wife Susan R. Shackleford for a divorce.

Which petitions were severally received, read and referred; the first to the committee for courts of justice; the second,
fourth and fifth to the committee of religion and the third to the committee of propositions and grievances.

Mr. Buford from the committee of propositions and grievances made the following report:

The committee of propositions and grievances have, according to order, had under consideration the several petitions of the citizens of Oldham county concerning the seat of justice thereof and have come to the following resolutions thereupon, to-wit:

Resolved as the opinion of this committee, That the petition of sundry citizens of said county, praying the removal of their seat of justice from its present location to West-Port on the Ohio River, is reasonable.

Resolved, That the petition of sundry citizens of said county, praying the removal of their seat of justice from its present location to the Cross Roads, be rejected.

Resolved, That the petition of sundry citizens of said county, praying that their seat of justice may permanently remain at its present location, Lynchburg, be rejected.

Which being twice read; it was moved and seconded to amend the first resolution by striking out the words is reasonable and inserting in lieu thereof, be rejected.

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

The yeas and nays being required thereon by Messrs. Booker and Thruston, were as follows, viz:


And thereupon (the third resolution having been amended by striking out the words be rejected and inserting in lieu thereof the words is reasonable,) said resolutions were severally concurred in.
Ordered, That said committee prepare and bring in a bill 
pursuant to the third resolution.

A message was received from the Senate announcing the pas-
sage of bills which originated in this house entitled,

An act to provide for the selection of a permanent seat of jus-
tice for Campbell county—and

An act for the benefit of the Centre College, with an amend-
ment to the latter; the passage of bills which originated in the
Senate of the following titles:

An act to repeal the law organizing the court of appeals and 
to reorganize a court of appeals—and

An act to change the place of comparing polls in the 8th 
Senatorial district; the concurrence of the Senate in the amend-
ments proposed by this house upon concurring in those proposed 
by the Senate to a bill which originated in this house enti-
tled:

An act further to regulate the debt due the Commonwealth for 
the sale of vacant lands acquired by the treaty of Tellico, with 
an amendment that the Senate had received official informa-
tion that the Governor did, on yesterday, approve and sign an 
enrolled resolution concerning the Penitentiary.

The Speaker laid before the house the response of the Judges 
of the court of appeals, to the preamble, resolutions and 
address reported on the 19th ult., which was received and read as 
follows, viz:

To the Hon. the Speaker, 
of the House of Representatives.

SIR—According to the permission granted us, we proceed to 
lay before you, and through you, before the house over which 
you preside, our response to the charges made against us in the 
preamble, resolutions and address furnished us by your clerk. 
We trust we shall be permitted to question the propriety and 
constitutionality of these proceedings and to contest them 
freely. We acknowledge our responsibility to the legislature, 
and conceive that every officer of government ought be respon-
sible somewhere—But while we make this concession, we deny 
the constitutional right of the legislature to approach us except 
in one of two ways, viz: impeachment for misdemeanor in office; 
and an address to the executive to remove us, for any reason-
able cause which may not be grounds for impeachment. In the 
preamble and resolutions there is no intimation that we are 
guilty of any improper acts as men, or devoid of capacity to 
fill the station we occupy; but the charge is, that as judges we 
have rendered certain decisions, for which we ought to be re-
moved. The 3d section of the 8th article of the constitution pro-
vides, "that the governor and all civil officers shall be liable to 
impeachment for any misdemeanor in office." And the 3d sec-
tion of the fourth article declares, "that for any reasonable cause which shall not be a sufficient ground for impeachment, the governor shall remove, on the address of two thirds of each branch of the legislature.

The plain meaning of these clauses is, that for a misdemeanor in office, we shall be impeached. They are imperative and cannot be evaded. Of course it follows, that the causes for which we are to be removed, cannot comprehend misdemeanor in office. Where an impeachment ends, an address begins—and neither can occupy the ground covered by the other. What then ensues? Why that we have been guilty of no improper acts as men—we are guilty of no misdemeanor in office; and yet we must be removed! The whole measure on its face proves, that we are guilty of no misdemeanor in office. We observe, from the style of the preamble, that it is presented by a joint committee of each branch of the legislature. The very act of raising such committee, demonstrates the judgement of the house, that we are guilty of no impeachable offence; in other words, of no misdemeanor in office—for the expressions are convertible. Most certainly it cannot be presumed, that either branch, had they deemed the offence impeachable, would have mingled with the deliberations of the committee some of the honorable senators, and thereby have caused them to prejudge our case, on an ex parte enquiry, when, we were to be impeached, these same senators must act as our judges, under the solemnity of an additional oath to decide unpledged and impartially. It then results clearly, that in the judgement of the legislature, already expressed, we are guilty of no misdemeanor in office—and no charge is intimated against us as men and as citizens. We will then ask, why this proceeding against us? Can it be any thing more than an attempt on the part of the legislature, to reinvestigate and again decide questions purely judicial, and belonging exclusively to our department. We hope to be able to prove, that the questions which we have decided are entirely of a judicial nature, and that we have not exceeded the powers confided to us by the people in their constitution, in what we have done. This we trust we can demonstrate by arguments drawn from the constitution, both of this state and that of the United States: and also, from the history of the origin and progress of the American government.

That it was competent for the people of America, when they adopted the constitution of the United States, to construct that form of government, which was most acceptable to themselves, is a proposition, none it is presumed, will deny. They had by an arduous struggle with their mother country, emancipated themselves from the tyranny of that government; and in the plenitude of their liberty might well congregate together and form a government the best calculated to secure the life, liberty and
property, of freemen. This they undertook to do, and by a written constitution agreed to by all, and which each was to obey as his supreme and paramount rule of action, they pointed out their form of government and prescribed limits to the powers of its functionaries. That constitution was adapted to their condition, and was intended to produce concord and harmony between the several states composing the union, by withdrawing a portion of the power which each state possessed to a general government, formed for all the states, for the benefit and advantage of each. To that end it was provided by the 10th section of the first article of the constitution that "no state shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts."

And by the second section of the seventh article it is declared, "this constitution and the laws of the United States, which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; any thing in the constitution or laws of any state to the contrary notwithstanding."

The third section of the same article also declares, "the members of the state legislature, and all executive and judicial officers, both of the United States and the several states, shall be bound, by oath or affirmation, to support this constitution."

The people of Kentucky whilst participating in the enjoyment of the benefits of this government, which had been formed for all, and acknowledging the supremacy of its constitution, but for the purpose as they have declared, of securing to all the citizens thereof, the enjoyment of life, liberty and property, also adopted for themselves a written constitution or form of government.

The first section of the first article of the constitution declares, "the power of the government of the state of Kentucky, shall be divided into three distinct departments, and each of them confided to a separate body of magistracy—Those which are legislative to one; those which are executive to another; and those which are judiciary to another."

The second section of the same article provides, that no person or collection of persons, being of one of these departments, shall exercise any power properly belonging to either of the others; except in the instances hereinafter permitted.

The tenth article of the constitution, of this state, among other provisions contains the following: That all men have a natural and indefeasible right to worship Almighty God, according to the dictates of their own con-
ciences; and that no man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his own consent.

That all elections shall be free and equal.

That the ancient mode of trial, by jury, shall be held sacred and the right thereof remain inviolate.

That the free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print upon any subject, being responsible for the abuse of that liberty.

That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favour; and in prosecutions by indictment or information, a speedy public trial, by an impartial jury of the vicinage.

That no person shall, for the same offence, be twice put in jeopardy of his life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives, and without just compensation being previously made to him.

That all courts shall be open, and every person, for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial or delay.

That no ex post facto law or laws impairing contracts shall be made.

And to guard against transgressions of the high powers delegated by that constitution, in the last section of the same article it is declared, that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws, contrary thereto, or contrary to this constitution, shall be void.

The foregoing provisions contained in the constitution of the United States and this state, have been adverted to, for the purpose of shewing the light in which the makers of those instruments viewed the question, as to the right of the judiciary to decide on the constitutionality of the acts of the legislature.

It will be perceived, that to preserve life, liberty and property, were objects that commanded the attention of those engaged in framing the constitutions, and that the means which, in their opinion, are best calculated to attain those objects were provided in each. Many highly exalted and worthy patriots, who were employed in forming the constitution of the United States, had witnessed the grievances, and felt the injuries which had been inflicted upon the people, by an omnipotent Parliament. They had learned human nature from experience and knew full well,
that even legislatures might act; and conceived the scheme of marking out their sphere of action by fundamental law. They were unwilling to entrust all their rights to the unlimited discretion of legislative will and by appropriate provisions in that fundamental law, prescribed limits beyond which the legislature of no state in the Union is permitted to pass.

Not doubting of the propriety of what had been done by the American people in the constitution of the United States, but actuated by the same views, the people of Kentucky, in the constitution of this state, imposed still greater restrictions upon the power of the legislature of this state. To the legislature they readily accorded the power to make laws, but no law which should be made, was to encroach upon any right reserved by the constitution to the people.

But, suppose, notwithstanding these restraints upon the power of the legislature, that department of government should transcend its power and enact laws encroaching upon some right reserved to the people; what is to be the effect of such an act?

"To such as admit the sovereignty of the people and acknowledge their competency to adopt a form of government for themselves, the answer is plain and obvious. The answer of such, must be, that possessing no power but what is derived from the people, through the constitution, every act of the legislature, which transcends the constitutional limits, has not the assent of the people and is not binding on them.

But this answer, so reasonable in itself, is not left to inference only—both the constitution of the United States and this state contain provisions which shew, conclusively, what was intended by the makers of those instruments, should be the effect of a collision between the acts of the legislature and either constitution. All laws, contrary to the constitution of this state, are expressly declared, by that constitution, to be void—and notwithstanding any law of a state to the contrary, the constitution of the United States contains a provision declaring it the supreme law of the land.

If then, all acts of the legislature, contrary to the constitution of this state, be void; and if, notwithstanding the laws of any state be to the contrary, the constitution of the United States is the supreme law of the land; what are we to understand to be our duty as judges, when, on account of its collision with either constitution, the validity of an act of the legislature is drawn judicially in question?

Are we to turn a deaf ear to the commanding voice of the constitution, and become the subservient instruments, to enforce upon the good people of this state every legislative act, however strongly convinced, we may be, that such act encroaches upon
rights reserved to the people, by their supreme and fundamental law?

Such surely was not, such surely cannot have been intended, by the makers of either the constitution of this state or that of the United States.

If such had been the intention, why were any limits prescribed to the power of the legislature? And why declare the constitution of the United States the supreme law of the land, and require of the judges of every state to be governed thereby? And why, in the constitution of this state, declare that all laws contrary thereto shall be void?

By the constitution, the power, to decide what the law is, has been entrusted to the judicial department of government; and how is it possible, we would emphatically ask, for the law to be correctly decided, unless the judges are governed in their decision by that law, which is supreme and paramount to all other laws, the constitution of the United States?

And how are they to be governed by that law, and not disregard any act of the legislature which conflicts with it?

Again, the judges of each state are sworn to support the constitution of the United States—sworn to support and not at liberty to obey!—Sworn to support, and required to be governed by that constitution which is declared to be the supreme law of the land, and yet not allowed to decide against the validity of a legislative act, which conflicts with its provisions! How immoral the thought! How humiliating the idea!

If such be the duty of the judiciary, we readily admit with the preamble, that minority men have no rights, but what depend upon the will of a majority of the legislature.

The right to worship Almighty God, according to the dictates of conscience, would then depend upon the will of a majority.

The freedom and equality of elections, would depend upon that will.

The ancient mode of trial, by jury, might then be swept away by that will.

The free communications of thought and opinions, and the right freely to speak, write and print, upon any subject, would depend upon that same will.

The right of the accused, in all criminal cases, to be heard by himself and counsel; to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favour, and in prosecutions by indictment or information, the right to a speedy public trial by an impartial jury, would then depend upon the will of that majority.

The will of the same majority might then put the life or limb of any person in jeopardy twice, for the same offence; and take
or apply, to public use, any man's property, against his consent and without previously making him a just compensation.

By the will of that majority *ex post facto* laws, and laws impairing the obligations of contracts might then be spoke into existence; and the same will might shut up courts of justice and permit no man to have remedy, by due course of law, for an injury done him in his lands, goods, person or reputation.

But we deny that either of these or many other rights, which might be mentioned, are held by a tenure so uncertain and variable as that of the will of a majority of the legislature. They depend upon a basis as permanent as government itself—they have received the sanction of that fundamental law, which gave existence to and prescribed the form of government. That law which divided government into different departments and which assigned to both, the legislature and judiciary, their appropriate spheres, and which limited the powers of each. A law made by the people to control the makers of laws, and which judges are sworn to support and bound to obey.

It is, therefore, to that law we confidently assert, that each individual in the community, however humble his condition or small his influence, is at liberty to appeal in vindication of his rights; and if those rights be assailed by legislative enactments, it is the imperative duty of judges, when judicially drawn in question, to be governed by the paramount authority of that law and decide accordingly.

In thus asserting the power of the judiciary, to decide upon the constitutionality of the acts of the legislature, we do not place ourselves as judges, above the legislature, or assume the prerogative of enacting laws or dictating to the legislature what laws to enact. Such a prerogative we never exercised. Such we utterly disclaim.

The power we assert, is nothing more nor less than the right of the judiciary to compare the acts of the legislature with the constitutions of the United States and this state, to judge of their consistency, and to pronounce what the constitutions have commanded us to declare, that notwithstanding any laws of the state to the contrary, the constitution of the United States is the supreme law of the land, and that all laws contrary to that constitution or to the constitution of this state, are void.

It is a right which consists simply and exclusively in the power of judgment, and which, by the framers of the constitutions, was entrusted to the judiciary department of government, as a means the best calculated to check any encroachments upon the rights reserved by the constitutions to the people.

To that department no power was given to enact laws, and of course no danger was to be apprehended from any encroachment by its functionaries, upon the rights of the people. They
can make no encroachment, because they possess barely the power to judge, and that power can never be exerted until a case is drawn in question, before them, between contending parties.

But not so as to the legislature. In that department all laws originate, at the mere motion of any of its members; and it was of course from an exertion of its power, that any fears could have been entertained, by the makers of the constitution, as to any encroachments upon the rights of the people by the enactment of law. It is, therefore, against that department, that the people, through their constitutions, have displayed all their jealous apprehensions, by denying to the legislature any power to enact laws affecting rights, reserved to the people themselves and by announcing to the world, that if such laws should be enacted, they are void; and not binding upon the people.

We know that, when engaged in making law, the legislature must, of necessity, judge for themselves, as to the constitutionality of their acts, and we should evince a disrespect, not due to that department of government, were we to impute to its members, a willful design to violate the constitutions by the enactment of law.

But it is not to that department alone, that the people have entrusted the administration of their government, and confined the protection of all their rights. They have, by their written constitution, divided the government into three separate departments: the legislative, executive and judiciary; making each co-ordinate with, and independent of the other; and from each have required an expression of opinion, as to the constitutionality of law, before that law can be enforced upon them.

The legislature, from whom every act originates, must first decide upon its consistency with the constitution, in its progress through both houses; and if it meets the approbation of both houses, it is then presented to the Governor, who is considered the head of the executive department for his opinion; and if sanctioned by him, the validity of the act may be drawn in question before the judiciary department, by any person who may conceive that any of his rights, reserved by the constitution, have been encroached upon by the act, and demand of the judges their opinion upon its consistency with the constitution.

Thus it is, that there exists a three-fold guarantee to the people, against any encroachment upon their rights, reserved by the constitution; and thus also it is, that the functionaries of the judiciary department of government, the judges act as the people's agents, not in dictating or prescribing duties to the other departments, but in expounding the constitution, and in pronouncing the invalidity of all acts of the legislature which come in collision with it.
We will follow this reasoning as we have promised, with the history of the origin and progress of the doctrine of judicial right, to decide on the constitutionality of laws, when the point is made in individual contests. Great Britain boasts of more freedom than any other monarchy, and with all her corruptions which are neither few nor small, perhaps she is right; and why so? It is because she has discovered that an independent judiciary is valuable, and that the judges should be, in some measure, free from the influence of the other departments of government, strangely blended in their organization. This is the only feature of freedom in that government, and this alone fixes her pre-eminence over other monarchies, her omnipotent parliament, and the want of a written constitution, notwithstanding. For there the judiciary, for the want of such a barrier, is seen availing itself of letters and syllables, to check the other powers of government, and relieve the oppressed from the power of the crown and parliament united. We were once a part of that country, and then our judges were of the character we have been describing. But when the potentate of that Kingdom formed the design of enslave the colonies, by insufferable impositions, he soon found it necessary to pull down our old judges, and to set up more pious sons, who could bow to the nod of King and Parliament. Hence, an act of parliament was passed declaring that the judges, including justices of the peace, should be appointed and removed at the pleasure of the crown. This act will be found, entire, in Ramsey's history of South Carolina, vol. 1, page 204. From that moment a flexible judiciary was one of the grounds of our quarrel, and assumed its place in the long catalogue of complaints, against the mother country.

Shortly afterwards, the August Congress of 1774, convened and gave the mighty impulse to revolution and resistance. In their first resolves they declared that so long as the judges held their offices, by any other tenure than that which the charter and laws of the colonies directed, they should be considered as under undue influence, and were unconstitutional judges: See Journals of Congress, 1st vol, page 15. In their address to the people of Great Britain, they complain that “needy and ignorant dependents on great men, were advanced to the seats of justice,” ibid 43. In their address to the people of the colonies, they enrolled as a grievance, that “judges of courts of common law had been made entirely dependent on the crown, for their commissions and salaries,” ibid 51. In their petition to the throne, they say, “The judges of courts of common law have been made entirely dependent on one part of the legislature for their salaries, as well as the duration of their commissions.” 1st vol. Journals Congress, 68. In their address to the people of Quebec, they declare, “There is no liberty if the power of judging be not se-
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arated from the legislature and executive powers." They fur-
ther say to the same people, "You have a Governor invested
with executive powers or the powers of administration in him,
and in your councils lodged the power of making laws. You
have judges who are to decide every cause affecting your lives,
liberty or property. There is, indeed, an appearance of
the several powers being separated, and distributed into different
hands for checks, one upon another; the only effectual mode ever
invented, by the wit of men, to promote their freedom and prosper-
ity."—And they afterwards add, "The legislative, executive
and judging powers are all moved by the nods of the minister;
privileges and immunities last no longer than his smiles. When
he frowns their feeble forms dissolve." [Journal Congress, 63.

These quotations are the language of men, who were the high-
est ornaments that ever adorned the history of any country.—
From our parent state, among other illustrious names, were Ed-
mund Pendleton, Patrick Henry and George Washington, and
it is their language we quote. We could swell our quotations,
to the same purport, from nearly all the productions of that day,
proving clearly that the blending legislative and judicial pow-
ers, and the dependence of the judiciary on the other depart-
ments, was one among the list of controversies which separated
us from Britain and produced our independence. But we for-
bear, because the evidence, on this point, is perpetuated by in-
serting in the declaration of independence, the following terms:

"He (George III.) has obstructed the administration of jus-
tice, by refusing his assent to laws for establishing judiciary
powers. He has made judges dependent on his will alone, for
the tenure of their offices, and the amount and payment of their
salaries."

In the progress of that dismal contest, one constitution after
another was produced, in all of which, the powers of the judi-
iciary were separated from the legislative and executive, and the
independence of the judiciary secured to be one of the "checks"
on the other departments; and incorporated with this order of
things was the incidental and necessary duty imposed on the judi-
ciary, of enquiring into the constitutionality of laws, when
drawn into controversy, in suits between individuals. To se-
cure this right still more certainly and not leave it on incidental
and constructive grounds, on which the preamble and resolutions
place it, the patriots who formed the constitution of the United
States, inserted in it the expressions before quoted, declaring
expressly that "The judges in every state shall be bound thereby,
any thing in the constitution and laws of any state to the
contrary notwithstanding." Hence it results clearly, that
judges are expressly addressed, and made the peculiar sentinels
to guard the constitution. Appoint a judge then in any state,
however humble his office, and circumscribed his jurisdiction may be, he becomes ex-officio bound by the oath he takes, to keep his eye on that constitution, and enforce it over every and any provision which a state may adopt.

Other testimonies may be adduced on this point, that the doctrines we contend for, were the doctrines of the revolution; for in the debates of the Virginia convention, page 435, Mr. Dawson, an opponent of the constitution, emphatically expresses himself thus, “That the legislative, executive and judicial departments should be separate in all free governments is a political fact, so well established, that I presume I shall not be thought arrogant, when I affirm that no country ever did, or ever can long remain free, where they are blended. All the states have been in this sentiment when they formed their state constitutions, and therefore have guarded against the danger. Every school boy, in politics, must be convinced of the propriety of the observation.” In the same book, page 383, says Patrick Henry, “I consider the Virginia judiciary as one of the best barriers against strides of power, against that power which we are told by the honorable gentleman (Mr. Madison,) has threatened the destruction of liberty. Pardon me for expressing my extreme regret, that it is in their power to take away that barrier. Gentlemen will not say that any danger can be expected from the state legislatures. So small are the barriers against the encroachments and usurpations of Congress, that when I see this last barrier, the independency of the judges impaired, I am persuaded I see the prostration of all our rights.”—The same sentiments are expressed by Edmund Pendleton, in the same volume, page 367. It was then the united testimony of all parties on that memorable occasion, that the independence and separate powers of judges, and their station, as checks, were cardinal doctrines of the afflicted period of the revolution, consecrated by the best blood of the country; and they cannot be expunged without reversing the principles of that day. We regret, therefore, that the author of the preamble, presented to us, should seize from us the jockey word and apply it to his own side, to which it does not belong; and invoke to his aid the genius and blood of the revolution and the agonies of Greece. These aids are not with him, they attach themselves, from their nature, to the other side of the question. Can it be true, that for supporting these doctrines, we are now arraigned? Thus we have seen, from irrefragable evidence, that the doctrine of making the judiciary a separate and co-ordinate branch of the government and assigning to them the duty of acting as a check, was a doctrine, which arose with our government and grew with its growth, and strengthened with its strength. And how could the check operate, if it could not touch the unconstitutional acts of
the other departments? Certainly, without this, the check was nominal only.

It did soon thus display itself in individual controversies; we have in our reach no reported cases prior to the adoption of the Federal constitution; but we have evidence that such cases occurred. For Edmund Pendleton, debates Virg. Con. 215 says, "There will be deviations even in our state legislatures thus constituted. I say (and I hope to give no offence when I do) there have been some." He also adds "my brethren in that department (the judicial) felt great uneasiness in their minds to violate the constitution by such a law. They have prevented the operation of some unconstitutional acts." No sooner did reported cases make their appearance under the operation of our constitutions, than the constitutionality of laws was made a question, and many acts were not carried into effect by the judiciary where they operated to the prejudice of individual rights. We have not had time and opportunity to ransack the numerous volumes of New-York, Massachusetts, Vermont, Pennsylvania, Maryland, Virginia and the Carolinas, in which instances may be found. We shall content ourselves with giving a list of part, and only a part, of those in the courts of the nation and our own state, in some of which acts of Congress have not been effectuated, because their incompatibility with the constitution appeared. Vanhorn vs. Dorrance 2 Dall. 304—United States vs. Villato, Ibid. 370—Ware vs. Hilton 3, Dall. 199, 236, 276, 282, 384—Calder vs. Hilton 3, Dall. 336—Marberry vs. Madison 1, Cranch 137—Wilson vs. Mason, Ibid. 45—Martin vs. Hunters lessee 5, Cranch and Wheaton 304—United States vs. Peters 5 Cranch 115—Fletcher vs. Peck, 6 Cranch 97—State of New-York vs. Wilson, 7 Cranch 164—Terrett vs. Taylor, 9 Cranch 43—Town of Pawlet vs. Clarke, 9 Cranch 295—Storin, vs. Maryland, 2 Wheaton 4—Dartmouth College vs. Woodward, 4 Wheaton 518—Sturgis vs. Crowningshield Ibid. 125—M'Ilvain vs. M'Neal Ibid. 209—M'Cullock vs. Maryland Ibid. 316—We now pass to our own court and begin with the first incumbents of the bench. Caldwell vs. the Commonwealth, printed decisions 141—Kenderman vs. Ashby, Ibid. 65—M'Ivain vs. Holmes, Ibid. 378—Commonwealth vs. Morrison 2 Marshall 75—Ely vs. Thompson, 3 Marsh. 79—Bliss vs. the Commonwealth, 2 Litt. Rep. 92. We omit more modern cases and take those only of former days, which have been published and the books accessible to all who would read. Then we ask; where were the presidents, the Governors, members of Congress and state Legislators of these days? were they all asleep at their posts and as silent as the grave? Why was there not found at least one awake to give the alarm, that the courts were infringing upon and contracting Legislative power—were "com
"Rolling" Legislatures and "through them the people"—that judicial usurpation and tyranny were rearing their heads—and the judges were about to be kings; the answers to these questions are obvious. They knew these decisions were only effectuating the principles on which our government started. They saw the doctrines of the revolution in full operation and knew and felt their salutary effect arising from silent checks, and all moved smoothly for almost half a century; and it is reserved for more modern times, when these principles have become more obscure, to sound the tocsin and demand judicial sacrifices to the other departments of government, at the expense of the freedom of the people.

Hence we conclude from the doctrines which gave birth to the glorious freedom of our country—from the precedents set us in the exercise of those doctrines and the conclusions of reason which cannot be overthrown, that we have kept within the pale of our duty, and have not transcended our authority—that the question we have decided is purely of a judicial character, and is not subject to Legislative revision—That if it should be conceded, that we erred in these decisions, by a mistake of the head, and not of the heart, still it would furnish no ground for Legislative interposition, or authorize our removal, and that the proceeding is calculated to deter, and force one department of the government to comply with the wishes of another, and that in a controversy between individuals, and to cause the judges to decide in favor of one individual against another.

But in the next place, we contend, that these decisions are no cause for our removal from office, because they are correct. Feeling ourselves, an entire and perfect conviction of the correctness of these decisions, we can but entertain a confident hope, that a candid examination of the subject by the Legislature, will produce on their minds the same conviction. So obviously correct, indeed, do the principles of these decisions appear to us, that we cannot believe it possible, for any rational mind to examine the subject, uninfluenced by extraneous considerations which do not belong to it, without yielding an unhesitating asent to the truth of these principles.

It will be recollected that we decided that the remedial law in force at the time when the contract was made, constituted the obligation of the contract and that a subsequent law impairing the remedy afforded by the former to enforce the performance of the contract, impaired its obligation and was a violation of that clause of the constitution of the United States which declares that no state shall pass any law impairing the obligation of contracts. We have never heard it said, and we apprehend it cannot be pretended, if the remedial law in force when a contract is made constitutes its obligation, that a subsequent
law which impairs the remedy afforded by the former to enforce the contract, is not within the prohibition of the constitution, and the great question therefore is—does the remedial law in force when a contract is made, constitute the obligation of the contract within the meaning of the constitution.

We can have no idea of an obligation which does not oblige us to do or to abstain from doing something; for an obligation which does not oblige is a contradiction in terms and of which it is impossible for the human mind to have any conception. The obligation of a contract must therefore, be that which obliges us to perform the contract. In a state of civil society moralists and jurists acknowledge but two kinds of obligation, by which we are obliged to perform our duties to each other, and these are demonstrated the natural and the civil, or in the more customary language of the country, the moral and the legal obligations of those duties. To the duty of performing our contracts we are undoubtedly obliged by both these species of obligation, and the prohibitory clause of the constitution must be construed to apply to the one or to the other of these exclusively, or to both conjointly. Apprehensive when we gave the decisions in question that the constitution might, by others, be attempted to be construed to apply exclusively to the moral obligation of contracts, we showed in the opinions then given, by arguments that never have, and never can be fairly answered, that such a construction was inadmissible, and that to give to the prohibitory clause in question any intelligible effect, it must be applied to the legal obligation alone.

We need not, however, again enter into an investigation of that branch of the subject, for we understand that it is distinctly admitted by those who oppose the doctrines we contend for, that both these species of obligation are embraced by the constitution, and if both are embraced of course the legal obligation must be, and the admission by conceding this, concedes everything we had in view to establish by our arguments upon this branch of the subject, and consequently supercedes the necessity of again repeating them. We may, therefore, restrict our enquiries for the present, to the civil or legal obligations of contracts. It can certainly require no argument to shew that this species of obligation is created or produced by the civil or municipal law. This is implied by the import of the epithets employed to designate the nature of this species of obligation, and to contra-distinct it from the natural or moral obligation; and of course, where there is no civil law there can be no civil or legal obligation. It is then the law which creates the legal obligation of a contract, by obliging us to perform it, and how does the law do this? Not certainly by merely declaring that the one party shall have a right to that for which he con-
tracted, or by directing the other to pay it. The former would have had this right, and the latter have been bound to the
performance of this duty independent of the municipal law; and the
law which simply declares the right of the one, and directs the
duty of the other adds, no new obligation to the performance of
that duty. In points of indifference, where there would exist no
duty without the intervention of the municipal law, that law may,
no doubt, by merely declaring what is right and directing it to be done, impose an obligation to observe it, but without
superadding other means to enforce its observance the obligation
to do so would depend upon the consciences of men only, and
would be merely a moral obligation; and in cases, therefore, where, independently of the municipal law, we are under a
moral obligation to perform our duty, it is plain by merely declaring
the right, and directing the duty to be performed, the municipal
law adds no new obligation to the performance of the duty.
The obligation to do so would still remain as it was before, a
moral obligation only. How then, we again ask, is it that the
legal obligation of a contract is created by law? We answer:
that it most evidently is done by the remedial part of the law,
whereby a right is given to the party for whose benefit the con-
tract is made, to use the public force through the functionaries
of the law, to coerce the payment of that which is due by the
contract, or its equivalent. This right which the law thus gives
him for this purpose constitutes his legal right. Take it away
and he would still have a right to the payment of the money due
by the contract or its equivalent, but it would be but a natural
or moral right and not a legal one. And as it is, the remedial
law, by the coercive means which it authorises, which thus
gives to one party to the contract, his legal right, so it is the
same law, which, by the same means, imposes upon the other
party the legal obligation to pay the money due by the contract
or its equivalent; for right and obligation are correlative and
correspondent, and wherever one person has a right, there must
exist a correlative obligation upon some other. If the right is
a natural or moral right only, the obligation will be but a na-
tural or moral obligation, and if the right be a legal one the ob-
ligation must be so too.

It is the remedial law which in like manner, by the remedy it
affords, that is, by the right it gives to use the public force
through the instrumentality of the public functionaries, creates
the legal obligation we are under, to the performance of all our
other duties as well as the duty of performing our contracts.
We are under a legal obligation not to injure our neighbor, in
his person, his reputation or his property, as he is under a like
obligation not to injure us in these respects; and this obligation
cannot, we think, be denied to arise solely from the right to redress which the law affords for the injury when done.

We would indeed, be under an obligation to abstain from the commission of such injury, were there no redress given for it by the law, but it would be a moral obligation only, by which the good alone are bound; but by the remedy, the right of redress which is given by the law, through the coercive means which it affords, a legal obligation to abstain from such injury, is created, by which the bad as well as the good are bound; and surely we must all feel ourselves the more safe from injury, because of the existence of this obligation. Were it not indeed, for the restraint imposed by this obligation, upon the vicious part of the community to abstain from injuring others, no man would be safe in his person, his reputation or his property. The strong would give law to the weak—social justice would cease, and man would again return to a state of nature.

If then, the right of redress given by the law for these injuries, creates the legal obligation to abstain from their commission, does it not also create the legal obligation we are under to perform our contracts? Can the remedial law thus oblige us to perform some duties and not oblige us to perform others? Or is it not equally the means of obliging us to perform all our duties? It is so most indisputably. In fact, the right of employing the public force as a remedy to enforce private rights or to inflict punishment for public wrongs, is the only means known to the law or that can exist, to oblige men to perform their private and public duties, except in those instances in which the right of private force is tolerated. It is the public force employed for these purposes which constitutes the sanction of the law, and without which it could impose no obligation other than the obligation of conscience. As all writers on general law, agree in this point, it would seem hardly necessary to refer to or quote any to prove it. For this purpose, however, we will quote only. Rutherford in his Institutes, 2 Vol. 294-9, says, “Civil laws like the laws of nature, from which they are derived, might fail of producing their effect; that is, they might fail of securing and advancing the good of the society in general and of its several members in particular; if it was wholly left to men own consciences, whether they would observe these laws or not. But wherever the law of nature gives a right to demand, that any thing should be done or avoided, it likewise gives a right to support this demand, by the use of force. Thus in a state of natural liberty, as the law of nature forbids doing an injury, so it gives individuals a right to defend themselves by force, against an injury, which they are likely to suffer, and to obtain reparation or to inflict punishment upon account of an injury which they have suffered. In like manner, where mankind are
united into a civil society, as the law of nature forbids the violation of the civil laws of such society, so it gives the society a right to make use of force for the support of them. The only difference in this respect between a state of nature and a state of society is, that in a state of nature this force is in the hands of individuals, and may be used at their discretion; whereas, in a state of society, it is in the hands of the public or of the executive body, and can only be used under the direction of the common understanding.

If either through want of skill or through want of attention, we see no reasons in point of conscience for obeying the laws of our country, or if through malice or through selfishness, we allow no weight to those reasons, when we do see them, obedience may still be obtained by means of the common force. The apprehension that this force will interfere in support of the laws and will either prevent us from being gainers or will perhaps make us losers by breaking them, is such a reason for obeying them as lies plain and open to the most unskilful and inattentive, and will likewise in point of prudence, get the better of our malice and give a turn to our selfishness in favor of obedience. The obligation to obey the laws which arises from this apprehension, that the public force will intervene in the support of them, is called their external obligation.

According to this sensible and able writer, therefore, the law except in conscience, can only oblige to perform the duties it enjoins, by means of the common or public force, and in this all other writers agree with him.

The right of using this common or public force as a remedy to enforce private rights is what the civilians call a legal tie vinculum juris, the chain of the law, and it is in this that Justinian makes an obligation consist; "An obligation (he says) is the chain of the law by which we are necessarily bound to make some payment according to the laws of our country," Coopers Justinian Lib. 3, Ftt. 14.

Pothier, whose words we have been charged with having falsely quoted in one of our opinions, on this subject, and to whom we are therefore, the more inclined to refer, that the Legislature may see how groundless the charge is, gives in substance the same definition of a civil obligation as Justinian—He says, "A civil obligation is a legal tie vinculum juris, which gives the person in whose favor it is contracted, a right of judicially enforcing the performance of it." He is still more explicit when he comes to distinguish the civil obligation from that species which he calls a natural obligation—he tells us "there are obligations which are merely natural without being civil, these obligations oblige the person contracting them, in point of honor and conscience, but the law does not allow any action
to compel the execution of them, these are called obligations in
an improper sense, for they are no legal tie, vinculum juris, they
do not impose upon the person contracting them any real necessity
to accomplish them, as he cannot be compelled to do so by the
person in whose favor they are contracted, and it is this neces-
sity which constitutes the character of obligation," Pothier
on obligation, Evans translation Part 2, Chap. 1.

It is plain that these authors ascribe as we have done, the civil
or legal obligation of any duty, to the remedy whereby the per-
sion contracting that duty is obliged to perform it, and of course
it must be the remedy allowed by law to enforce the perform-
ance of a contract, which in their opinion as well as ours, con-
stitutes the legal obligation of the contract.

For the purpose of illustrating this position, the contracts
within the statute against frauds and perjuries, furnish exam-
pies of the most conclusive character. That statute does not
 prohibit the making of those contracts or declare them to be
void, but merely provides that no action shall be brought upon
them, and thus by abrogating or destroying the remedy to en-
force these contracts without amnulling the contracts, abrogates
and destroys their legal obligation. So, when by the statute
of limitations, an action upon a promise or other simple con-
tract is barred by the lapse of time, the promise or contract
merely because the party in whose favor it was made can no
longer maintain an action to enforce it, ceases to have any legal
obligation. Other examples might be put, illustrative of this
principle, but the principle is too obvious to require it. We
readily admit as it is the remedy allowed by law to enforce the
performance of a contract which constitutes its legal obligation,
that it will follow as a necessary consequence, that the remedy
cannot be impaired without, at the same time, impairing the
legal right as well as the legal obligation. But so far is this
consequence from disproving the position from which it is de-
duced, that it only tends to establish more firmly its truth, for
we contend that where there is no remedy there can be no legal
right, and consequently if the remedy is destroyed or impaired
the legal right must be destroyed or impaired.

This is the position maintained in the case of Stanley against
Earl, and as the argument in that case is brief and though de-
nounced, has not been answered, we beg leave here to present a
part of it that it may speak for itself. "The legal remedy may,
no doubt, be modified or changed, without destroying the legal
right, or even impairing it, where the remedy, in its new shape,
is not impaired; but wherever the remedy is destroyed or im-
paired, the legal right must be destroyed or impaired. The
very idea of a legal right, is, that it is one which is enforced
and protected by law, and as this can only be done by the remedy
the coercive means, whatever they may be, which the law affords for that purpose, it is plain that no one can have a legal right in that which another may take and apply to his use, and for doing so, the law will afford no redress. The legal right and the legal remedy are, therefore, correlative, correspondent and commensurable. The former implies the existence of the latter, and the latter implies the existence of the former, and neither can exist without the other. Hence it is, that we are informed by Blackstone, and other elementary writers, "that wherever there is a legal right, there is a legal remedy," and "that the want of right and the want of remedy are the same thing." These propositions are not, indeed, denied by those who controvert the doctrine we are urging; but, strange as it may appear, while they admit these propositions to be true, they at the same time assert, that their converse is not so. But surely, if the remedy may, in any case, be taken away or destroyed, and the legal right remain, there then would be a case in which there would be a legal right without a legal remedy, and it could not be true, that wherever there is a legal right there is a legal remedy. And what notions of identity must they entertain, who, at the same time they tell us that, "it may be truly and justly said, that the want of right and the want of remedy are the same thing," affirm "that the want of remedy and the want of right are not the same thing?" If the want of right is the same thing as the want of remedy, it is self evident, that the want of remedy must be the same thing as the want of right, and to affirm that it is not, is not less absurd than to affirm that the same thing may be, and not be, at the same time. With such reasoners as these, we cannot enter the lists of controversy. They must be left to themselves; and with Lord Coke, we can only say to them, "contra negatum principium non est disputandum." Co. Lit. 67.

Assuming it as proved in our discussions, that the obligation of contract, intended by the prohibitory clause which the Legislature was restrained from taking away, was the same which they had given, to wit: the arm of the law or force of government applied to enforce it; we then proceeded to fortify our opinions by authority, not only of adjudicated cases, but also the opinions of jurists and politicians contemporaneous with the constitution who gave it the same construction. To these we will add one or two more. Patrick Henry, speaking of this clause, says, "It includes public contracts as well as private contracts between individuals." Governor Randolph says, "I am still a warm friend to the prohibition, because it must be promotive of virtue and justice and preventive of injustice and fraud. If we take a view of the calamities which have befallen our reputation as a people, we will find they have been produced by frequent
interferences of the state Legislature with private contracts. If you inspect the great corner stone of republicanism you will find it to be justice and honor." - Deb. Virg. Con. 356, 359.

The challenge may be given fearlessly to produce a single adjudicated case or one dictum of the patriots of that day, which gives a different construction to the clause in question, from what we have given. A similar challenge has been given to produce a definition of the obligation of a contract, different from ours, which, placed in the constitution in lieu of the present words, would give it a sensible operation. To this we have seen no reply until the preamble and resolutions before us, have presented a simple and precise definition in these words. "It (the obligation of a contract) consists in the consent of the parties upon a valid consideration to the import of a contract." Again, "It consists essentially in the exercise of the volition of the parties displayed upon a valid consideration." This definition will crumble with a touch. What state, before the Federal Constitution was adopted, ever passed a law interfering with the moral agency of her citizens, by depriving them of their volition or prohibiting them from giving their consent to contracts or revoking and recalling that consent when given? What state, either then or now could do so? Did the power of human legislation ever extend thus far? We put this question to every legislator of your honorable body, has he any power to prohibit the meanest citizen from giving his consent to a contract or revoking that consent when given? The thing is impossible.

If this definition of the obligation of a contract be correct, the patriots who framed it acted without wisdom, and the clause is a dead letter. Indeed it can be nothing more, under any other definition, than that given by the court. Let us read the constitution, inserting this new definition in lieu of the words themselves: "No state shall pass any law impairing the consent of parties to a contract made upon a valid consideration," or, "No state shall pass any law impairing the exercise of the volition of the parties to a contract displayed upon a valid consideration." If the constitution had been thus penned, would not the father of his country, with his worthies around him, have been mortified at seeing so senseless and impotent a provision remain in the instrument?

The cases of Grubbs vs. Harris, 1st Bibb, 567, Reardon vs. Scarey, 2nd Bibb, 202, and Graves vs. Graves's executor, former decisions of the court, are arrayed against us, as supporting our condemnation, supported by some dicta of the Supreme Court, in the case of Sturges vs. Crowninshield. In the first case it was decided, that it was constitutional for the legislature to apply the remedy, by petition and summons, to a contract made before the passage of the law, although this mode
was more speedy than the ancient remedy by capias. In the second, it was held to be competent for the legislature to subject the lands of an individual to his debts previously contracted.

These cases are perfectly in accordance with the decisions now under consideration. For certainly, giving a swifter remedy to a contract and increasing the means for its fulfilment, can never render it more worthless or impair its obligation.—But it is contended, that the reasoning of the court in these cases acknowledges a difference, as well as the language of the Supreme Court, between right and remedy. Who denies that there is a difference perceptible by a common capacity? A owes B a sum of money and B has a right to that amount. B may have his remedy at command to enforce the payment, and in such case the right and remedy are distinct ideas.—But take from B his right to the money and where is his remedy, or take away his remedy to enforce the right and where is his right, in law, to one cent? Taking away the latter sweeps with it the former. He may still have a right to the money, in conscience, but none in law. We may still speak and think of his right; it exists in morality, yet he has no legal claim. Hence a legal right, without a legal sanction or a legal remedy, is a greater "solecism" in law than the "rights of a minority" in politics.—Is it then strange, that this court in these cases or the Supreme Court in the cases alluded to, should speak of right and remedy as distinct things? It is true, that remedy without right and right without remedy are each useless things, or rather nothing; are abstract ideas without any substantial or potential existence. But suppose it is admitted that in these cases the court reasoned badly, what is the consequence? The judgments are right, and if we must be condemned because we or our predecessors reason inconclusively, on points then maintained, we may thus appeal to our opponents: Let him, who is without this sin, cast the first stone. We regret that a fragment only of the case of Sturges vs. Crompton is quoted. We invite the legislature to a minute examination of the whole case. It will furnish no aid to our opponents, but is levelled against them. In the argument, the counsel contended that the clause of the constitution in question, embraced replevin, valuation and installment laws only, and did not preserve the contract itself. The court, in their opinion, noticed this position and impliedly admit its correctness; but say, the clause goes so far as to protect the contract itself. Besides, it is there expressly said, that the obligation of a contract means the law of the contract and not the mere "consent” or "volition” of the parties, as is now contended. We have never said or decided that "the remedy cannot be varied without impairing the obligation,” as the preamble asserts.—We have only decided that the remedy cannot be extended or
delayed, to the prejudice of the contract, without doing so. We are, gravely, accused of deciding that the clause in question has a one-sided bearing—that it protects the creditor and affords no protection to the debtor. If this be a fault, it exists not only in the decision, but in the clause itself. It is designed to shield the creditor, who claims the benefit of a broken contract and not the debtor who has broken it from the legislative arm. Nor is this clause singular in this respect. Most, if not all of the clauses of the same instrument, have the same partial bearing. They are designed to protect right against wrong, and not to screen wrong from the demands of right. The provision in question does no more. But the essence of this charge must be, that we have permitted plaintiffs to quash replevin bonds and have a more speedy execution, and have not permitted defendants or debtors to do so. We take it to be a well settled principle, that no party has a right to come before the court and complain that a certain law is unconstitutional, unless he can show that some of his constitutional rights or privileges are infringed by such law. The court, which would decide against such a law, in such a case, must be travelling out of its sphere and volunteering decisions in fictitious cases. Let us then ask, what constitutional right of a debtor is infringed, who has availed himself of replevin upon replevin, to keep his creditor from his demand? To permit him to change his course and assert, to the prejudice of his contract, that these, his own acts, were unconstitutional, and that his adversaries rights were infringed, and, therefore, he had a right to injure them still more, by undoing what he himself had done; could not be justice, but injustice. If the right of any party is infringed by the law, it is the right of the creditor only. He ought, therefore, to have his election to demand his rights or to waive them, and to hold the debtor to his course; and the debtor ought not to be permitted to avail himself of his own wrong to enable him to do a still greater wrong.

This we deem sound law, as well as sound morality, and it sweeps with it all the dreadful destruction to sales, under execution, on replevin bonds, which is held up, in the preamble, in terrorem, as one of the pernicious consequences of our decisions. It is fanciful and not real. No sales, under these principles, can be disturbed.

We will put a familiar case, in legislative practice, where one side can waive a constitutional privilege and the other be bound by it. In every criminal prosecution, the commonwealth is a party plaintiff and the accused defendant. The constitution says, the accused shall have a speedy public trial, by an impartial jury of the vicinage. But the accused, knowing and dreading the partiality of the judge and jurors, who are to try him in the vicinage, applies for and obtains a legislative grant to re-
move the trial to a distant county, and such grants are often made. Suppose the accused is acquitted in the county to which the removal takes place, and should be again indicted in the county where his supposed crime was committed and he should rely upon his former acquittal and the court should overrule his plea and decide, that as the constitution required his trial to be in the latter county, his acquittal elsewhere was of no avail.—— Would not every sensible man condemn the decision and say that this provision was inserted in the constitution for the benefit of the accused—that he had a right to wave it and having done so, the state was bound by it. We have said no more with regard to the debtor and creditor. But, suppose the prisoner to be convicted in the county to which he was transferred, ought he to be permitted to arrest the judgment and declare the proceedings null, because he was not tried where the constitution said he should be tried? Certainly not. The correct decision would be, that as he had waved his constitutional rights and availed himself of a legislative act, passed for his benefit and not for the benefit of the other party, he must be bound by his choice and not suffered to undo his own acts. The same principle and no other we have applied to the debtor by our decisions. In the preamble, resolutions and address furnished us, numerous legislative sanctions to the delay laws are relied on, as conclusive, against our decisions. In a late state paper we have, also, seen the same ground taken. We deny that there is evidence of numerous legislative enactments in favor of such principles, and require the production of such laws. We know that Virginia had laws, similar in principle, for near half a century. But what of this? The constitution of the United States was not then in existence, and her own constitution imposed no such restrictions upon her, and the fact that the great Mogul had such laws in existence ever since the establishment of his empire, would prove as strongly, that such laws are constitutional.

We acknowledge, that most of the states may have had such laws in existence when the Federal constitution was adopted, and some of these laws may have existed many years since. But what argument comes from it? The clause in question was prospective and it did not repeal the former existing laws of the states, and of course, laws which existed previously and continued still to exist, cannot be used as an aid in construing the constitution.

Virginia abandoned these laws six years after the constitution took effect, and Kentucky in the first year of her existence. The evidence we demand is this: Shew us such laws made by the states since the adoption of the Federal constitution and retrospective in their operation, embracing pre-existing contracts, and
then and not till then will we acknowledge, that there are instances of legislative sanction. We will mention a few, and after they are taken from the number, few or none will be left. It is said, that Virginia adopted a temporary act of this character just before the commencement of the late war, and its constitutionality was questioned in her courts and out of them, and she abandoned the system and has left her code stable and unaltered through all the late embarrassments of the country.—North Carolina adopted, about the same time, such a law as the one now in contest, and it ceased to have any effect by the decision of her Supreme Court. A similar event took place in the states of Tennessee and Missouri. Kentucky, in 1799, adopted a system of replevin for three months, which was acquiesced in, and never met with legal adjudication. She extended it temporarily in 1808—and these are all the examples which can be produced until the present system arose. From the results of all these experiments, legislative sanction cannot be called in aid; for they afford strong evidence, that the question we have decided, is purely judicial, and that the weight of authority is in favor of the decision we have given. We, therefore, deny the numerous instances of legislative sanction in favor of the disputed measure, as asserted and relied on. But the sanction of Congress, to some valuation laws of the different states, is relied on as against us and as proving that the government of the United States has approved of similar laws in every department. When this argument is examined, it proves nothing. Not an instance can be found where Congress sanctioned such laws of any state, where those laws were passed since the adoption of the Federal constitution. As that instrument operated prospectively only and did not repeal the state laws existing before its adoption, it follows clearly, that the sanction of Congress to such pre-existing laws, proves nothing in favor of the power of the states to pass such subsequent laws. Again—if it could be proved that Congress has adopted the laws of any state, which contains similar principles of delay, and has applied them to her own courts, what is there to prevent its being done? No restriction is imposed upon Congress in this respect. The clause in question, limits the power of the states and not of the United States. So, that if Congress should adopt a system of replevin for ten or twenty years and apply it to the courts of the United States, or should take the law of a state, allowing replevin for that length of time, and impose it, as a code, upon the Federal courts, there is nothing but legislative discretion to prevent it. We need not, then, be told of the frequency and inveteracy of legislative construction, and judicial construction is with us—and we may defy the production of a single adjudicated case against us, except from one or two inferior tribunals, whose decisions form no
precedent. If then, the Supreme Court did use the language cited in the case of the Columbia Bank vs. Oakley, it was with regard to an act of Congress, which could not be invalidated by the clause in question.

The consequences resulting from our decision are relied on as conclusive against us. We are told in the preamble, that the decisions were calculated to strike dead, at once, the circulating paper currency. This turned out not to be the result, and we deny that the famous preamble and resolutions of last year or the legislative act of that session, now cited, in the least contributed to keep up the paper currency. This paper had been issued but lately, and issuing it could not change the meaning of the constitution. That meaning was the same afterwards as before, and into that meaning we had to inquire, and certainly the existence of the paper or the danger to it ought not to have caused us to wrong our consciences and give a meaning, which we believed incorrect. This argument proves nothing but what we are unwilling to admit; and that is, that the paper was worthless, except so far as it derived its value from the application of "moral force," (to use a fashionable expression,) and little of a physical character, to drive it into circulation.

One other argument, used in the preamble of last year, will be noticed. It has been asked if our decisions are correct—where is the power of government to relieve distress, and to avert the calamities of the sword, famine pestilence, or even the inroads of the army worm? We answer, that the power of government to relieve, is still ample. Open the stores of the Treasury and administer to the wants of the needy, by gift or loan, and if the Treasury becomes empty, supply it by a system of revenue which will lay an equal pressure upon all. Instances may be produced, of governments adopting this expedient and our decisions do not oppose or restrain it. But instead of this, it is that kind of relief which relieves A at the expense of B and makes the latter suffer wrong, who has been guilty of no wrong, to relieve the former, who has been guilty of the first wrong, at which our decision strikes. Such individuals came before us in the cases of Lapsley vs. Brashear and Blair vs. Williams, one of them complaining that the other refused to pay his just debts and availed himself of an extension of time, by the Legislature, after the contract was made. That the constitution of the Union did not permit such extension, and we so decided. We decided not against the power of the state to bestow, its own bounty, but to take from A, who was honestly seeking his demand and give to B, who had wrongfully withheld a debt, which he was bound to pay in law, conscience and honor. But the more recent decision, in the case of Stanley vs. Earle, is urged against us as a substantive charge and as a reason why we should be removed.
We, in that case, decided that if A held a slave so long that B, who had a right to the slave, could not recover him, because B was barred by the statute of limitations and B should, by any means, gain the possession of the slave, without the consent of A, he, A, could recover back the slave. In other words, that the adverse holding of property by a person who had not a good title thereto, so long that the statute of limitations had barred a recovery by the true owners, that fact per se gave the possessor such a title thereto as would enable him to recover the property against the world. For that decision we had high authority from the Supreme Court of the nation and the uniform decisions of our parent state, some of which we have quoted in our opinion. We are aware, from the records of our court, that there is a large proportion of the slave property in this state claimed by others than the present holders, under the laws of descent, deeds, wills and marriage settlements made in other states, calculated to render that kind of property very precarious, as most of our slaves are brought from abroad. Some such contests have traced the titles of slaves back to the revolution and contested the laws which then forfeited them as the property of refugees, and even beyond that period. We do suppose that this decision is calculated to give great repose to the country—to quiet law suits and settle the claim to doubtful estates. If this doctrine be not sound, to whom do such slaves belong? Not to the present holders. The claimants cannot recover them, for they are barred. The possessors do not own them, for no lapse of time can give them a title. The slaves are then common property and are subject to be taken by the stratagem or stealth of any one who can get the possession. Their first possessors, however honestly they may have bought and paid for them, can never regain them. For he who has taken them, either by force or fraud, may still prove an outstanding title in some non-resident claimant and thus keep the slaves, if not forever, at least till some other person shall slyly coax them into his possession and thus they will be free booty for every crafty and dishonest individual. If this charge against us is valid, it may be greatly extended, and other decisions ought to be added to the catalogue of our offences. We have decided, on precisely the same principles, that if an occupant holds land for twenty years, adversely, over which there is an adverse claim and loses the possession, by any means without his consent, he may recover it back by ejectment, even against the real owner by an elder patent, by proving that he once had twenty years adverse possession of the land. See Roberts vs. Saunders, 3 Marsh. 26. So a person, who has had possession for thirty years, may regain the land irrevocably by a writ of right, the highest remedy known to the law, even against the holder of the elder grant, who has
never been in possession, on proving a possession or seizin of thirty years duration. This we affirm to have been the law for ages. On what principle is it founded? On precisely the same doctrines advanced in the case of Stanley vs. Barle, Blair vs. Williams and Lapsley vs. Brashear—to wit: That the want of remedy is a want of right, and that the loss of remedy vests a right in the possessor against the world. Overtum this doctrine and you repeal all our statutes of limitations and destroy all their salutary effect. All our slaves and lands, over which there are adverse claims, may then be snatched from their now peaceable possessors and occupants. At all events, if these possessors and occupants shall lose their possessions, by act or fraud, they can never regain their slaves or their homes and the effect may be dreadful to our honest yeomanry, who cultivate the soil. We were ready to congratulate ourselves on the approach of happier days, because lapse of time had been our swiftest judge in deciding controversies, and had settled, in quiet repose, the holders of our slaves and the peaceful occupants of our lands, free from the harassing claims which hang over them. But it seems, in the language of the preamble and resolutions now before us, that in giving these reposing decisions we have excited to the most flagrant dishonesty, by the premiums accorded to its achievement, and that we have arrived, at conclusions, not very favorable to the morals of society. If we have excited to dishonesty, it is the holders of our lands or slaves that we have taught to be dishonest, by enabling them to keep the estates which they possess and the premiums we have awarded to them is the power of retaining what they have, and this retention is the achievement of that dishonesty which we have excited. If protecting our occupants and slave holders in keeping their servants and their lands, which they have bought innocently and have long enjoyed, is unfavorable to the morals of society, then we acknowledge we are guilty. If the contrary effect be true, then we shall continue to deny this charge.

In the preamble, we are roundly charged with ‘annulling’ the acts in relation to replevin bonds, forthcoming bonds, the valuation of property before sale, when seized by executions, sales upon credit by execution and even to occupying claimants of land. Taking this charge literally, we might, in safety, deny it in toto. We annulled no law; we disclaim the power of repealing. The law, against which we have decided, is as valid now as ever it was. If it was law before, it is law since. If it is void, the constitution has made it so from its origin, and our decision has only ascertained that fact. In a controversy between individuals, we have refused to give one of those laws any effect. We say one: for only that directing a stay of debt for two years, on giving bond with surety, in case the creditor re-
fused to accept bank paper was before the court, and that was
deemed to be unconstitutional, so far as it acted retrospectively
on contracts made before its passage.

The laws relative to forthcoming bonds, to the valuation of
executed property and to sales upon credit, were not before the
court. Whether the principles, on which we have based the
decisions rendered, embrace these laws is not yet ascertained by
judicial decision; and so far, only, as by necessary inference
these principles do embrace the latter laws, is there any correct-
ness in this part of the accusation. But we meet with surprise;
that part of the charge, which accuses us of annulling the laws
concerning occupying claimants of land. The constitutionality
of the act of 1797, the first act of the Legislature on that sub-
ject, has never been questioned before us since we have been
upon the bench; and the claims of the occupants, founded upon
the provisions of that act, have been frequently sanctioned by
our decisions. The act of 1812, on the same subject, the only
remaining act within the provisions of which any claim has ever
been in litigation before us, was decided by us recently after its
passage, to be constitutional and valid. See Fowler vs. Halbert,
4 Bibb. 52. In conformity with that decision, we have, ever
since, undeviatingly acted and still remain of opinion, that that
decision is correct. On what ground, therefore, this change is
made, we are utterly at a loss to imagine. Not a trace of such
decision can be found on record and there is no ground to infer,
from the cases of Lapsley vs. Brashear. Blair vs. Williams or
Stanley vs. Earle, any change in the opinion of the court, with
regard to the laws concerning occupying claimants of land.—
The principles involved in these decisions and the occupying
claimant question, are widely different from each other.

The respect due to the honorable committee, who have shaped
the charges against us, forbids us to suppose, that this charge
has been thrown in for the mere purpose of exciting, from the
interest felt in the country in favor of occupying claimants, popu-
lar prejudice against the court and thus to justify to the people,
a measure indefensible in itself. Such a supposition cannot
be indulged. We ought rather to presume, that the charge had
been inserted by mistake, or for want of correct information, and
that we have only to inform the Legislature of the decisions we
have given in support of the constitutionality of these laws and
to assure them of our unaltered opinion on the subject, to pro-
cure its rejection.

We shall proceed to notice some other positions assumed in the
preamble and in doing so, we shall not notice the many figures
of rhetoric employed, or enquire into the consistency or their
proper application; but shall proceed in our own homely style.
Neither shall we dwell upon the nice and obscure distinction
taken between the social compact and the constitution. The difference, if it exists, cannot be material to the question under consideration. It can only be used to prove that a written constitution is a small convenience, which may be used or dispensed with at pleasure. Nor will we enter into political disquisitions about the rights of minorities, which are pronounced to be a solecism—a monstrosity—and a minority the more eddy, that must mingle with and be swept off by the current. The majorities and minorities of political parties, make up no issues on our records and measure not their strength at our bar. But we well know, that the poorest and most humble individual in society has rights, not subject to the control of the majority and when these rights may be brought in question before us in a judicial controversy, to whatever party he may belong or whatever opinion the majority may entertain of his case, we are bound to say, "Filii justitiae, non coetum."

We contest not the assertion that the judiciary may err. We claim not infallibility nor do we ascribe it to the Legislature, nor did the people do so, when in convention assembled; they said that all laws contrary to the constitution shall be void.—We deny that we prostrated the remedial laws or as they are called in the preamble "remedial actions" by our decisions. If by these be meant those laws which afford remedy to enforce private rights and redress private wrongs, we deny that there is the least intimation in our opinions of any existing limitation prescribed by the constitution, either of this state or that of the Union, to the power of the Legislature to pass such laws. But if "remedial actions" be such laws as are made, not to give remedy to enforce private rights and to redress private wrongs, but for the purpose of relaxing the legal ties which bind the citizens to the performance of their duties towards each other, then we admit that an inference may be drawn from our opinions now under consideration, that we do believe that the constitution of the United States has assigned limits to the Legislature in passing such laws, so far at least as they operate on contracts previously made, and that the Legislature cannot transcend these limits.

We shall not descant upon the theory that the will of each individual is "erratic, impulsive and selfish," and yet of many wills with these bad qualities in all, is formed one sovereign will that is, or shall be "social, pure, enlightened and disinterested." We conceive it difficult to make one good whole out of many parts all entirely bad.

We are told that "that government only is free which knows no restraint upon the exercise of its Legislative faculties, which was not imposed by itself in its organization. And among free governments that is freest, in which no restraint upon its Legis-
lative power is to be found in its constitution, which is not essentially necessary to its existence and well-being. It is by legislation only that an organized government can express its will and as the freedom of an individual is diminished or extinguished by the partial or total control of his will, so is the freedom of government diminished or extinguished by the partial or total control of its Legislative power.

If this position be true, then is the British government more free than ours, and approximates nearer the perfection of freedom. There exists there no restriction on Legislative power but its own discretion. There, Parliament is politically omnipotent and acknowledges no restraint or control, of course it is a pattern of freedom! Here, we have some few restraints on Legislation and therefore, lost a portion of our freedom when we dissolved the ties which bound us to that country! We acknowledge that we hold a different doctrine and do conceive that that people are most free who have retained most of the power in their own hands, and have not trusted more to their agents, whether Legislative, Judicial or Executive, than is absolutely necessary. Hence we prefer our government to the ancient model. We do contend that the division of power into the hands of three separate kinds of agents and a restraint upon each not to interfere with the duties of the others, and the restraint imposed by the constitution on all, so that not only the Governor and the Judge, but also the Legislator, shall have a paramount law hanging over him when he sits in his official seat, is the great secret which we discovered in the formation of our government of which other countries knew nothing and the great characteristic which renders us more free than any other nation under Heaven—that so long as we preserve this distinguishing feature inviolate, we cannot be free—that when we destroy it we will find its destruction to be the tomb of the liberties of our country.

On the question of judicial right, whether courts can or cannot decide upon the constitutionality of laws, we do conceive ourselves at liberty to suppose that, both the affirmative and negative of the question are held out in the preamble. We are first told that, "The people have not been convinced by reflection, nor seduced and seduced into the belief that the judiciary possess the right by the constitution of the state or upon the natural and acknowledged principles of fitness upon which all free governments are based, to check and control the Legislative department." Again, "It is this will (of the people) and this alone which imposes in the constitution the only check upon Legislation which it can recognize or to which it can submit.—Any check or control of the Legislative power from any other quarter of any other kind, is neither more nor less than tyranny.
ny." And again, "If the judges were archangels it would be unwise to concede to them the power contended for." Further, "But may it not be confidently asserted, that the people, in the construction of the Legislative department, interwove its machinery, by constitutional provisions, the only checking and controlling powers to which they intended to subject it." And lastly as a conclusion, "so the power asserted for the judiciary is in effect to control the people; it is the ascription to them of the paramount sovereign power of the state. To this the people cannot consent."

These quotations standing alone go to assert at once that not justice but the judge must be blind, when the supreme will of the people, the paramount law of the land is laid open before him. We here pause to remark, how different is this language from that used by the patriots of the revolution, who sealed the doctrine with their blood when they declared that, "powers being separated and distributed into different hands, for checks upon one another," was "the only effectual mode ever invented by the wit of men to promote their freedom and prosperity!" They certainly believed, as we now contend, that the people, jealous of their rights, should trust only a limited portion each, of a different character, to their three sets of agents, Legislative, Judicial and Executive and set each to watch and check each other, while the people themselves should stand as guards and checks of the whole, and in such a multiplicity of checks the freedom of the whole will be safe.

But another part of the preamble admits the power denied to the judiciary in the clauses already quoted in these words, "They (the people) acknowledge it to be the duty of the judges to determine upon the validity of any law when its constitution-ality shall be drawn into contest before them in any cause which it becomes their duty to decide." We might here leave these quotations to speak for themselves and demand their reconciliation with each other. But one thing gives colour to the possibility of reconciling them. In the first and indeed throughout the preamble we discover the words "controlling" and "controlling" inserted too often to be counted without loss of time. If the word "check" makes its appearance it is often coupled to the word "controlling." If the first sentences quoted mean to prove that the judges cannot control the Legislature, thq they may be consistent with the last, otherwise they must remain at war. If it is intended to say, that the judges can decide a supposed law to be unconstitutional but cannot control the Legislature we admit the correctness of the position. But if it is intended to charge us with attempting to control the Legislature, we deny the charge and demand the proof. When did we ever attempt to prescribe to the Legislature or to influence or induce
there to pass or reject any measure or to control them in any of their deliberations? We regret that any thing should be inserted tending to excite a belief in society, contrary to the fact, that we have been guilty of any such attempt. We well know that the policy and expediency of passing or rejecting any law, belongs exclusively to the Legislature, acting under the advice of their constituents. We also admit that the Legislature are bound to decide upon the constitutionality of every act which they may pass. But we deny that that decision is conclusive upon the Governor, when called on to sign the law, or upon the judges when required to effectuate or pass sentences under it between individuals or upon the people themselves. Each department has a right to examine and decide for itself upon the constitutionality of the measure and in this lies the hinge of the controversy between us and the preamble and resolutions now before us. It is insisted against us, that we are bound by the Legislative decision, and although we may decide on the constitutionality of the measure, yet we must decide the same way that the Legislature has done, or subject our decisions to the revising control and censure of the Legislature and ourselves to removal from office, and thus one department of government will assume to itself the control and even the powers of the other, and the distinct delegation of powers in the constitution will then be no more.

In the recognition of the duty of the judges to decide upon the constitutionality of laws, made in the preamble, we are checked in availing ourselves of the admission, by the insertion of the words "obvious and palpable." How obvious and how palpable must be the unconstitutionality of a law, or to whom must it be obvious and palpable? We are answered so much so, "that the people, when their attention is drawn to the subject, can perceive at once, that their representatives have erred in its emanation and shall sanction the declaration of its invalidity.

Must the idiot, the fanatic, the man whose intellect is destroyed by intemperance, the interested parties against whom the decisions are rendered and those who have similar cases depending, all of whom have a right to vote "perceive at once" the propriety of the decision? Must this be the sentiment of the whole or of a majority only? If a majority is sufficient, then the duty is imposed on the judge of acting the weather-cock adroitly. For if he guesses well before hand, what shall be the popular opinion of his decisions, he may escape. But if he misses he must be removed for a lack of sagacity sufficient to foresee the popular decision! Such judges we confess we have not been—such we wish not to be.

If we cannot touch the constitutionality of laws except those which will be "obviously and palpably" unconstitutional in th
eyes of a majority, it would be certainly right to furnish us with some certain means of ascertaining before we decide, what the sentiments of that majority will be, which we now cannot do, and not leave us to the hazardous mode of conjecture as to what that sentiment may thereafter be. If such be the rule, precaution must be the standing of every judge! Besides, we ought to be furnished with some flexible rule of morality, which would enable us to accommodate our judgments to the supposed future popular opinion, if our consciences should direct us to the contrary. We well know that courts never covet the exercise of the delicate duty of deciding against the constitutionality of legislative provisions. Neither this or any other court known to us has done so without a thorough conviction of the correctness of the decision. To our minds the invalidity of the law must be obvious and palpable, and in doubtful cases we have followed legislative construction as many of our decisions will prove. This is the correct sense of the expressions—"obvious and palpable" contained in the decision of Banks vs. Oden which has been applied in the preamble of last year, to the people at large.

We will attend for a moment to the reasoning which goes to prove that as justice in the language of our constitution, is to be administered "by due course of law"—and as that instrument gives neither form nor length of existence to executions, the legislature has a right to do it. A due course of law there used, means constitutional law, as well as the constitution itself and not writing in the form of statutes, impugning the constitution. All such are void and are not law in constitutional language. In forming writs of execution and extending the length of their inefficacious existence, the legislature is bound to conform to that great paramount law, which is unalterable, except by the people who made it.

We claim not and never exercised that vast portion of discretion to which we are charged with aspiring. We claim the right of deciding what is law, and what is not law, and in doing so, we cannot agree to shut our eyes upon the constitution, which we are sworn to support as the most binding of all. We stop not to notice the comparison between the Pastor of the Parish and the Judge, as the cases are so unlike, we fear nothing from the simile.

We admit the many checks recited in the preamble as placed around the legislature, arising from the existence of two branches—the qualifications of the elected—the terms of service and mode of proceeding in the two houses, together with the veto of the Governor. Their existence do not prove that no more exist. They rather prove that the people, as they ought to be, were jealous of their rights and meant to surround their pub-
lic agents, within their respective departments; and to conclude the whole, after all these checks were enumerated, they added a clause, which showed a greater suspicion that the legislature might break down those necessary fences, than they affixed to any other department. For they did not say that judgments the acts of courts, or the reprievs and pardons &c. the acts of governors, but all laws, the acts of legislatures, contrary to the constitution shall be void. This is the greatest check of all, and it is for effectuating this check that we are now called in question.

We cannot pass over in silence the pains taken to inform the public, that two of us when legislators voted for repelvin laws, for the purpose of aggravating our offence. It is true we all came to our present station after travelling through other offices of trust, confided to us by the same power who made us judges, to wit; the people. In reviewing our course, we do not hesitate to say, that we have erred more than once; and we conceive that the oldest and most experienced member of your body must in candour, make the same acknowledgement; and it is more magnanimous to retract than to persist in wrong. We do not pretend to perfection and perfect consistency all our lives, and we doubt the correctness of him who does. We trust however, that during our lives, we have not been stationary, but have progressed in some measure from error to truth. Progression to perfection carries with it the idea, of leaving ignorance and error behind; and he, who never travelled this progressive course, must be yet in darkness and error. Instances of change may be found in the greatest worthies of our country, from Washington, the master spirit, to the humblest officer. Many who voted against the adoption of the Federal constitution afterwards became its warm advocates. But we need not travel far for an illustrious example to plead our apology.—When the records of the Legislative department are searched, to find one of our names recorded in support of the error which we now condemn, the name of the honorable chairman of the committee, on the part of the House of Representatives, whose name is signed to our list of offences—who has passed through many offices, and who is now destined by the vote of the Legislature to stand on a still more extensive theatre, will be found recorded, for two successive years, against these same contested laws. And it is well remembered by one of us, that on one of these occasions, he took the floor and exerted his gigantic powers to convince the house that the law was unconstitutional. We have since seen him the volunteer counsel at our bar, exerting the same power in favour of these laws, and since then, becoming the author of the famous preamble and resolutions of last year, to which we are now referred, and also the author of
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the production we are now answering, if we mistake not the style. Sheltered by so conspicuous an example, we surely cannot be condemned.

We will not dwell long upon so much of the preamble as deifies public opinion—applauds the people—bows to their power, and places the Legislature so near the people in affection and interest, as absolutely to supply the place of, and become the people—while we are placed at a freezing distance arrayed against the people, usurping their rights—subjecting them to control—and attempting to tyrannize over them—and raised above them by our exorbitant salaries. We unite in every argument that goes to prove that "all power is inherent in the people, and that this and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends, they have at all times a right to alter, reform or abolish their government in such manner as they may think proper." We are not separated from, and are found to acknowledge ourselves in common with our fellow-citizens, a part of that people, to whose majesty we bow, and trust we are as proud of that station as any member of your honorable house. Placed by the appointment of that people, in the stations we occupy, we acknowledge ourselves but the agents of the people, vested with particular powers, and we admit the Legislature to be no more. By exorbitant salaries, of which we are reminded, we are not raised above the people, nor have we forgotten one of the social relations of life. In this respect we are rewarded by a salary moderate at first, and now reduced by depreciation to one half, wholly inadequate to raise us above the wants of life—a salary which could not, in better times induce some others to keep the office, and perform the duties, which we declare to be more arduous than are attached to any other office in the state. We have not wronged the people—with them we are not at war. We have not coveted their silver or gold—or usurped their rights—or aspired at crowns. We have decided their controversies and redressed their grievances and have not disregarded the most humble litigant; but in the language of our oaths, we trust we have administered equal justice to the poor and the rich, and have not yielded to the influence of any other department of the government. We stand this day in a defensive attitude against the united energies of the other departments of government struggling to support the constitution of our country; which we assert, is assaulted by the proceedings in question. After all, what is this war? strip it of all the disjointed metaphors, which the preamble has thrown around it, and let it stand in its simple dress, this is its essence. The laws of God and man have said "Pay what thou owest." Justice and honor say the same—and the constitution of the
Union has in substance said the same, and has added that the Legislature shall not prevent it. We have said no more, and for this we are called in question! Is it then the mere struggle for the dollar? shall A have it, or B who owes it, keep it? We trust that the honest and patriotic Legislature of Kentucky cannot punish us for the side we have taken in this controversy. It is the side of, and not against the people.

But how has this war been conducted. We contend that its history will prove that it has been calculated to shake the independence and firmness of the judiciary, and to make its members willing instruments of those in power—to blend the powers of government, and place in legislative hands the control of all.

We will not dwell upon the evils which may result from such a state of things. Without invoking the powers of imagination to our aid, we may conceive of the prostrated rights of a litigant, contending in this court, against the fearful odds of executive and legislative influence thrown into the scale of his adversary; and his judges watching the legislative nod, and effectuating the ruin of this litigant, by sacrificing his life or his fortune at the shrine of popularity. He, perhaps, is humble and obscure; but armed with the justice of the case, while his adversary is popular and wealthy, commanding the homage and obsequies of all around him, and able to call to his aid legislative and executive influence and decide the contest. This picture is not fanciful. We are sure the Legislature of Kentucky would revolt at it—yet the precedent now set, is calculated to become the prelude to many such sacrifices, and we should be faithless to our country not to resist any measure that might have such a tendency. A short detail of the history of this controversy shall close our response. A circuit judge, no doubt led by his firm conviction, decided against the law in question, and from his decision an appeal was taken to our court. Pending this appeal, he was arraigned and tried, although his decision could form no precedent beyond his own courts: by which we were seriously admonished, that our fate was fixed, if we dared to affirm his decision. Thus we were placed in a situation most delicate indeed, liable to have our reputations assailed, as being afraid of legislative power, if we reversed, and our offices were endangered, if we affirmed his decision. Thus legislative influence upon the court was attempted to be exercised by acts, which spoke a language not to be misunderstood. We had but one path before us; that was to investigate the matter thoroughly, and to express our firm convictions regardless of the consequences. This we did, and the Governor then in office, for which in the preamble he is applauded, sounded the alarm, and united the force of the executive department with the legislative, against the judicial. The famous preamble and resolutions of last session, now styled
"Appropriate," but filled with exciting matter, calculated to
bias and mislead the public—laying upon our shoulders, without
colour of justice the errors of the Supreme Court—the destruc-
tion of the occupying claimant law—insinuating that we, by
"constantaneous impulse," had concurred with that court the de-
struction of the rights of the state, were the result. All this
was done without a hearing on our part, and was calculated to
shake both public and private confidence in the court, to pro-
strate the whole judicial corps, not consisting of the number of
three alone, but also every circuit judge and justice of the peace,
to nearly the number of one thousand, at the feet of the legisla-
tive department—and to cause every one to keep his eye fixed
intensely upon the nod of co-ordinate officers. During all this
storm we have been compelled, from respect to our offices, and
by the arduous duties of our station, to keep the "noiseless ten-
or" of our way, and by the lamp of midnight to investigate and
decide the contests of our fellow citizens. Now we are told that
our trial is over, and the verdict rendered against us, and that
the Legislature, instead of trying us, have only to pass our sen-
tence without delay or relief—and thus we are left to infer, that
our triers have already expressed their opinion—that a permis-
sion to us to resist, and this our response, are all mere matters
of form—and that our sentence has already become irreversible
and our fate is sealed. Now we are charged with defying
and resisting the public will—and it is made a charge that we
have not resigned our offices.—It is true, under the united pres-
sure of the powers of the Legislature and the head of the exec-
utive department, standing as three solitary individuals, without
the purse or sword of the country, or the weight of executive
patronage at command, we might have been pardoned, if our
firmness had forsaken us, and we had deserted our posts. Our
offices, with their present emoluments, are not worth a struggle,
and we are vain enough, of our acquirements, to suppose that
we could live in more abundance without them. But appealing
to Heaven for the rectitude of our intentions, and the sincerity
of the convictions that guided us in our decisions, we do not
view ourselves as having a deep interest of money or character
in the contest. We say with firmness, that we believe, that the
contest is not only an attempt by one department of the govern-
ment to control and swallow up the powers of another, conferred
by the people, but also to occupy the consecrated ground reser-
ved by and to the people themselves, and to absorb those powers
which the people have, retained and have not conferred to either
of the departments—and that if the principles, now contended
for in the preamble, are carried out, they must eventuate in a
serious war between the Legislature and the people themselves,
and the freedom and prosperity of the latter, with all the sacred,
principles of their government, must fall in one common ruin at last. Placed then, as we are, at the head of one of the three ramparts of the constitution, now severely assailed by both the others, we have deemed it due to our consciences, our reputation, our country and our posterity not to desert, but to remain, on the forlorn hope, to the last hour of official existence. In such a tempest, however frail our vessel may be, and however near sinking, while the rights of our fellow citizens and their beloved constitution, are aboard, we cannot consent to give up the ship, and if we are lost, we must leave to the arbitration of other times, to do justice to our conduct and reputation.

We acknowledge, that we have treated the sentiments expressed in the preamble furnished us, with freedom in argument; but not one expression is used by us, with an intention of casting the least shade of disrespect upon either branch of the Legislature, upon the committee who have framed the accusation against us, or any member individually. As the representatives of a free people, and wearing the honors of our country, we acknowledge them all entitled to our high regard. But we have considered the preamble, resolutions and address, not as the act of the house: but as a proposition for their consideration, on which every member is at liberty to vote as his convictions shall lead him; hence, we have discussed its principles with that freedom, which is necessary to be used in refuting them. On this defence we rest our case.

Accept for yourself and the
House of Representatives,
Assurances of our high respect,
JOHN BOYLE.
WILLIAM OWSELEY.
B. MILLS.

Frankfort, Dec. 9, 1824.

It was then moved and seconded to commit the said response to a select committee. A division of the question was called for, and the question was put upon the commitment of the response—which was decided in the affirmative. The question was then put upon its commitment “to a select committee,” which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Galloway, were as follows, viz:

YEAS—Mr. Speaker, Messrs. Booker, H. O. Brown, Buckner, Buford, Caldwell, Carter, Chenowith, Clarkson, Coleman, Cosby, Dallam, Davis, Davies, Forrest, Fulton, Galloway, Garth, B. Hardin, J. G. Hardin, M. Hardin, Hodge, Holt, Hunter, Joyce, Litton, Marksberry, Mason, Maupin, Mayo, McBrayer, J. McConnell, Middleton, Morehead, Morgan,
OF REPRESENTATIVES.


Whereupon, Messrs. Rowan, Cosby, H. O. Brown, Booker, Caldwell, Galloway and Watkins were named as the committee.

And then the house adjourned.

FRIDAY, DECEMBER 10, 1824.

Mr. R. Taylor presented the remonstrance of sundry citizens of Mason county, against the petition of the trustees at Maysville, for the establishment of a ferry across the Ohio river at Maysville.

Mr. Daviess presented the petition of sundry citizens of Mercer county, praying that the time fixed upon by an act of the last session of the Legislature, for improving lands in this commonwealth, under the penalty of forfeiture, may be extended.

Mr. Morchhead presented the petition of Agnes Punteng, representing that she has a two hundred acre survey, upon which one installment of the state price has been paid; that she is poor and unable to pay the balance; and praying that a law may pass, directing a patent to issue to her for the same and remitting the remaining installments due therefor.

Mr. Watkins presented the petition of Micajah Wells, praying compensation for keeping Adam Larker, a lunatic, from and after the time at which the Lunatic Asylum was to have gone into operation.

Which petitions were severally received, read and referred: the first to the committee of propositions and grievances; the second to the committee for courts of justice; the third to the committee of religion; and the fourth to the committee of claims.

Mr. Cunningham, from the committee of claims, made the following report:

The committee of claims have, according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of William McBride, praying that a law may pass, authorizing him to locate certain warrants South West of the Tennessee river, be rejected.
Resolved, That the petition of James Ellison, praying compensation for the erection of certain public buildings in the county of Nicholas, be rejected.

Which being twice read, the first resolution was recommitted to the committee of claims and the second concurred in.

On motion, Resolved, That the committee of the whole, on the state of the commonwealth, be discharged from the further consideration of a bill entitled "an act to provide for the sale of vacant lands West of Tennessee River," and that the same be referred to a select committee of Messrs. A. H. Davis, Brents, New, Manpin, Gordon and Rowan.

Mr. Morgan, from the select committee appointed to investigate the conduct of John M. Foster, Register of the Land office, made the following report:

The committee appointed to enquire into the conduct of John M. Foster, Register of the Land office, have had the subject under consideration, and beg leave respectfully to present the following report:

That they caused to come before them several respectable citizens of Frankfort, most of whom were well acquainted with Mr. Foster personally and all of them with his official conduct, and concur in their statement, that the said Foster had been, for some years past, addicted to occasional intemperance, and at intervals so much engulphed in the vortex of dissipation, that it produced paroxysms of insanity; and some of those gentlemen concur in the opinion, that this resort to intemperance was induced, in some considerable degree to which it prevailed, by the afflicting deprivation of the loss of his first partner in life, to whom he was ardently devoted, and whose loss had a tendency to prey upon his sensibilities, to this alarming extent; and that in one of those exacerbations he committed the act mentioned in the preamble to the resolution, about the month of last, while under the influence of the excessive use of ardent spirits, which produced a temporary absorption of reason, as it had done in many preceding instances. And it may be proper to add, that although this act was committed under circumstances which would not have excused him on any other ground, except that above stated. It appeared in evidence, and was believed, that it was done without the intention of even his incompetent mind. It appeared he was arraigned and regularly tried by a jury of his country and acquitted upon the grounds above stated, to the satisfaction of his neighbours. Since, a few days after his arrest, it appears that he has wholly abstained from the use of all intoxicating liquors, and devoted himself to the duties of his office with exemplary diligence; that he has manifested the deepest contrition and humiliation for his unfortunate conduct, and given every evidence that could be given, of his reformation.
The witnesses all concur in representing Mr. Foster as one of the most faithful and competent public officers; and that during the seasons of his intemperance the business of his office was well conducted by competent deputies and a chief clerk, whom he employed, and who transacted the business to the entire satisfaction of those who had business to transact.—It was also detailed in evidence, that during the four years' intemperance, into which Mr. Foster had been seduced or debauched, that he had frequent intervals of temperance, and was devoted to his ordinary duties in life, as well as those of his office, but none of those intervals were as long as the present; since his entire abandonment of spirituous liquors, which circumstance induces the hope and expectation of your committee, that the reformation is sincere and predicated on an unwavering determination, on his part, to persevere in his abstinence. And they are strengthened in this hope, by the contrition already manifested and his devotion to all the social and official duties incumbent on him, and the remorse expressed for his former errors. And while your committee feel every disposition to scrutinize the conduct of this, or any other public officer in the government, and to make them responsible for any abandonment from duty, they have come to the conclusion, under all the circumstances, to state to the house, that they have discovered no negligence of duty on the part of the Register; and they have every confidence in his competency and determination, faithfully to conduct and discharge the duties of the office over which he presides.

And your committee pray to be discharged from the further consideration of the subject.

JOHN S. MORGAN, Ch'm.

Whereupon, Ordered, That said committee be discharged from a further investigation of the matters submitted to them.

The following bills were reported from the committees appointed to prepare and bring in the same, viz:

By Mr. Litton—1. a bill for the benefit of William Seers and others—and

By Mr. Triplett—2. a bill appropriating two thousand dollars of the profits of the Branch Bank of the Commonwealth of Kentucky at Hartford, to improving the state road from Frankfort to Owenborough.

Which bills were received, read the first, and ordered to be read a second time.

Mr. S. Davies, from the committee appointed to investigate the charges exhibited against Silas W. Robbins, circuit judge of this commonwealth for the 11th Judicial District, made the following report, viz:

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The committee to whom were referred the charges exhibited against the honorable Silas W. Robbins, by a resolution of the House of Representatives, have discharged that duty and now respectfully report:

That they have examined the witnesses (both on the part of the prosecution and of the accused,) whose testimony they have caused to be written down in the form of depositions—all of which, with sundry documents of written and printed evidence, they herewith report to the house. They deem it proper to state, that on their first meeting it was intimated to the committee that Mr. Micajah Harrison, late clerk of Montgomery circuit court, was the draftsman of the charges and that he would, with the permission of the committee, attend to the examination of the witnesses in behalf of the prosecution; and that, in conformity with this suggestion, he was permitted to appear as prosecutor throughout the examination. It will be found, from the depositions, that much latitude was allowed to both sides in the examination of the witnesses—and in consequence, some matter is introduced which has no legitimate bearing on the case. But both the accused and the prosecutor desired an extensive range should be allowed; and your committee did not attempt to confine the examination within the strict bounds of judicial investigation. This course, although it increased the labours of the committee, they believed, would be most satisfactory to the house and to the public. The charges are very inartificially drawn and several of them are made up of such a comminglement of allegations, that it is difficult to perceive in what particular facts the draftsman deems the misbehaviour of Judge Robbins consists. But after the most mature consideration of the evidence, your committee are of opinion, there are no facts proved, which could authorize a removal of Judge Robbins from office, either by impeachment or address, or which ought to destroy the confidence of the good people of this commonwealth in him, as an honest man or a competent judge. Your committee would, therefore, recommend the adoption of the following resolution:

Resolved by the House of Representatives of the Commonwealth of Kentucky, That Silas W. Robbins, circuit judge of the 11th judicial district of this state, be discharged from all further attendance at the bar of this house.

It was then moved and seconded, that the reading of the depositions, referred to in said report, should be dispensed with.

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

The yeas and nays being required thereon by Messrs. S. Davis and Mason, were as follows, viz:
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Some progress having been made in reading said depositions, the house adjourned.

SATURDAY, DECEMBER 11, 1824.

The Speaker laid before the house the response of Elijah Haydon, to the charges exhibited against him by Elisha Dickey, which was received, read and referred to the committee appointed to investigate the said charges.

Mr. H. O. Brown presented the petition of Trevor, Paul & Co. of Pittsburg, praying that a law may pass to authorize the payment of a sum of money due to them from the Penitentiary institution as interest on a sum heretofore owing them by said institution—and

Mr. Chapeze presented the petition of Thomas Audd, praying that a law may pass to authorize the sale of the real estate of Philip Audd deceased, for the purpose of discharging the debts due by the decedent.

Which petitions were severally received, read and referred; the first to the committee of claims, and the second to the committee for courts of justice.

Mr. Breck from the committee to whom was referred, the bill to reduce the expenses of the bank of the Commonwealth, reported the same with the following amendments:

Be it further enacted, That from and after the first day of February next, so much of every act as authorizes individual deposits to be made in said bank, be, and the same is hereby repealed. Provided however, That debtors to said bank or branches may, for the purpose of discharging their debts or any
call or discount thereon, make deposits as heretofore allowed by law.

Be it further enacted, That it shall and may be lawful for the directors of the several branches of said bank, from time to time to employ some suitable person, to perform and transact any business, necessary to the well being and prosperity of said institution, and which it may not be in the power of the then existing officers of any such branch to perform, and such person or persons so employed, shall receive a reasonable compensation for the services rendered. Provided however, that there shall not be appropriated at any one of said branches, for such extra services, more than $200 annually.

It was then moved and seconded to lay the said bill and amendments on the table until the first day of June next:

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hodge and Turner were as follows, viz:


Motions to fill the blank in said amendment with the sums of four hundred, three hundred and fifty and three hundred dollars having been successively negatived; it was then moved and seconded to fill said blank with the sum of two hundred dollars.

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

The yeas and nays being required thereon by Messrs. W. C. Williams and Willis were as follows, viz:

YEAS—Mr. Speaker; Messrs. Bates, Booker, Breck, G. I. Brown, Buford, Chapeze, Crittenden, Davis, Daviss, Evans, Farmer, Garth, B. Hardin, M. Hardin, Mason, M'Brayer, J. M'Connell, Middleton, Morris, New, Oldham, H. C. Payne, Porter, Prince, G. Robertson, Rodman, Samuel, Shepherd,


The said amendment was then adopted,

The following amendment was offered in lieu of the said bill as amended after the enacting clause, viz:

Be it enacted, That it shall be the duty of the President and Directors of the mother bank of the Commonwealth to discontinue all branches which the public good does not require to be continued, and to make all necessary and proper rules for the taking care of the funds and property pertaining to any such branch or branches as they shall so discontinue. Provided however, That it shall be the duty of the mother bank to so discontinue at least four banks annually, until otherwise directed by the Legislature.

Be it further enacted, That in discontinuing any branch, the said President and Directors shall pay due regard to the business of the branches and the sites in which the bank and its branches are placed.

It was then moved and seconded to attach as a proviso to the first section of said amendment, the following, viz:

And provided, That the board of Directors shall first call in the branch at Lexington and no branch shall be called in until the directory shall think proper to call in that branch.

And the question being taken on the adoption of said proviso, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Oldham, were as follows, viz:


The question being then taken on the adoption of said amendment, it was resolved in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Wade, were as follows, viz:


Whereupon said bill as amended was ordered to be engrossed and again read a third time.

A message was received from the Senate announcing the passage of bills which originated in that body of the following titles, viz:

An act for the benefit of the heirs of William Baker deceased.
An act for the benefit of Augusta College—and:
An act for the benefit of Cynthiana Hardin: also the passage of a bill which originated in this house entitled
An act for the benefit of Benjamin Craig, with an amendment, and their concurrence in a resolution which originated in this house, fixing on a day for the election of trustees to Transylvania University.

The following bills were reported from the committees appointed to prepare and bring the same, viz:

By Mr. Booker—1. a bill to change the place of voting in the Maxwell precinct in the county of Washington.
By Mr. Samuel—2. a bill to amend the law now in force relative to Billiard tables.

Which bills were severally received and read the first time, and the first ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of the first bill having been dispensed with and the same being engrossed,
Resolved. That said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Booker carry said bill to the Senate and request their concurrence.

Mr. Riddle, from the select committee to whom was referred a bill entitled, an act to legalize the proceedings of the Trustees of the town of Burlington reported the same with amendments; which being twice read were concurred in, and the said bill as amended, ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill having been dispensed with and the same being engrossed;

Resolved. That said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Riddle carry said bill to the Senate and request their concurrence.

Mr. Robertson of Garrard moved the following resolution:

Resolved, That the public printer do forthwith print 1500 copies of the Preamble and Resolutions and Response of the Judges of the court of appeals thereto.

Which being twice read; it was then moved and seconded at 2 o'clock P. M. that this house do now adjourn.

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

The yeas and nays being required thereon by Messrs. Thruston and Cox, were as follows, viz:


The said resolution was then adopted.

And then the house adjourned.
MONDAY, DECEMBER 13, 1824.

Mr. Prince, from the committee of enrollments, reported that the committee had examined an enrolled bill and a resolution of the following titles, and had found the same truly enrolled, viz:

An act to provide for the selection of a permanent seat of justice for Campbell county—and

A resolution providing for the election of Trustees to Transylvania University and fixing on a day for that purpose.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

A message was received from the Senate announcing the passage of bills, which originated in that body, of the following titles:

An act for the benefit of the heirs of Benjamin Snider deceased.

An act to amend the law concerning Peddlars.

An act to authorize John Bartlett and his associates to build a bridge over main Elkhorn in Franklin county.

An act allowing an additional constable for the counties of Logan and Warren.

An act concerning the Greensburg Independent Bank.

An act for the benefit of a Seminary of learning in the county of Cumberland.

Also, the passage of bills, which originated in this house, of the following titles, viz:

An act allowing additional justices of the peace to certain counties in this commonwealth.

An act further to regulate the valuation of taxable property in this commonwealth.

An act to amend the law concerning the solemnization of marriages.

An act for the benefit of the widow and heirs of Jacob Kellar.

An act for the benefit of Ellen Blackmore.

An act to allow Lawrence county two justices of the peace in addition to the number now allowed by law.

And their concurrence in an amendment proposed by this house to a bill, which originated in that, entitled

An act for the benefit of Celia Maxwell.

A message from the Governor by Mr. Loughborough, assistant Secretary:

Mr. Speaker—The Governor did, on this day, approve and sign an enrolled bill, which originated in the House of Representatives, entitled

An act to provide for the selection of a permanent seat of justice for Campbell county—and
An enrolled resolution providing for the election of Trustees to Transylvania University, and fixing on a day for that purpose.

And then he withdrew.

Ordered, That Mr. Stephens inform the Senate thereof.

The house resumed the consideration of the report of the committee appointed to investigate the charges exhibited against Silas W. Robbins, Esq., a circuit judge of this commonwealth; and the depositions in said case having been read.

The house then adjourned.

TUESDAY, DECEMBER 14, 1824.

Mr. Prince, from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles and had found the same truly enrolled, viz.

An act for the benefit of the widow and heirs of Jacob Kellar.
An act allowing additional justices of the peace to certain counties in this commonwealth.
An act to allow Lawrence county two justices of the peace in addition to the number now allowed by law.
An act for the benefit of Ellen Blackmore.
An act to amend the law concerning the solemnization of marriages—and
An act further to regulate the valuation of taxable property in this commonwealth.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

A bill from the Senate, entitled an act to repeal the law organizing the Court of Appeals and to reorganize a Court of Appeals, was taken up, read the first and ordered to be read a second time.

Mr. Goggin offered a resolution concerning the erection of a tombstone over the grave of the late Thomas Dolehide, Senator from the county of Pulaski; which being twice read and amended, was adopted in the words following, viz.

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That Thomas S. Page be, and he is hereby appointed, to contract for and superintend the erection of a tomb over the body of the honorable Thomas Dolehide, late Senator from the county of Pulaski—and that the Keeper of the Penitentiary be, and he is hereby authorized and instructed, to deliver to the said Page a Tombstone, now in his possession and heretofore prepared for that purpose. As also, to furnish the said Page with any suitable materials that he may have on hand or be able to furnish, to promote the object above alluded to; and that the said Page make out his account for the
same, the correctness of which being approved of by the Governor, the Auditor of Public Accounts shall issue his warrant upon the Treasurer for the amount thereof.

And be it further resolved, That the said Page be, and he is hereby authorized and directed, to cause the monuments, provided for the late lamented Governors, Greenup and Madison, to be erected over their graves.

Ordered, That Mr. Goggin carry the said resolution to the Senate and request their concurrence.

A message from the Governor by Mr. Loughborough, assistant Secretary:

Mr. Speaker—The Governor, this day, approved and signed the following enrolled bills, which had their origin in the House of Representatives, viz:

An act for the benefit of Ellen Blackmore.

An act to amend the law concerning the solemnization of marriages.

An act to allow Lawrence county two justices of the peace in addition to the number now allowed by law.

An act further to regulate the valuation of taxable property in this commonwealth.

An act allowing additional justices of the peace to certain counties in this commonwealth.

An act for the benefit of the widow and heirs of Jacob Kellar.

And then he withdrew.

Ordered, That Mr. Daviess inform the Senate thereof.

A message from the Senate by Mr. Hughes:

Mr. Speaker—The Senate have passed a bill, which originated in that body, entitled an act to change the place of voting in an election precinct in Nicholas county—in which they request the concurrence of this house.

And then he withdrew.

The house resumed the consideration of the report of the select committee appointed to investigate the charges exhibited against Silas W. Robbins, circuit judge of this commonwealth for the 11th judicial district.

Mr. E. Daviess then moved the following preamble and resolutions in lieu of said report and resolutions, viz:

The select committee to whom was referred sundry charges against Silas W. Robbins, judge of the 11th judicial district, have, according to order, had the same under consideration, and having heard sundry witnesses on the part of the commonwealth, as well as on behalf of said Robbins, beg leave to make the following report:

It would be scarcely possible for this committee to give a minute detail of the evidence, which accompanies this report.—They will try, however, to give a condensed statement of the
facts which have been proved. We will, however, premise that there has been no evidence to support several of the charges, and that as to some others, the evidence has been deemed insufficient.

The only charges which your committee have thought worthy of their attention, from the evidence adduced in support of them, are the 1st, 2nd, 3rd, 7th, 8th, 9th, 11th, 13th, 14th and 16th. From the evidence, it appears that Micajah Harrison, who was the clerk of the Montgomery circuit court, was on the most friendly terms with Judge Robbins. At the June term of said court, in the year 1823, he communicated to him an intention to resign the clerkship of the circuit court, on account of bad health, and an apprehension that he would not live long; provided his son M. V. Harrison, (commonly called Buck Harrison,) who was then his deputy, could get the appointment: To which the Judge replied, you know, Mr. Harrison, that I am friendly to you and your family; but as some of the old lawyers are unfriendly to me, do not resign your office until the next term, and in the meantime make your son chief or principal clerk, so as to qualify him for the active duties of the office. In accordance with this suggestion, said Harrison made his son chief clerk, who discharged the duties of said office, with industry and fidelity, until the ensuing September term; at which time the said Harrison resigned, and immediately upon his resignation, the said M. V. Harrison presented himself a candidate for said office, and produced, to the court, a certificate of his qualifications, which he had obtained from the Judges of the Court of Appeals. Whether Judge Robbins read the certificate or not, does not clearly appear. There is no doubt, however, that he took the certificate into his hands.—Some of the witnesses think he opened it, others are not able to say whether he did or not, but all agree that he immediately returned it to young Harrison, observing that he was satisfied with his qualifications, and then appointed him clerk pro tem, until the second day of the next March term of said court, stating, at the same time, that some had doubted whether a qualified clerk could be appointed pro. tem. for his part he did not doubt, as he had examined the constitution upon the subject; giving as a reason for said pro. tem. appointment, that it was an office of great responsibility, and one which properly belonged to the people; he, therefore, wished an expression of the will of the people of the county on the subject. Some of the witnesses stated, that the Judge observed, that he made the appointment pro. tem. for the purpose of giving time to the people to express their wishes on the subject.—In consequence of these suggestions from the Judge, M. V. Harrison and his friends put into circulation a number of petitions, praying the Judge to confirm his appoint-
ment—these petitions were signed by upwards of 1000 voters of said county, and presented to the Judge before the close of said term; he was then pressed to make the appointment of Harrison permanent; but he declined so doing, offering sundry reasons, and among others, that it would look childish to confirm the appointment at the same term, and that it might be considered ill treatment to others who were disposed to be candidates. The Judge then went on to state, that he could see no cause for uneasiness on the part of young Harrison or his friends, that he would be receiving the emoluments of the office, that he (the Judge) would be at the next March term, and that he would not resign unless the money becomes much worse, that he was not apprehensive of any such occurrence; but said he, if I do resign, no Judge could be appointed who would not act under the influence of these papers, (laying his hand on the petitions.) Some time after, a report got into circulation, (in what way does not appear,) that an understanding existed between the said M. Harrison and the Judge, previous to his resignation of the clerkship, that the Judge was to appoint the said M. V. Harrison clerk as aforesaid, which led to the letter and printed note set forth in Judge Robbins' response.

In this situation, things continued until the 2nd day of the March term, 1824, at which time Judge Robbins appointed James Stonestreet clerk of said court, and at the time of making the appointment, the Judge declared, that he was not better satisfied with regard to the wishes of the people than he had been at first, and after the appointment was made, he said he had never intended to appoint M. V. Harrison, and made an order directing said M. V. Harrison to surrender up to said Stonestreet, the records and papers of said office. The said Harrison, by his counsel, filed a bill of exceptions to the order of the court appointing said Stonestreet, alleging thereon, that at the time of the proc. term. appointment, Harrison had presented to the court the aforesaid certificate of his qualifications, but the court refused to sign the bill of exceptions as drawn and presented, but struck out the aforesaid statement in relation to the certificate as aforesaid, and then signed the bill of exceptions, and directed the same to be made of record, which was accordingly done. One or two days after, the counsel for Harrison, moved the court to expunge from the record the aforesaid bill of exceptions, disavowing it to be theirs and denying that it contained the truth of the case, in consequence of the alteration made by the Judge, but, the court overruled said motion. The counsel then drew another bill of exceptions, setting forth the aforesaid facts in relation to the certificate aforesaid and presented the same to the court to be signed, upon which the Judge made the following endorsement: "The court is willing to sign this ex-
exception, as being true in part, but as to so much of it as declares that a certificate from the Court of Appeals in favor of said Harrison, was handed to this court at that time, or that the court read the same, or said that said Harrison had a certificate, this court rejects it. This court cannot remember its various observations then made, but relies upon the record of that term as the true history of the case." The counsel then procured a number of by-standers to sign said bill of exceptions, and the same was then made of record. It further appears, that the said Harrison refused to surrender the papers &c. of the office. That there were a number of criminal prosecutions to that term of the court, in so much, that the first week and part of the second was taken up in the criminal trials, motions, &c. During that time various suggestions had been made to the most correct mode of settling the controversy in relation to the said clerkship, between Harrison and Stonestreet. A difficulty arose, which of the contending parties should be plaintiff, each wishing his adversary to stand in that attitude; but upon Saturday of the 2nd week of the term, said Harrison agreed to become plaintiff &c. Henry Daniel, Esq. as counsel for said plaintiff and James Clark, Esq. as counsel for the defendant, undertook to make out an agreed case, for the purpose of having the same immediately decided in said court, in order that the case might be carried to the Court of Appeals, and there finally decided, with as little delay as possible. While said attorneys were making out said agreed case, they received information that the court was about to adjourn. They immediately went into court, and informed the Judge of the business in which they were engaged, and that it was probable they would have the agreed case completed in one hour. But Mr. Clark further observed, that some difficulty might arise, which would render it necessary for the court to adjourn until the next Monday, there being one week of the term yet to come. He farther stated, that to be candid, he could not say, positively, that they would be able to complete the said agreed case, that after a short pause, without reply from the Judge, he ordered the sheriff to adjourn court until the next term in course. The parties then carried the agreed case to the Clarke circuit court, where a decision was had in favor of said Harrison, which was afterwards affirmed by the Court of Appeals.

It may be proper here to observe, that some of the witnesses stated that the court had been delayed for one or two days, waiting for said agreed case; others stated, that the court was engaged in business until the day of adjournment, and did not know that an agreed case was about to be made out, until informed by Clark and Daniel, as above mentioned.
In relation to the 8th charge, a transcript of the records and proceedings, in two suits, has been produced to your committee, to wit: Henry Macher vs. Thomas D. Owings in the Bath circuit court, and Absalom Hays vs. George Case, in the Montgomery circuit court, by which it appears that executions issued upon the aforesaid judgments, endorsed bank paper, &c. which were afterwards reprieved, that afterwards executions issued upon replevin bonds, endorsed as aforesaid, that upon the motion of the plaintiff in each of said cases, Judge Robbins ordered the clerk in one case to erase the endorsement, and in the other case directed the clerk not to make the endorsement, upon any subsequent execution, which should issue on said judgment.

As it respects the 9th charge, it appears from a certificate filed, signed by the clerk of the Montgomery circuit court, that three suits in chancery were submitted to Judge Robbins, one at the June term, 1825, the other two at the September term in the same year, that no opinions have yet been pronounced by the court, nor have the papers been returned to said office; that some of the witnesses have spoken of the Judge having retained in his possession, for a considerable time past, the papers in suits in chancery, which were either argued or submitted to him.

In relation to the 11th charge, it appears from the evidence, that Judge Robbins did know of the barterers or compromisers, which took place in relation to the Lawrence and Pike circuit court clerkships, before the appointments were made by him, that as it respects the Lawrence circuit court clerkship, he not only knew of the adjustment that took place between the candidates, but encouraged the same.

As to the 13th charge, the principle evidence to support it is the deposition of James Haggin, Esq. which your committee will take the liberty of copying into this report, and the letter which he has referred to in said deposition. In the year 1817, as this deponent believes, he was engaged as the attorney of Blakie, Mills & Co. of Philadelphia, to secure and collect, as far as in his power, their demands, being a very large sum, against David Dodge, as evidenced by the deed of trust under date the 1st August 1817. That to secure part of this money, Dodge passed a note on Silas W. Robbins for $2550, dated the 1st of September 1817, payable at sixteen months, negotiable at the Washington Branch Bank—and that note not having been paid, this deponent prosecuted a suit upon it in the Fayette circuit court, and was defeated by a receipt or release introduced in the defence, bearing date the 2d of September, 1817. Both these papers, as this deponent believes, remain among the records of that suit. At a subsequent period, probably in July 1818, this deponent received for Blakie, Mills & Co. bills
drawn by Dodge and accepted by Robbins, as this deponent believes to the amount of $10,000, payable at Philadelphia, this he communicated to Mr. Robbins and received the answer bearing date the 5th of August, 1819. The bills have never been paid with his knowledge. This deponent believes that the time he received the bills he authorized the trustees to release a part of the property embraced by the deed of trust, and he presumes it was then done, but he has not examined into it and his memory will not enable him to speak positively. Being interrogated by Mr. Robbins this deponent says that there was a trial upon the note and the jury found for the defendant; he believes no further testimony was introduced, than the receipt; for this deponent knew no means of exposing the truth of the transaction; and the future embarrassments of Mr. Robbins made it a matter of but little concern to Blakie, Mills & Co. further to investigate it. No effort has been made as the deponent believes to coerce payment of the bills. This may be, fairly imputed to the failure of Mr. Robbins and Mr. Dodge. The deponent has never supposed there would be difficulty in obtaining a judgment against Mr. Robbins; he has no further evidence of unfaithfulness in the transaction touching the bills, than that afforded by the letter, which he considers very strong. This deponent attended the March Term of the Fayette circuit court, but having a partner he did not confine himself strictly to the courtroom. He was prepared to expect no very friendly deportment towards himself from the judge, yet he surely met nothing like prejudice in his judicial functions to his recollection, nor did he observe, it as he is impressed, towards any of the bar or parties. He considered the judge, from the discharge of his duties at that time, a man of good in effect, prompt and decisive and dispatchful, and capable, with a better acquaintance with books, of doing much justice to the station. Being interrogated by Commonwealth, this deponent says, that he believes the note of $2550 was received by him from the acting partner of Blakie, Mills & Co. then in this country. That he would not have taken the acceptance of Mr. Robbins and consented to the release, had he received the intimation contained in judge Robbins letter. This deponent has no doubt that the acting partner of Blakie, Mills & Co. confided in the solvency and integrity of Mr. Robbins, when he received the note, as this deponent certainly did when he received the bills and in consequence of the release, sustained a great loss. This deponent went to Winchester to see Mr. Robbins on the subject of his responsibilities as aforesaid, and it is entirely out of his power to repeat the conversation, but he does not think that he ever heard of the receipt until it was produced in court. This deponent does not recollect ever to have seen Mr. Robbins before the receipt of the
bills, and he cannot speak with certainty of any communication
from him except by the letter. He was present at the trial of
the suit founded upon the note. This deponent has no recollec-
tion of any conversation with Mr. Robbins on the subject, save
one in Winchester. This deponent cannot say how many days
passed from the time he received the bills before he addressed
Mr. Robbins, but he would not suppose many. This deponent
cannot give any thing like a detailed nor indeed a substantial
statement of the conversation which took place on his interview
with Mr. Robbins at Winchester, yet he would believe all the
matters of demand of Blakie, Mills & Co. were spoken of;
they induced him to go up and he cannot believe he failed to
mention them — it is possible that this deponent was influenced
to make the visit to Winchester by the tenor of the letter of
Mr. Robbins, but he cannot express any sentiment on that sub-
ject as from memory.

JAS. HAGGIN.

WINCHESTER, AUG. 5th. 1818.

DEAR SIR,

Your favor of July 15th has been duly received and
I reply without delay — You need apprehend no difficulty in re-
gard to those acceptances which Mr. Dodge has passed to you
as agent for Blakie, Mills & Co. provided Mr. Dodge per-
forms his agreement: those acceptances were obtained for the pur-
pose of being lodged with some of his creditors as collateral se-
curity and were to be paid or redeemed by himself; if he pays
others I hold on him; then the consideration for those will be
valid, otherwise void.

Yours &c. respectfully,

SILAS W. ROBBINS.

JAS. HAGGIN, Esq.

In relation to the 14th charge, it appears from the evidence,
that upon the trial of the cause mentioned in said charge, judge
Robbins did give the instructions to the jury which are therein
mentioned, which is not denied in the response of the judge to
said charge.

The only remaining charges are the 7th and 16th which being
measurably the same, will be noticed under the same head.
Many witnesses of respectability have given it as their opinions,
that judge Robbins is not qualified to discharge the duties of
his office, and that many of the people of Montgomery county
have lost confidence in him; that upon many occasions they
have thought his decisions were influenced by his friendly feel-
ings towards individuals of the bar and his enmity towards
others. Many other witnesses equally respectable, have given
entirely different opinions in relation to the judge. They think
him not only capable of discharging the duties of his office, but
consider him equal to any circuit judge with whom they are acquainted; they have spoken of him as a remarkably dispatchful judge, and one whom a majority of the people of Montgomery county, as well as of the district, are anxious to retain. In addition to this, petitions have been presented to your committee, signed by a majority of the voters of Montgomery county, praying the legislature to retain Judge Robbins in office. Several witnesses from other counties in the district have stated that Judge Robbins was popular in their counties and they believe in the whole district except Montgomery county. Several gentlemen of the Montgomery bar, who gave evidence, voluntarily stated their dislike to Judge Robbins. They also stated, that much of the hostility towards him in said county, had grown out of his conduct to Micajah Harrison and his son, and his appointment of James Stonestreet as clerk.

It is contended by Judge Robbins, that the resignation of Micajah Harrison was voluntary, without being accompanied with any assurances on his part, either express or implied, that he would appoint M. V. Harrison clerk. It is true there is no evidence proving an express promise; indeed, Harrison himself says there was none; but there is strong circumstantial evidence, showing an implied promise, and that he could have viewed the resignation of said Harrison in no other light than a full confidence and belief on his part, that his son would be appointed. Without saying anything about the friendly relations that existed between them at that time, the expressions of the judge when Harrison first addressed him upon the subject, (“you know my friendship for you and your family, do not resign until the next term, make your son chief clerk, so that he may be in the habit of doing the active business of the office, you know the old lawyers are unfriendly to me, it is therefore necessary to be cautious, as they would be disposed to take advantage of any thing I would do”) were calculated to impress upon the mind of Harrison the full belief that the judge intended to appoint his son, upon his resignation. If not, why was it necessary to make the son chief clerk, to qualify him for the duties of the office, to delay the resignation of the father, and to use caution in relation to the old lawyers, if no appointment was intended? Why did he not say to Harrison, if you resign I cannot appoint your son? Why permit him to labor under a delusion, when the slightest intimation would have removed the difficulty? Instead of that, the judge coolly looks on, sees the father engaged in qualifying his son for the duties of the office, and ultimately permits him to resign a valuable office, almost the only support for a needy family, without making a suggestion that the son would not be appointed. To this may be superadded the exertions of young Harrison and his friends in
obtaining an expression of the sentiments of the county favourable to the confirmation of his appointment. All this is done in pursuance of the judges own declarations, that he wished to ascertain the sentiments of the county upon the subject, and it is not until after the petitions of the people of the county are laid before him that he rejects all, and declares that he is no better satisfied as to the sentiments of the county, than he was at first. But what were his expressions, when the petitions were first presented to him, and when he was urged to confirm the appointment? He excuses himself by saying, that it would look childish to confirm the appointment at the same Term it was made, that it might be considered as ill treatment towards others who might be disposed to be candidates. But declares that there is no cause for uneasiness; that he will be at the next March Term; that he will not resign unless the money gets worse, but that no man could disregard those papers (laying his hand upon the petitions.) Did not all these circumstances authorize a rational conclusion on the part of both Harrison and his son, that the appointment would be made a permanent one?

In the response of Judge Robbins, to the charges exhibited against him, he has set forth a letter and printed note sent to him by Micajah Harrison, and relies upon them as conclusive evidence in his favor. It may not be improper to take some notice of the sentiments expressed in the letter. The writer, after naming the enclosed printed note and that nothing would be urged the least unpleasant to the Judge, then goes on to say, "my dear friend, permit me to make one farther request of you on this all important subject, to me and my family, as so many casualties may transpire in this world of uncertainty, be so good as to give ease to the afflicted mind of my wife, as to replace me in the clerkship, and leave me as you found me. This will be a great relief to the minds, particularly of my wife and myself, whose delicate state of health would hardly be able to bear up under the great suspense of mind, which this business will inevitably produce. Independent of this, the just reflections of my friends, who have become bound with me for debts, will be a weight too great for my feelings to survive. Hoping and believing that you will duly appreciate my wishes upon this occasion and for which no kind of censure can attach to you, I remain, &c.

It would seem very singular indeed, if the resignation of Mr. Harrison was voluntary and if he had not expected his son to receive the appointment, that he should address the Judge, not only in the language of humility, but should make an appeal to those feelings which are calculated to call forth all the sympathies of the heart. The delicate health of his wife, her afflicted
mind, and the effect which a state of suspense would have on her, together with the situation of him (Harrison), are all presented to the Judge as inducements to restore him to the office, and leave him in the situation in which he had found him. But the printed note explains the reasons, which induced Harrison to write the letter. A report had got into circulation, in what way it does not appear, that an understanding had existed between the Judge and said Harrison, that upon the resignation of said Harrison, his son was to be appointed in his stead. The object of the printed note was to contradict the report in case the Judge should deem it necessary. Without indulging in conjectures as to the motives, which might have led to the circulation of such a report, at a time so very embarrassing to the prospects of young Harrison; suffice it to say, that there can be no doubt, that both Harrison and his son considered themselves within the power of the Judge, and that such a report was calculated to blight the prospects of the son, in case it was believed, and to silence it, was no doubt, viewed as a matter of the utmost importance as to the effect which it might produce; it is then easy to see the motives, which led to the writing of both. And although the note is in strong terms, yet, when all the before mentioned circumstances are considered, it proves in the opinion of your committee, but little favorable to Judge Robbins, but, on the contrary, must leave a strong impression upon the mind, that Harrison was disposed to do every thing in his power to remove every embarrassment from the mind of Judge Robbins. Another fact is deducible from both of those documents, that Harrison had become apprehensive that the Judge would not confirm the appointment, and supposing it probable that the Judge would reinstate him in the office, he makes that request, in the feeling and impressive language before stated.

In relation to the bill of exceptions, your committee highly disapprove of the conduct of Judge Robbins. Justice required that the truth of the case should be placed upon the record. This the counsel of Harrison attempted to do, but the most essential fact, and one upon which the whole claim of Harrison depended, is struck out by the Judge, upon the ground that the bill of exceptions did not contain the truth. Your committee are well satisfied that the bill of exceptions, as presented by the counsel of Harrison, was true; for although there is no positive proof that the Judge read the certificate, yet his expressions upon the return of the paper to young Harrison, "I am satisfied, Mr. Harrison, with your qualifications," and his declaration that a qualified clerk could be appointed pro. temp. can scarcely leave a doubt that he knew the contents of the paper. We know that it is frequently very difficult for a Judge to recollect all the facts that occur, or present themselves in a complicated case.
and it is often necessary to make a liberal allowance for the want of an entire recollection of the circumstances, or for the inaccuracies of memory; but the circumstances attending this case preclude such an allowance. The appointment, at first, was not made temporary, because Harrison was not qualified, but for the purpose of ascertaining public sentiment and of ascertaining whether the appointment would meet with the approbation of the county. During the same term, the Judge remarked, that it will look childish to confirm a pro tem. appointment at the same term that it was made—that he would be at the next March term. It was very evident that the appointment of Harrison could not be confirmed or could not be made permanent, unless he had a certificate from the Judge of the Court of Appeals of his qualifications. If the Judge had been really ignorant of the fact that Harrison had a certificate, it is but reasonable to presume, that he would have made some enquiry upon that subject, when pressed to confirm the appointment; yet we hear of no enquiry ever having been made, nor a suggestion to the contrary, until it is struck out of the bill of exceptions, and the same made of record, not by the consent of Harrison or his counsel, but because the Judge, of his own discretion, thought proper to do so; for we find that one or two days after, Harrison, by his counsel, moved the court to expunge from the record the aforesaid bill of exceptions, which the Judge refused to do. It was then, and not until then, that Harrison, by his counsel, prepared a second bill of exceptions, which was signed by the bystanders, and placed upon the record. From all the before mentioned facts and circumstances, your committee are constrained to declare, that the conduct of Judge Robbins, throughout the whole transactions in relation to the appointment of young Harrison, was in the highest degree censurable, and deserves the severest reprehension, and are not to be justified by any view which your committee are capable of taking of the subject.

In relation to the 8th charge, your committee cannot concur with Judge Robbins, that he or any other Judge has a right, upon the mere motion of a plaintiff in any execution, to direct the clerk to erase the endorsement, when it has been made at first by the plaintiff, his agent or attorney; nor are we aware of any opinion of the Court of Appeals, which would authorize or justify such an act. The act of Assembly upon the subject, requires the clerk to endorse upon all subsequent executions, which may issue upon the same judgment, that blank paper will be taken, where the endorsement has once been made. In the cases before mentioned, the original executions were endorsed, and afterwards replevin bonds taken. It is presumable that it was a strong inducement with the securities in those bonds, that
the debts were to be discharged in bank paper. The plaintiff, by this endorsement, had proclaimed the fact that bank paper was to be received, and virtually told all who might be disposed to become securities in said replevin, that bank paper would pay the debts. To permit then the endorsement to be erased, without the consent of the defendant or his securities, was placing it in the power of the plaintiff to do an act of the most flagrant injustice towards the defendant and his securities. But is it not to be presumed, that the securities, at the time they entered into bonds, had avize to the estate of the defendant, and its capability to discharge the debt, when paid in bank paper; and with that view and understanding were induced to become responsible, when if no endorsement had been made, they would probably have viewed the estate of the defendant as insufficient to have discharged the debt in specie, and never would have entered themselves as securities or would have consented to make themselves liable for the payment of the debt. But if the doctrine be established, that after the plaintiff has endorsed, and got his debt secured by a replevin, he is at liberty to expunge the endorsement and compel the defendant and his securities to pay specie, can it be viewed in any other light than a fraud practised upon the securities? Without dilating upon this subject, your committee are induced to believe that Judge Robbins must have misunderstood the opinion of the Court Appeals in the cases of Blair vs. Williams and Lapsley against Brashear, and that we are rather to attribute his conduct, in the cases before mentioned, to an error of judgment, or to an improper understanding of the decision of the appellate court, than to corrupt motives.

As it respects the 9th charge, your committee are without the necessary information, which will enable them to judge correctly upon the subject. From the evidence it appears, that the papers of several suits in chancery were submitted to Judge Robbins between twelve and eighteen months ago—that he took the papers into his possession, and has not yet pronounced decisions or returned the papers to the clerk's office. It is true that such a delay would, in the general, seem very unreasonable; yet the cases may have been so complicated, and the papers so voluminous, as in some degree to justify the delay. If, however, they were not much more complicated than ordinary suits in chancery, your committee would not hesitate to say, that the delay was entirely unreasonable, and could, under no circumstances, be justified, unless the Judge was prevented from giving decisions by sickness or some other reasonable cause. But it has been proved that Judge Robbins is an industrious and dispatchful Judge, and although the delay has not been accounted for, yet it is to be presumed that it was produced by some
other cause than a disposition, on the part of the Judge, to ne-
glect his duties. As to the taking of the papers out of the office,
it is believed by your committee, that judges are in the habit of
doing so; but they seldom retain them in their possession lon-
ger than the vacation between the term at which they were sub-
mittted and the next succeeding term.

As it respects the 11th charge, your committee can not appro-
bate the practice of dealing and bartering in office. It is to be
regretted, that the clerkships of Lawrence and Pike counties
have been a subject of barter and speculation amongst individu-
als, which was known to Judge Robbins before he made the
appointments. There can be no doubt of his knowledge of the
fact in relation to Lawrence county, and that he encouraged it
so that one of the candidates was enabled, upon a compromise,
to get two hundred dollars. It is unfortunate to the country,
that a course so similar has been too much indulged,
contrary to the constitution and laws of the state. It is, how-
ever, in the opinion of your committee, high time that this kind
of speculation and traffic should be discomptenced by society.
The corrupting influence which such a course would produce,
tolerated and persevered in, must be obvious to the mind of
every intelligent man. It would enable favorites to speculate
upon those who are more meritorious, and in every way better
qualified to discharge the duties of the office. The man no ways
qualified to discharge the duties of the office would often hold
in fear one well qualified, because he happened to be a favorite
with the court. It was the duty of Judge Robbins, instead of
encouraging, to have discomptenced the course that was purs-
ued.

As it respects the 13th charge, your committee are at a loss
to form a satisfactory opinion in relation to it. The circum-
stances growing out of the deposition of Mr. Haggin, are cal-
culated to leave an impression upon the mind unfavorable to the
Judge, in relation to the transaction. But several witnesses
have stated, that Judge Robbins had surrendered up the whole
of his estate to pay his own and Dodge's debt, and that his se-
curityship for Dodge had produced his failure. Upon the whole,
your committee are of opinion, that the character of Judge
Robbins, in relation to his pecuniary affairs, stands as fair as
that of almost any other man, who has failed in business.

As it respects the 14th charge, your committee view with
some astonishment the opinion of the judge. The question pre-
seferred was, whether it was the business of the sheriff to write
the delivery bond to be signed by the defendant and his security
or whether it was the duty of the defendant to write the bond,
and present the same duly executed to the sheriff; and without
such an act on the part of the defendant, was the sheriff author-
ized to sell the property which he had taken under execution. The judge decided that it was the duty of the defendant to execute the bond, and tender it to the officer; and for failing to do so, he afterwards nonsuited the defendant who had instituted suit against the sheriff, for improperly and illegally selling his property. Your committee are at a loss to understand the reasons by which the mind of the judge was actuated in giving this decision, or to comprehend the principles upon which it was founded. They would presume that there are very few men of ordinary intelligence in the country, who do not know that it is the duty of the sheriff or other officer, to write repelvan or delivery bonds, most of the officers are provided with printed blanks which they can fill up in a few minutes; But the law allows them a fee for doing this business; Why he should get a fee for performing a service, which the law does not impose upon him (if the judge was correct) is what your committee cannot understand. Besides, the officer holding the execution is alone furnished with the means which are necessary to ascertain the amounts which the bond is to contain; does the law require a defendant to get from the clerk an execution against himself, that he may learn the exact sum with which he stands chargable and for which he must execute his bond? Will it presume that every ignorant man in the community, against whom there may be a judgment, is capable even with an execution in his hands, of ascertaining the sheriffs fees, and calculating the commission which are to form the several amounts which must be set down in the bond? But it is in vain to reason upon this subject. The decision is certainly opposed not only to well established principles of law, but also to the dictates of common sense.

In relation to the 7th and 16th charges as they are, substantially the same, they will be viewed together. They call in question the capacity, integrity and impartiality of Judge Robbins, in the discharge of his official duties. So far as it respects his capacity, and impartiality, there has been a contrariety of evidence. Many highly respectable witnesses have given it as their opinion that he is not qualified to discharge the duties of his office, and some are of opinion that some of his decisions were influenced by his feelings of friendship or hostility towards particular members of the bar. Many others equally respectable have expressed different opinions. They have given as their opinion, that in point of capacity, he is equal to any circuit judge with whom they are acquainted. Your committee are disposed, under all the circumstances, to submit the aforesaid charges to the consideration of the house. Before your committee close this report, they cannot forbear offering a few remarks upon a subject, which they omitted to
name in its proper place; and that is the conduct of Judge Robbins in adjourning the court at a time when he was informed that the agreed case was about to be made out. In an ordinary case the judge ought not to have been expected to wait upon the convenience of the parties, or to have adjourned the court until another day. But even in a case of that kind, there are few judges who would not have been willing to wait an hour, when not pressed by other business, for the accommodation of the litigants. But this was a case of a very different character. The controversy in relation to the clerkship had virtually stopped the administration of justice to the people of a large and respectable county. It was then certainly the duty of the Judge to use every means in his power to hasten the determination of a controversy, which had been produced through his own agency, and which was about to produce so much injury to the people. He was a public functionary, paid for his services, and which the people had a right to demand whenever their interest or the public good required them. One week of the term was yet to come, and although counsel could not give positive assurances that they would be able to make out the agreed case at that time, yet the presumption was that they could make it out that evening or by the next Monday. Was it not the duty of the Judge to have afforded every opportunity in his power to effectuate the object, and can any one justify his conduct in closing the court, without making even a suggestion that he intended to do so? It would seem to your committee, that Judge Robbins manifested, on that occasion, a most wanton disregard of the duties of his office, and of the interest of the people.

Your committee represent to the house, the depositions which they have taken, and which will accompany this report.

They therefore, recommend the adoption of the following resolutions:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the conduct of Silas W. Robbins, Judge of the 11th judicial district, towards Micajah Harrison and Son, in relation to the clerkship of the Montgomery circuit court was unlawful, and marked with duplicity, and unbecoming the high and dignified station which he held; and that he acted highly improperly in striking out of the bill of exceptions an important fact, which was essential to the right of Harrison, and to the truth of the case.

Resolved further, That it was the duty of the said Judge, to have afforded every reasonable opportunity, to the counsel of M. V. Harrison and James Stonestreet to have made out and presented to the court the agreed case respecting said clerkship, and his conduct in abruptly adjourning the court till court in course, was a violation of duty, and strangely marked with a
wanton disregard of the rights and interest of the people of Montgomery county.

Resolved further, That they disapprove of the conduct of the Judge in directing the clerk to erase the endorsement upon the executions, as set forth in the 8th charge; that his conduct in relation to this matter evinced a great want of knowledge of the law, or else an entire misconception of the opinion of the court of Appeals in relation to the replevin laws.

Resolved by the authority aforesaid, That the practice of trading or selling offices is unauthorized both by the constitution and the law; and that the countenance and encouragement which the Judge gave to the bartering of the clerkships of Lawrence and Pike counties, as set forth in the 11th charge, were highly reprehensible, and meet with the decided disapprobation of this legislature.

Resolved further, That the opinion of the Judge that delivery or replevin bonds should be written by the defendant, and not by the Sheriff, as set forth in the 14th charge, was wholly incorrect; that it was equally opposed to the well established principles of law and the common understanding of the country, and to the dictates of common sense; and that it indicated a want of knowledge, which no circumstances can justify or excuse.

SAMUEL DAVEISS, Chairman
Of the Committee, &c.

Mr. Shortridge then moved to amend said amendment by striking out the whole of the resolutions contained therein and in lieu thereof to insert the following, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, (two thirds of each branch thereof concurring therein) that Silas W. Robbins circuit judge of the eleventh judicial district, ought to be removed from office, and that the following address be presented to the Governor in order that his removal may be effected.

To his Excellency, the Governor of the Commonwealth of Kentucky.

According to the provisions of the constitution, the Senate and House of Representatives (two thirds of the members of both houses concurring) present you this address, requiring you to remove from office, Silas W. Robbins, circuit judge of the eleventh judicial district, for the following causes, which they have caused to be stated at length on the journals of their respective houses:

1st. That he has been guilty of deceptive and delusive conduct; in this, that under the mask of friendship, he induced Macajah Harrison, late clerk of the Montgomery circuit court
to resign his office, with the confident expectation that the appointment would be conferred upon his son M. V. Harrison; and which the said judge afterwards declared he never intended to do.

2d. He has been guilty of gross falsehoods while sitting on the bench as judge; in these several particulars, to-wit: First, At the September Term of the Montgomery circuit court for the year 1823: the office of clerk being vacant, he appointed M. V. Harrison clerk pro tem. until the second day of the next March Term; with a view, as he said, of ascertaining public sentiment on the subject of the appointment: At the March Term, on the bench, he voluntarily and without being asked a question in relation thereto, denied that he had ever said so. Secondly: Out of thirteen or fourteen hundred voters of Montgomery county, upwards of eleven hundred had communicated to Judge Robbins their wish, that M. V. Harrison should be the clerk; yet the judge said he did not then know what the public sentiment was. Thirdly: At the September Term aforesaid, M. V. Harrison as a candidate for the permanent appointment of clerk, presented to Judge Robbins on the bench, a certificate of his qualification, signed by the judges of the court of appeals, which Judge Robbins then and there read and remarked upon; yet at the March Term he denied ever having seen such certificate, nor would he sign a bill of exceptions containing that fact, but the same was signed by bystanders.

3d. Said Judge Robbins hath been guilty of a denial of justice: in this, that he refused to sign the bill of exceptions aforesaid, and also, in adjourning the Montgomery circuit court, when there was one week of the Term remaining and much business of the court undone; but more especially, an agreed case was about to be formed between M. V. Harrison and James Stonestreet, whom Judge Robbins had appointed clerk at the March Term, by which the unpleasant situation of many and particularly the said M. V. Harrison and James Stonestreet, which the conduct of the judge had placed them in, would be peaceably taken away. But the judge immediately when informed such agreed case was contemplated, and it was likely it would take place, adjourned the court till court in course; Whereupon the parties were constrained to make up said agreed case before another judge and waive his jurisdiction by consent.

4th. That said judge acts in violation of the spirit of the constitution, by continuing to reside out of the district over which he is appointed to preside, although he hath been commissioned for more than two years.

5th. That on many occasions he hath manifested a strong degree of favoritism towards lawyers and litigants: evinced by contradictory and improper opinions given by him.
OF REPRESENTATIVES.

Dec. 14.]

6th. Said judge Robbins' legal acquirements are too limited to justify his administering the laws; and out of many cases shewing his incapacity, the following are selected: First; In a case of Henry Macker plaintiff vs. Thomas D. Owings defendant in the Bath circuit court. The plaintiff having obtained a judgment vs. the defendant, sued out execution of his endorsing thereon, bank notes would be taken. This execution was replevied, and before a second execution issued, the plaintiff's counsel, without previous notice given to any one, moved judge Robbins to direct the clerk, that when another execution should issue, he should omit to continue the endorsement as made on the first execution; and this motion the judge sustained.

Secondly; In the Montgomery circuit court, Absalom Hayes plaintiff, sued out an execution of his vs. George Case defendant, making the endorsement that bank paper would be taken in the usual form; this execution Case replevied—the replevin bond being due, another execution issued and the endorsement on the first was continued on the last execution, by the clerk. The plaintiff's counsel without having given any previous notice to any one, moved the court to erase the endorsement made on the last execution, which motion judge Robbins sustained.

Thirdly; That James Huncake, sheriff of Pike county had levied an execution on Thomas Price; Price tendered the sheriff good security in a delivery bond which the sheriff would not draw, but sold the property. Price sued the sheriff, and on the trial the judge decided, that it was Prices duty to have drawn the bond and filled it up and tendered it to the sheriff, by which opinion the plaintiff Price, was nonsuited.

7th; The said Judge has been guilty of great impropriety and malversation in his office of judge; in that, he did actually express a wish and charged a member of the bar to communicate it, that Levi L. Todd should receive a sum of money from Joseph R. Ward (both of whom were candidates for the clerkship of Lawrence circuit court,) for him the said Todd to decline being a candidate; and which did take place by Mr. Ward's giving to Mr. Todd two hundred dollars. In relation to the appointment of clerk of the Pike circuit his conduct was of the same character and equally reprehensible.

8th, That his conduct to Blaker, Mills, & Co. are of a nature truly reprehensible; in this, that he had a receipt against a note given to Dodge and which by him was passed to Blaker, Mills, & Co. and which was dated the day after the date of the note; that this receipt existed at all was never disclosed by judge Robbins untill the trial of a suit on the note against him.

And the question being taken on the adoption of said amendment offered by Mr. Shortridge, it was decided in the negative.
The yeas and nays being required thereon by Messrs. L.
Williams and Shortridge were as follows, viz:
FEAS—Messrs. Buckner, Clarkson, Fulton, Galloway,
Garth, Mason, W. C. Payne, Shortridge, Slack and Thomas
10.
NAYS—Mr. Speaker, Messrs. Bates, Booker, Breck,
The resolutions contained in the amendment offered by Mr.
S. Daviess were twice read and the question being taken upon
the adoption of the first, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Mason
and Daviess, were as follows, viz:
NAYS—Mr. Speaker, Messrs. Bates, Booker, Breck,
The question was then taken upon the adoption of the second
resolution contained in said amendment, which was decided in
the negative.
The yeas and nays being required thereon by Messrs. S. Da-
viess and Mason, were as follows, viz:
FEAS—Mr. Speaker, Messrs. Booker, H. O. Brown, Buck-
ner, Carter, Chenowith, Clarkson, Dallam, Davis, Daviess,
Fulton, Galloway, Garth, J. G. Hardin, Hodge, Hunter, Joynes,
Litton, Marksberry, Mason, M'Brayer, Morehead, Morgan,
The question was then taken upon the adoption of the fourth resolution, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Mason and Daviess, were as follows, viz:


The question was then taken upon the adoption of the third resolution which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. S. Daviess and Mason, were as follows, viz:


The yeas and nays being required thereon by Messrs. S. Daviess and Mason, were as follows, viz:


The question was then taken upon the adoption of the fourth resolution, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Mason and Daviess, were as follows, viz:


It was then moved and seconded to postpone the further consideration of the fifth resolution until the first day of June next.

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

The yeas and nays being required thereon by Messrs. Mason and Morgan, were as follows, viz:


It was then moved and seconded to postpone the further consideration of the original report and resolution, together with the amendment proposed thereto by Mr. Daviess, as amended until the first day of June next.

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

The yeas and nays being required thereon by Messrs. S. Daviess and Mason, were as follows, viz:


NAYS—Mr. Speaker, Messrs. H. O. Brown, Buckner, Car-
OF REPRESENTATIVES.

Mr. Booker thereupon moved the following resolution:

Resolved, That Silas W. Robbins be discharged from further attendance at the bar of this house.

Which being twice read, was adopted.

And then the house adjourned.

WEDNESDAY, DECEMBER 15, 1824.

Mr. Prince, from the joint committee of enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, entitled an act for the benefit of Celia Maxwell and had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

The following petitions were presented, viz:

By Mr. Moseley—1. The petition of sundry citizens of Ohio county, praying that commissioners may be appointed to review the way proposed for a state road from Franklin, in Simpson county, to the Yellow Banks, which was directed to be opened by an act of the last session of the General Assembly.

By Mr. Coleman—2. The petition of Betsey Allen, representing that she intermarried with a certain Henry Edger, (whose origin and relatives were unknown,) that said Edger died leaving an only son, James T. Edger, who inherited his estate and that said James T. Edger died in the year 1818, without issue and intestate, and praying the passage of a law allowing her to receive said estate as the heir at law of said James T. Edger.

By Mr. Mayo—3. The petition of sundry citizens of Pike county, praying that a law may pass, authorizing the voters of said county to vote for and select a permanent seat of justice in said county.

Which petitions were severally received, read and referred; the first and third to the committee of propositions and grievances and the second to the committee for courts of justice.

Mr. S. Davies, from the committee of propositions and grievances, made the following report, viz:

The committee of propositions and grievances have, according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit:
Resolved, As the opinion of this committee, that the petition of sundry citizens of Mason county, praying the repeal of the 11th section of an act passed at the last session of the General Assembly, concerning the town of Maysville, is reasonable.

Resolved, That the petition of sundry citizens of Maysville, Mason county, and the petition of the trustees of said town, praying the passage of a law establishing a ferry across the Ohio river at said town, be rejected.

Which resolutions being severally twice read, were concurred in.

Ordered, That said committee prepare and bring in a bill pursuant to the first resolution.

Mr. Robertson, from the committee for courts of justice, made the following report, viz:

The committee for courts of justice have, according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of Elizabeth and Rouna Harlan, praying that a law may pass, authorizing them to dispose of a certain tract of land, is reasonable.

Resolved, That the petition of Joseph S. Norris, attorney in fact for John M. Sherrard, praying that a law may pass, authorizing him to make sale &c. of certain lands, belonging to infant heirs, be rejected.

Resolved, That the petition of the heirs of Thomas M'Intire, praying that a law may pass, authorizing them to make sale of a certain tract of land, be rejected.

Resolved, That the petition of the heirs of William Bryan, praying that a law may pass, authorizing them to dispose of certain lands, be rejected.

Which resolutions being severally twice read, were concurred in.

Ordered, That said committee prepare and bring in a bill pursuant to the first resolution.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Davies, from the committee of propositions and grievances—1. a bill for the removal of the seat of justice of Meade county.—2. a bill to amend an act entitled an act to amend the several laws, now in force, concerning the town of Maysville, county of Mason, approved December 15, 1823.

By Mr. Robertson, from the committee for courts of justice—3. a bill to legalize the establishment of the town of Smithfield and confirming the sale of lots therein.—4. a bill to authorize a change of venue in the case of Francis Irwin.—5. a bill for the relief of the creditors and heirs of Nathaniel Harlan deceased.
By Mr. Patterson of Scott—6. a bill for the benefit of the heirs of William Warren deceased.

By Mr. Chapeze—7. a bill to incorporate the St. Joseph's College of Bardstown.

By Mr. W. C. Williams—8. a bill to legalize the proceedings of the trustees of the town of West Liberty.—9. a bill declaring the powers of the trustees of the town of Greenupsburgh and for other purposes.

By Mr. Breck—10. a bill for the benefit of Jonathan Taylor.

By Mr. Morgan—11. an act to attach the county of Nicholas to district of the Bank of the Commonwealth of Kentucky.

By Mr. Coleman—12. a bill to incorporate the Kentucky Institute—and

By Mr. Daviess—13. an act adding a part of Pulaski to Whitley county.

Which bills were severally received and read the first, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second reading of the first and tenth bills having been dispensed with, the first was recommitted to the committee of propositions and grievances, and the tenth was referred to the committee for courts of justice.

And thereupon, the rule of the house, constitutional provision and second and third reading of the 2nd, 3rd, 5th, 6th, 7th, 8th and 9th bills having been dispensed with and the same being engrossed.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. S. Daviess carry said bills to the Senate and request their concurrence.

It was then moved and seconded to postpone the further consideration of the 11th bill until the 1st day of June next; the constitutional provision, rule of the house and second reading having been dispensed with and the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Morgan and Coleman, were as follows, viz:


NAYS—Mr. Speaker, Messrs. Bates, Booker, Breck, Brents, G. L. Brown, H. O. Brown, Buckner, Buford, Caldwell, Carter, Chapeze, Cheno with, Clarkson, Cox, Dallam, Evans, Ford, Forrest, Fulton, Galloway, Garth, Gibson, Goggin, Gordon, B. Hardin, J. G. Hardin, M. Hardin, Hodge, Holt, Hun-
The said bill was then ordered to be engrossed and read a third time, to-morrow.

A message from the Governor by Mr. Loughborough, assistant Secretary:

Mr. Speaker—I am directed by the Governor to lay before this house a message in writing.

And then he withdrew.

Mr. Patterson of Scott, from the select committee to whom was referred a bill for the protection of burying places, reported the same with amendments; which being twice read were concurred in, and said bill and amendments were ordered to be engrossed and read a third time, to-morrow.

Mr. Breck, from the select committee to whom was referred a resolution concerning the directory of the Bank of the Commonwealth of Kentucky, reported the same with amendments; which being twice read were concurred in; and the resolution was adopted, as follows, viz:

Whereas, it appears that some of the Directors of the Commonwealth's Bank or its branches have failed to comply with the calls on their notes under discount; for remedy whereof,

Resolved by the Legislature, That in the election of President and Directors for said bank, that no Director or person whatever, shall be eligible to the office of President or Director of said bank, or its branches, who shall appear to have failed to comply with the calls of said bank and its branches, on their notes under discount in the bank and its branches.

Ordered, That Mr. Hodge carry said resolution to the Senate and request their concurrence.

A message from the Governor by Mr. Loughborough, assistant Secretary:

Mr. Speaker—I am directed by the Governor to lay before this house a message in writing.

And then he withdrew.

Mr. New, from the joint committee to whom was referred a bill to provide for the sale of vacant lands West of Tennessee river, reported the same with amendments.

Ordered, That said bill and amendments be committed to a committee of the whole house on the state of the commonwealth, for Friday next.
Mr. Brents, from the select committee to whom was referred a bill to dispose of the vacant lands in the state of Tennessee, between Walker’s line and the latitude of 36 deg. 30 min., reported the same with amendments, which being twice read were concurred in.

Mr. S. Daviees then moved further to amend said bill by attaching to the 11th section the following provision:

Provided, however, that no land, upon which there is any gold, silver or lead mines, is to be appropriated by the provisions of this act, but the same is specially reserved to the state with 1000 acres of land around the same, and any grant which may issue for the same shall be null and void.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daviees and Marksberry, were as follows, viz:—


The said bill as amended, was then ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Brents carry the said bill to the Senate and request their concurrence.

On motion, Ordered, That the committee of the whole house be discharged from the further consideration of a bill, further to regulate the Penitentiary—and that the same be committed to the joint committee appointed to take into consideration the several propositions relative to said institution.
A message from the Senate was received by Mr. Wickliffe, announcing the passage of a bill, entitled an act to change the time of the annual meeting of the General Assembly.

A bill to provide for opening and keeping in repair the public roads in the county of Fayette, was read a second time and committed to a select committee of Messrs. Wickliffe, Payne and True.

And then the house adjourned.

**THURSDAY, DECEMBER 16, 1824.**

**Ordered, That Messrs Brown (of Harrison) Woods, Morehead, Willis, Morris and Spalding be appointed a committee on the part of this house, pursuant to a resolution for appointing a joint committee to examine the Bank of the Commonwealth.**

Mr. Thruston presented the petition of the heirs and representatives of Joshua Wilson deceased (some of whom are infants) praying that a law may pass to authorise the sale of a part of the real estate of said decedent, for the purpose of discharging the debts due by the decedent.

Mr. T. P. Wilson presented the petition of John Harrison, praying that a law may pass to authorize the payment to him of a sum of money for his services as a commissioner appointed by an act of assembly to view and mark a state road from Frankfort to Bowling Green.

Mr. Caldwell presented the petition of sundry citizens of Caldwell county, praying that a part of said county may be added to the county of Trigg.

And Mr. H. C. Payne presented the memorial of sundry citizens of Fayette county, in relation to the Transylvania University, and suggesting several alterations which they pray may be adopted in the management of said institution.

Which petitions and memorial were severally received, read and referred: The first to the committee for courts of justice; the second to the committee of claims, and the third to the committee of propositions and grievances.

Mr. S. Daviess from the committee of propositions and grievances made the following report:

The committee of propositions and grievances, have according to order, had under consideration several petitions to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of sundry citizens of Smithland, Livingston county, praying the legislature to appropriate a sum of money for the erection of a Hospital in said town, is reasonable.

2. Resolved, That the petition of sundry citizens of Hick-
man county, praying the legislature to make appropriations to erect bridges across certain streams in said county, and for opening a road from said county to the Iron Banks be rejected.

Which being twice read was concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to the first resolution.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Turner, 1.—a bill to authorize the sale of a part of the public square in the town of Irwin and county of Estill.

By Mr. Cox, 2.—a bill to further regulate the pay of the sheriffs for comparing polls for Governor.

By Mr. Robertson, 3.—a bill for the benefit of the children of David Knox deceased.

And by Mr. Kennedy, 4.—a bill for the divorce of Sally Buster.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rules of the house, constitutional provision and second reading of the said bill having been dispensed with, the first, third and fourth were ordered to be engrossed and read a third time, and the second was re-committed to a select committee of Messrs Williams, Cox and Farmer.

And thereupon the rule of the house, constitutional provision, and third reading of the first, third and fourth bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Turner carry said bills to the Senate, and request their concurrence.

A message was received from the Senate announcing the passage of bills which originated in that body of the following titles, viz:

An act to amend the law concerning the manner of authenticating foreign deeds and other instruments of writing.

An act to regulate applications for the establishment of new counties, and for other purposes.

An act for the benefit of the heirs of Michael Glaves dec'd.

An act to legalize the sale by the trustees of Rebecca Washington, of certain slaves.

An act to amend the several acts respecting the turnpike road from the mouth of Triplett's creek to big sandy.

An act regulating ferries on big sandy river, and for other purposes.

An act to regulate the circuit courts within the fourteenth judicial district—and their concurrence in a resolution which originated in this house concerning the Bank of the Commonwealth.
A bill from the Senate entitled an act to repeal the law organizing the Court of Appeals, and to re-organize a Court of Appeals, was read a second time and committed to a select committee of Messrs McCracken (of Woodford) Rowan, Holt, Maupin, New, Brown, (of Jessamine) Brown, (of Harrison) Daviess, Booker, and M. Hardin.

The amendments proposed by the Senate to a bill which originated in this house, entitled an act to establish the county of McCracken, were twice read and concurred in.

Ordered, That Mr. A. H. Davis inform the Senate thereof.

The amendments proposed by the Senate to a bill which originated in this house, entitled an act for the benefit of the Centre College—were taken up, twice read, and concurred in, with an amendment.

Ordered, That Mr. Green inform the Senate thereof, and request their concurrence in the said amendment.

Mr. Joyes from the committee appointed for that purpose, made the following report:

The joint committee appointed for the purpose of receiving and considering propositions which might be presented in relation to the Penitentiary, beg leave to make the following report:

That there have been no propositions submitted to your committee other than those of Messrs Scott and Hensley, which had been previously examined and considered by a committee of the House of Representatives, except a communication from Gen. William Hardin, the present keeper of that institution. Your committee then proceeded to examine and consider the said propositions, to wit: The bill predicated on the proposition of Mr. Joel Scott, as reported to the H. R. by the committee above alluded to; the proposition of Mr. Benjamin Hensley and that of Gen. Hardin, and concur in the opinion that the bill now referred to them, appointing the said Scott the Keeper of the Penitentiary, is best calculated to promote the interest of the institution. Your committee would here remark that they are impressed with a belief, that a change in the management of the Penitentiary institution is essential, not only with a view of effectuating the objects contemplated by its founders, in punishing and reforming those unfortunate individuals who may so far lose sight of their social and religious duties, as to incur the forfeiture of their liberties; but upon principles of economy, when your committee reflect that that institution does not sustain its own expenses, from the number of victims which are immured in it, they are of opinion that there must be some radical error, but whether it be in the laws governing and regulating the institution, or the administration of those laws, they will not attempt to predict. For these reasons they would recommend the change in the adoption of the
propoition from Mr. Scott. Your committee would also suggest that they are not disposed to favour a plan of hiring out the institution and its devoted inmates for a fixed salary, believing that such a course would not be in accordance with the design of its founders, nor compatible with the equitable rules of government, whose only object is, and ought to be, an indemnity from loss, while the offenders atone to that government for the violation of its social order. Mr. Scott’s proposition is to receive a portion of the proceeds of the institution, in lieu of a fixed salary from the Treasury, and the percent. heretofore allowed the keeper, or, either of those funds.

Your committee, cannot accede to the proposition of Mr. Hensley, for the above reasons; nor can they approve the one from Gen. Hardin, because it is too indefinite, not stipulating what sum of money would be adequate to sustain or revive the institution. Indeed, neither of the propositions made by those gentlemen were so much in accordance with the views of your committee, as the one to which they have herein given their approbation. Your committee therefore pray to be discharged from the further consideration of this subject.

The said bill was then amended and ordered to be engrossed as amended, and read a third time to-morrow.

A bill to amend an act to abolish imprisonment for debt and subject equitable interest to execution, passed December 17, 1821, was read a second time.

It was then moved and seconded to postpone the further consideration of said bill until the first day of June next.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Mason and Booker were as follows, viz:


The said bill having been then amended at the clerks' table, and a further amendment moved thereto,

It was again moved and seconded to postpone the further consideration of said bill and amendments until the first day of June next, and the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs Sterrett and Thruston, were as follows, viz:


The said bill being further amended, was then ordered to be engrossed as amended and read a third time to morrow.

Leave was given to bring in the following bills:

On the motion of Mr. B. Hardin, 1.—a bill for the benefit of the heirs of John H. Holt.

And on the motion of Mr. Thruston, 2.—a bill to amend an act to authorize a Lottery for the purpose of draining the ponds in the town of Louisville and adjoining thereto.

Messrs B. Hardin, Farmer and Wade were appointed a committee to prepare and bring in the first, and Messrs Thruston, Joyce and Rowan the second.

And then the house adjourned.

FRIDAY, DECEMBER 17, 1824.

Mr. Prince, from the joint committee of enrollments, reported that the committee had examined an enrolled bill entitled an act to establish the county of McCracken, and had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. Shortridge presented the petition of James Allen, representing that he was sentenced to confinement in the jail and pen-
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penitentiary house for two years; and that he served therein for two years, pursuant to said sentence—and praying that a law may pass, to restore to him the rights and privileges of a citizen.

Mr. Turner presented the petition of O. Anderson and T. A. Clark, deputy sheriffs of Madison county, praying that a law may pass, to give them further time to return certain delinquent lists of militia fines, put into their hands for collection.

Mr. Cosby presented the petition of Nicholas Ray, administrator of Joseph Ray deceased, praying that a law may pass, to authorize a sale to be made of a part of the real estate, for the discharge of the debts of the decedent.

Which petitions were severally received, read and referred to the first and third to the committee for courts of justice; and the second to a select committee of Messrs. Turner, Breck and Woods.

Leave was given to bring in the following bills:

On the motion of Mr. Thruston—1. a bill for the benefit of Zachary Conclude.

On the motion of Mr. Spalding—2. a bill for the benefit of the late sheriff of Union and Allen counties.

On the motion of Mr. J. G. Hardin—3. a bill to establish the boundary line between the counties of Monroe and Cumberland—and

On the motion of Mr. W. Patterson—4. a bill to amend the law concerning the Independent Bank of Columbia.

Messrs. Thruston, Joyes and Rowan were appointed a committee to prepare and bring in the first; Messrs. Spalding, Porter and Thomas the second; Messrs. J. G. Hardin, L. Williams and W. Patterson the third; and Messrs. W. Patterson, Willis and Triplett the fourth.

Mr. Robertson, from the committee for courts of justice, made the following report, viz:

The committee for courts of justice have, according to order, had under consideration sundry petitions to them referred, and have come to the following resolution thereupon, to wit:

Resolved, That the petition of the widow and heirs of Joshua Wilson deceased, praying the passage of a law authorizing the sale of certain real estate of said decedent, is reasonable.

Resolved, That the petition of Andrew Mershon, (who stands indicted, in the county of Garrard, for felony,) praying a change of venue, is reasonable.

Resolved, That the petition of Betsey Allen, praying the passage of a law declaring her heir to her son James T. Edger or her late husband Henry Edger, be rejected.

Which being twice read and the first resolution having been concurred in—the second having been read; it was then moved and seconded, to amend the second resolution by striking out the
words "is reasonable" and to insert, in lieu thereof, the words "the rejected"; and the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hodge and Willis, were as follows, viz:


The said resolution was then concurred in; and the third resolution was laid on the table.

Ordered, That the said committee prepare and bring in bills pursuant to the first and second resolutions.

Mr. Daviess, from the committee of propositions and grievances, reported a bill to add a part of Monroe county to Allen county—which was received and read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second reading of said bill having been dispensed with, the same was committed to a select committee of Messrs. J. G. Hardin, Thomas and S. Daviess.

The house then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. S. Daviess in the chair—and after some time spent therein, the Speaker resumed the chair, and Mr. Daviess reported that the committee had, according to order, had under consideration a bill to provide for the sale of the vacant lands South west of the Tennessee river—and had gone through the same with sundry amendments, which he handed in at the clerk's table, and which (the reading thereof being dispensed with) were concurred in.

Ordered, That the said bill, as amended, be engrossed and read a third time to-morrow.

A message was received from the Senate by Mr. Mayo, announcing the passage of a bill entitled an act for the benefit of the securities of Stephen Harper, late sheriff of Floyd county.
Mr. Joynes presented the annual report of the President and Directors of the Frankfort and Shelbyville and Shelbyville and Louisville turnpike road companies, which was received and referred to a select committee of Messrs. Joynes, T. P. Wilson, Crittenden, Thruston, Rowan and Ford.

Mr. Mosely moved the following resolution:
Resolved, That provision ought to be made by law, to defray the expense incurred by Judge Robbins, in defending a prosecution against him by this house.

Which being twice read: the question was then taken upon the adoption thereof, which was decided in the negative.

The yeas and nays being required thereon by Messrs. S. Daviess and Litton, were as follows:—


And then the house adjourned.

SATURDAY, DECEMBER 19, 1824.

Mr. Holt presented the petition of Hugh Talbot of Bourbon county, representing that he stands indebted to the branch bank of the Commonwealth at Winchester; that suit has been commenced on his note, in consequence of the failure of one of his securities, and his inability to furnish another; and praying that a law may pass to allow him further time to pay said money.

Which was received and read; and the question being taken on referring said petition to the proper committee, it was decided in the negative; and so the said petition was rejected.

Mr. R. Taylor presented the petition of Stephen Pearce praying an allowance to be made him for keeping and maintaining Fanny Key a Lunatic—and
Mr. W. C. Payne presented the petition of sundry citizens of Warren county, praying that a law may pass to compel the society of shakers residing in said county to build a slope or lock to their mill dam erected across Drake's creek in said county, to admit the passage of boats.

Which petitions were severally received, read and referred; the first to the committee of claims, and the second to the committee of propositions and grievances.

Mr. Davis, from the committee of propositions and grievances, made the following report:

The committee of propositions and grievances have, according to order, had under consideration several petitions to them referred and have come to the following resolutions thereupon, to-wit:

Resolved, as the opinion of this committee, That the petition of sundry citizens of Ohio county, praying the appointment of commissioners to review the state road leading from Franklin, Simpson county, to Owenborough is reasonable.

Resolved, That the petition of sundry citizens of Pike county praying the removal of their seat of justice, be rejected.

Which being twice read, was concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to the first resolution.

Mr. Cunningham from the committee of claims made the following report, viz: The committee of claims have, according to order, had under consideration sundry petitions to them referred and have come to the following resolutions thereupon, to-wit:

Resolved, That the petition of William McBridge, praying the passage of a law authorizing him to locate certain land warrants south west of the Tennessee river, be rejected.

Resolved, That the petition of Jonathan Riggs, praying that a law may pass, compensating him for materials, &c. furnished by him for building the Lunatic Asylum, in Lexington, be rejected.

Resolved, That the petition of Trevor, Paul & Co. praying the Legislature to allow them the interest upon a certain sum of money which was due them by the Penitentiary of this state, is reasonable.

Which being twice read, and the first and second resolutions having been concurred in—It was then moved and seconded to amend the third resolution by striking out the words "is reasonable" and to insert, in lieu thereof, the words "be rejected."

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

The yeas and nays being required thereon by Messrs. B. Hardin and H. O. Brown, were as follows, viz:
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The said resolution as amended, was then concurred in.

A message from the Governor by Mr. Loughborough:

Mr. Speaker—The Governor did on yesterday approve and sign an enrolled bill, which originated in the House of Representatives entitled, an act to establish the county of McCracken.

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

A message was received from the Senate, announcing the passage of bills of the following titles:

An act to change the venue of Samuel Giler.
An act for the benefit of the heirs of Hugh Fulton, deceased—
An act to amend an act entitled, an act to regulate the town of Scotville and for other purposes.

Mr. M'CConnell, from the committee of religion, to whom was referred a bill for the divorce of John Neff, Hannah Mayberry and Sarah Dale, reported the same without amendment.

The said bill having been amended, was ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill having been dispensed with and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended to read, an act for the divorce of Hannah Mayberry and Sarah Dale.

Ordered, That Mr. Mason carry the said bill to the Senate and request their concurrence.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz :

[Further legislative proceedings summarized here]
By Mr. Daviess from the committee of propositions and grievances—1. a bill to establish a Hospital at Smithland in Livingston county—and
By Mr. M'Connell, from the committee of religion—2. a bill for the divorce of Jesse Baker.

Which bills were severally received and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of the second bill having been dispensed with and the same being engrossed.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. M'Connell carry the said bill to the Senate and request their concurrence.

Mr. M'Connell, from the committee of religion made the following report, viz:

The committee of religion have, according to order, had under consideration sundry petitions to them referred and have come to the following resolutions thereupon, viz:

Resolved, That the petition of Agnes Pentenney, praying that a law may pass remitting the state price upon a certain tract of land, is reasonable.

Resolved, That the petition of George Shackleford, praying the passage of a law, divorcing him from his wife Susan R. Shackleford, is reasonable.

Resolved, That the petition of Hugh Smith, praying the passage of a law, divorcing him from his wife Sally Smith, be rejected.

Resolved, That the petition of Elizabeth Prewett praying the passage of a law, divorcing her from her husband Washington Prewitt, be rejected.

Resolved, That the petition of Malinda Lawrence, praying the passage of a law divorcing her from her husband David Lawrence, be rejected.

Resolved, That the petition of Jesse Baker, Jr. praying that a law may pass divorcing him from his wife Mildred Baker is reasonable.

Resolved, That the petition of Nancy Blanton, praying the passage of a law divorcing Thomas Blanton her husband from her, be rejected.

Resolved, That the petition of Matilda Waters, praying that a law may pass divorcing her from her husband Thomas Waters, be rejected.

Resolved, That the petition of Mary Teater, praying the passage of a law divorcing her from her husband George Teater, is reasonable.

Which being read, was laid on the table.
An engrossed bill entitled an act to provide for the sale of the lands west of the Tennessee river, was read a third time.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof by Messrs. Joyes and Mullens, were as follows, viz: 


Ordered, That Mr. New carry the said bill to the Senate and request their concurrence.

An engrossed bill entitled an act further to regulate the Penitentiary was read a third time, and an engrossed clause added thereto by way of rider.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill by Messrs. Wingate and Sterrett, were as follows, viz: 


Ordered, That Mr. Breck carry the said bill to the Senate and request their concurrence.

And then the house adjourned.
Mr. Prince presented the petition of sundry citizens of McCracken county, praying that an election precinct may be established in said county.

And Mr. Marksherry presented the petition of sundry citizens of Grant county praying a change in the law respecting the turnpike road, leading from Georgetown to Cincinnati.

Which petitions were severally received, read and referred; the first to the committee of propositions and grievances, and the second to the committee for courts of justice.

Mr. Rowan, from the select committee to whom was referred the response of the Judges of the Court of Appeals, to a preamble and resolutions reported by a joint committee for their removal from office, made the following report:

The select committee to whom was referred the response of the Judges of the Appellate Court, to the report of the joint committee raised upon that part of the Governor's communication which related to their official conduct, have had that subject under consideration, and beg leave to report the result of their deliberations.

The Judges, at the threshold of their response, question the legitimacy of the mode of proceeding which the Legislature have adopted in their case, and deny to that body the power of removing them from office, for any error in judicial opinion. They assert the principle, that the removal of a judge from office, by legislative address to the Governor, can only be legitimately effected, upon grounds which relate to the man, and not to the judge. They deduce this principle from the two sections of the constitution which relate to the removal from their offices, of judicial and other incumbents. They quote the third section of the fifth article of the constitution, which provides that "the Governor and all civil officers shall be liable to impeachment, for any misdemeanor in office," and the third section of the fourth article, which provides that "the Judges, both of the supreme and inferior courts, shall hold their offices during good behaviour; but for any reasonable cause, which shall not be sufficient ground of impeachment, the Governor shall remove any of them, on the address of two thirds of each house of the General Assembly." They infer from the section first quoted, that as a judge can be removed by impeachment only, for misdemeanor in office, a removal, by address on the part of the legislature, cannot be effected, for any official misconduct which he may commit; that, under a just construction of the last quoted section, any official misconduct of a Judge, which does not amount to a misdemeanor in office, cannot form the subject of removal by address; that it cannot be considered a
reasonable cause for such removal. This we would suppose to be an illogical inference, a palpable non sequitur. But the inference is more objectionable in its political, than in its logical aspect; because it proclaims indemnity to judicial error, by rendering the judges, when it is not associated with corruption, wholly irresponsible.

The Judges are profuse in their acknowledgment of their responsibility to the people; and yet, by their construction of these two sections of the constitution, limit their official responsibility to removal from office by impeachment for official misdemeanor alone; thus asserting, in effect, that society must acquiesce in, and submit to, the principles they establish, however erroneous and afflicting those principles may be in their practical operation, provided they are merely erroneous, and were established in the course of judicial decision. If they originated in corruption, the remedy lies in removal by impeachment; but for mere error of judicial decision, however gross or flagrant, there is no remedy. This doctrine, associated with the new theory of obligation, not only licences the Judges to err, but absolves them from all obligation to decide correctly; for if obligation consists alone in remedy, and there is no remedy for mere error of judicial opinion, then the judges are under no obligation to decide correctly, and, therefore, violate no duty, when they decide erroneously; and, consequently, ought not to be removed from office, for error in the course of judicial decision.

They urge, further, that the attempt to remove them by address is an assumption, on the part of the Legislature, of the functions of the judiciary. "Can it (say they) be anything more, than an attempt, on the part of the Legislature, to re-investigate, and again decide questions purely judicial, and belonging exclusively to our department?" This is, we think, with deference, another non sequitur. The proceeding on the part of the Legislature, is not a re-investigation of questions purely judicial, nor is it again deciding the questions; but is an investigation, by that body, of the conduct of the Judges, in relation to questions which they had investigated, and in relation to the decision which they had given upon those questions; an investigation authorized, as we believe, by the import of the section of the constitution last quoted. It authorizes the Legislature to remove a Judge by address to the Governor, two-thirds of each house concurring therein, for any reasonable cause, which shall not be sufficient ground of impeachment. For a misdemeanor in office, he may be removed by impeachment, under the first section above quoted; but for any cause not of that magnitude, he may be removed by address. The cause alleged for his removal, must be, either intrinsically or rela-
tively, official. It must consist, either in official mal-agency, or in an individual mal-agency, incompatible with his official duty. It must, however, be an agency which does not amount to a misdemeanor in office, and yet of a character so incompatible with his official duty, as to constitute, in the opinion of the Legislature, a reasonable cause for his removal, by address to the Governor for that purpose.

The Legislature are the exclusive judges, under the constitution, of the reasonableness of the cause. Their responsibility in the exercise of this discretion, is to the people alone; and it behoves them to see that the causes for such removal be obviously and palpably reasonable, and that they will appear so to the people; for the proposition, that the causes need only be obviously and palpably so to themselves, would be like the analogous proposition of the Judges, in relation to the obvious and palpable confliction of a law with the constitution. It would, in each case, amount to an assertion of their respective irresponsibilities to the people, quod ad hoc; as to that matter; and, in each case, be an obvious and palpable violation of all the principles of the government; for responsibility is the centre, to which they all converge.

But the position, assumed by the Judges, that the proceeding against them on the part of the Legislature, by address, is unconstitutional, is not only at war with the literal import of the 3rd section of the 4th article of the constitution, above quoted, but with any rational interpretation, which can, according to the established canons of construction, be given to it. It is at war, moreover, with the recorded and known intention of the members of the convention who framed the constitution. The printed Journals of the proceedings of that convention, in the 42nd page, afford distinct information on that subject. It appears from those Journals, that when the section in question was under discussion in the convention, a motion was made to amend it, by inserting the following proviso: "Provided also, that no Judge shall be removed, by this form of proceeding, for an official act or judicial opinion;" and that it was negatived by a vote of forty against twelve. So that the Judges would not seem to have furnished, in their exposition of this section, the happiest specimen of that constitution expounding talent, which they assert it is their province to exert, for the purpose of protecting the rights of the poor and the obscure, from legislative encroachment, and to keep that body in check. But whence that exposition of the constitution, by the highest judicial tribunal of the State, which so flagrantly offends the import of its words, and the recorded intention of its framers? It cannot be due to the Judges, in the view to escape the effect of the proceeding against them by address, on the part of the
Legislature. The conscious self-worth, which the incumbents of the appellate bench must be supposed to feel, and the intelligence which they must be supposed to possess, alike forbid the idea that they would attempt to elude the judgment of the Legislature upon the address, by a sham plea to the jurisdiction of that tribunal, or that the exposition they have given to that section, is the best exertion of appellate intelligence and capacity. Is it not more just and natural, and does it not better accord with history and observation, to suppose that they have been imperceptibly and unconsciously led, by the influence of official posture and official habit, to that interpretation which enlarges their sphere of power, and at the same time exempts its exercise from responsibility? And ought not that supposition to excite the jealousy, and awaken the vigilance of the people? When they see the highest functionaries of the judicial department openly avow and publish a flagrant perversion of a plain and simple section of the constitution, contrary to its obvious literal import, and in defiance of the known and recorded meaning and intention of those who framed that instrument, ought they not to be jealous of judicial interpretation? In fine, ought they not to require of the Judges, that a law should be obviously and palpably in conflict with the constitution, before they should annul it; and that it should be so, not to the judicial mind only, but to the public mind; that it should not be vacated by dubious construction? And ought they not, at least, to oppose the claim now asserted by the Judges, of the right to construe it erroneously, without responsibility?

But who can see what might be the extent, in their practical results, of the sanctity and irresponsibility of judicial error, asserted by the Judges, for their department? Suppose they were to declare that all the laws in relation to conveysances, and to wills and testaments, were unconstitutional, and thereby unsettle and endanger all the landed and slave tenures within the State; could the people be content to be told, that the declaration was made by the Judges in the course of judicial decision; that, if it was an error, it was one of the head, and not of the heart, and therefore could not subject them to removal from office by impeachment, not being a misdemeanor in office; and not being removable in that way, they could not be removed by legislative address, because the objection is to their official conduct, and does not amount to a misdemeanor in office? That is the doctrine asserted in the response. If it should be said, that such a declaration of the Judges, in relation to the laws of conveyancing, and last wills and testaments, is extremely improbable, may it not be replied, that it is not more so, than it was three years ago, that they would declare the replevin principle to be unconstitutional, or, that the obligation of a contract con-
sists alone in the remedy? There can be no limits prescribed to the vagrancy of official discretion, when it is left unbridled and irresponsible. The replevin principle is older, in the history of mankind, as will appear hereafter, than the principle of conveyancing, or that of last wills and testaments; and the new theory of obligation, is of very recent origin. It was alike unknown to the English and American jurists, and its notaries seem to display more of zeal to propagate it, than of felicity in comprehending and explaining it. Its principal charms, in the eyes of its admirers, would seem to be its novelty and its mystery.

The Judges are profusely elaborate and prolix, in their response, to prove what was not only not denied, but admitted, in the report of the joint committee, viz. that the judiciary possess the power to declare a law to be unconstitutional. The only point of difference between their sentiment, and that of the report, upon this subject, is, that the report concedes the exercise of this power to the Judges, to be displayed by them only in the course of judicial duty, and as incidental to the exercise of that duty, and subject, moreover, to the appropriate responsibility. They assert the right to exercise that power, in the view to check the legislative department, and restrain its propensity to encroach upon the rights of the people. The alleged propensity to encroach upon the people's rights, by that department, is not admitted; and if it were, the impiety of the judicial, to check the legislative department, and the reasons evincing that impiety, drawn from the structure, powers, duties and responsibilities of the respective departments, under our form of government, were shown at some length in the report, and need not be repeated here. The present proceeding must be acknowledged, even by the Judges themselves, to be a form of legislative agency, which they do not possess the power to check or control; and the attempt which they have made to check it, by the construction which they have given, in their response, to the 3rd section of the 4th article of the constitution, illustrates what would be the erratic and dangerous tendency of such a judgment of power in that department.

The response presents a long array of cases, in which, according to their notion, the Legislature have, in their enactments, violated the constitution; for they seem to take it for granted, that every law which they, and other Judges, have declared to be unconstitutional, was in reality so; that is saying, in effect, that the judiciary never erred, and that the Legislature are prone to error. Every court, in declaring a law to be unconstitutional, may, if it shall choose, indulge in a double process: First, in ascertaining by construction, what was the intention of the framers of the law; and then, in ascertaining, by the same
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means, the intention of those who framed the constitution. And if the Judges, in such process, should err as palpably as the respondents have done in the construction of the section above quoted, the probability would be at least as strong, that the laws were valid, as that they were unconstitutional—that the Judges had indulged their fancied prerogative, of checking the legislative department, as that that department had transcended its legitimate sphere of action. The case of the State of New-Hampshire and Dartmouth College, and that of the State of Virginia and Cohens, as also that of Marbury and Madison, are believed to be unhappy citations. In the first, the Judges of the Supreme Court of the United States fastened upon the State of New-Hampshire a corporation established by royal charter, long anterior to the American revolution, declared that it remained unaffected by that revolution, and denied to the State the power of affecting it by legislation. In the second case, the principle of consolidation was believed to be established by the same court, in the jurisdiction which it assumed of the case; and in the third, the President of the United States was made to succumb, for party purposes, to the same tribunal. In all the cases, the court was believed, by the majority of those acquainted with their facts and circumstances, to have exerted a power of construction, not entirely sanctioned by sound policy, and the true spirit of the constitution. The case of the Commonwealth against Morrison, is not a more happy citation. In that case the appellate Judges declared the law of Congress authorizing the Bank of the United States to locate offices of discount and deposit in the several States, to be unconstitutional, and a majority of the court, in the same breath, admitted it to be valid, and binding upon the State of Kentucky; and that for the sole reason, that the Supreme Court of the United States had, in the case of McCulloch and the State of Maryland, affirmed its validity; thereby surrendering the inherent and sovereign power of their State, the power of taxing the capital of that institution within this State, to the end of that tribunal.—But cases do not alter principle. They may illustrate or violate principle; they cannot alter it. If correct principle was always with the majority of cases, then the American people should surrender their freedom, abolish their governments, and establish aristocratical, monarchical and despotic governments in their stead, for those governments are greatly more numerous than republics; and on the same principle, the legislative power must soon be surrendered to judicial control, for cases in support of that doctrine are multiplying very rapidly.

The Judges descant, in their response, with much emphasis, and at great length, upon the importance of the independence of the judiciary. Upon that subject, all men agree. They agree
that the Judges should possess all the independence, which is compatible with the responsible relation which they bear to the sovereign power of the State. But that independence, which consists in a power to check or control its parent source, is believed to be reprobated by the principle of fitness, which results from the relation which must necessarily exist between sovereign and subject.

The Judges have been as unhappy in their exposition of the history of the American revolution, as in their construction of the 3rd section of the 4th article of the constitution. The grievance complained of by the Americans was not, as we, with deference, suppose, the dependence, but the independence of the judiciary. It was, that their lives, their liberties, and their property, were subjected to the decision of Judges, who were, by their appointment and pay, placed in a state of too much independence of them. The King and the Parliament, by taking from the colonies the appointment and pay of the Judges, destroyed that relation of dependence, which should always subsist between the people and their Judges, as the medium of the responsibility of the latter to the former, and as the necessary guarantee for the performance of their duties, by the Judges, to the people; so that the sentiment of the patriots of the revolution, was in strict accordance with that of the report, in relation to the independence of the judiciary. It was, that the judiciary should, in the performance of its duties, be unconscious of any dependence, except that upon its God and the people, to both of whom it sustained relations of dependence somewhat analogous, and from which it would be impious in the one case, and treasonable in the other, to attempt to disengage itself; and not less treasonable in the latter, than impious in the former; and upon the same principle—that of rational and necessary dependence in both.

The Judges seem not to have perceived the principle upon which the boasted independence of the English judiciary rested. It is the dependence of the Judges upon the people, for their salaries and the tenure of their offices. Anciently, the King appointed and paid the Judges, and they were called the King's Judges; but afterwards, the people, in the assertion of their natural and inherent rights, claimed and obtained the right of paying, and regulating the pay of the Judges, and of removing them from office, by the vote of a majority of Parliament. Then it was, that judicial independence first displayed its effulgence in that country, when their dependence on the people was established. Their dependence on the people was, in effect, their independence of the crown; and the crown being, in that country, the source whence oppression was to be apprehended, their dependence on the people, through the representative principle, con-
stituted that independence which has been so much blazoned, and which secured the people from the rigors of royal power, and secured to them the enforcement of their will, displayed in their laws, as the rule of their rights and their tenures; for the Judges then, did not claim, as an ingredient in their independence, the right to check the legislative department; nor did they, nor dare they, then, assert their want of dependence upon the public will. So that the independence of the judiciary in England, when examined into, will be found to consist in the facts, that their salaries and the tenure of their offices depend upon the will of the people; and in the fact, that their decisions are subject to supervision and reversal, by the House of Lords.

The Judges, enamored with the misconceived independence of the English judiciary, exclaim, in apparent rapture, "This (the independence of the Judges) is the only feature of freedom in that (the English) government, and this alone fixes her pre-eminence over other monarchies, her omnipotence Parliament, and the want of a written constitution, notwithstanding." Strange, that they should rate as nothing, the practical enjoyment of the representative principle, by the people of that country; and the concessions in Magna Charta, extorted by the people from the crown! But the rights of the people do not seem to have occupied their attention, in their response, as worthy of any other than judicial regard; and in that regard, only, as they furnish to the Judges an opportunity of displaying judicial independence, in protecting them from legislative encroachment and ravage. How could they otherwise have overlooked the representative principle, which, crippled as it is in that country, has nevertheless, by giving efficacy to the will of the people, so promoted the prosperity, and advanced the happiness of England, and that, too, in defiance of the mal-conformity of its government, as to excite the wonder, the admiration, and the envy, of the governments of Europe? History blazes with the glories of that nation; but the Judges do not perceive, that those glories are the trophies of the representative principle, the results of the freedom enjoyed through its instrumentality, and not the achievements of the comparatively puny mite of judicial independence; that they are the irradiations of the confluent will of ten millions of people, and not the twinkling scintillations of the independence of the twelve Judges and the Lord Chancellor. When Lord Chancellor Bacon displayed his want of dependence upon, and regard for, the public will, in the acceptance of bribes, the omnipotence of that will was displayed in Parliament, and he was leagued to resign the seals, and invoke the mercy of the royal prerogative. He retained his life, but lost his office.

Another mighty incentive, in England, to that independence of the Judges, of the Crown, is the consideration, that though
the King can bestow offices and titles, he cannot bestow fame. It is reserved for public opinion, to confer that exalted meed; and he who would obtain a boon of such worth, must not condemn the tribunal which alone can award it. In England, the Judges are dependent upon the people, as they shall display their will in the legislative department alone; in this country, they are dependent upon the will of the people, as it has displayed itself in the constitution, and may be displayed by the Legislature; and, as it has been said in the report, its display in the latter, is subject only to the restraints imposed by the former.

But if the legislative will is so erratic, and so prone to oppress the poor and the obscure, as it is represented to be in the response, when unchecked by judicial independence, how comes it that the history of that government is so silent in relation to legislative encroachments upon the rights of the people? How comes it, that Judges have obtained immortality of fame, by the independence which they have displayed, not in checking or controlling, but in executing literally, the will of the people, as embodied in the laws? How, but from the intrinsic purity of the social will of civil society, and from the dependence of the Judges upon it, which leads them to execute it faithfully? The Judges seem not to comprehend that man is social and religious, as well as selfish, and that in civil society, the social will is the sovereign power of the state; that his will, as a citizen, is a portion of the unerring will of civil society, which constitutes the sovereign power, and controls and regulates his will as a man. When they shall have ascertained by examination and reflection, that there is a real and palpable, not a mere, obscure and doubtful distinction, between the social compact and the constitution, they will comprehend this fundamental and essential truth. They will then comprehend, also, that the legislative power is derived from the people through the social compact; that the constitution does not originate the legislative power, but presupposes its existence, and prescribes the mode in which it shall be exercised, and imposes restraints upon its exercise; and that, by that compact, civil society possessed the power to legislate, adjudicate, and execute, according to its discretion; that, by the constitution, a mode is prescribed for the exercise of these powers by functionaries, and their exercise by the respective functionaries, restrained and limited. The constitution could not create the power; it could only create the functionaries. It is a power of attorney made out by the corporate and moral person, civil society, designating the legislative and executive agents, and prescribing and defining their powers and duties. This moral person, the people, in a state of civil society, still exists under the social compact, and in its character of
sovereign, superintends, watches, and controls its agents; according to the mode which it has prescribed to itself, in the constitution. It holds all its functionaries strictly responsible for the faithful discharge of their duties; and because the responsibility of the legislative functionaries, is more strict, and of more frequent recurrence, they are employed as the organ through which the executive agents are called to account. The people take their representatives to account annually, and test the fidelity of their agency, that they may the more safely confide to them, the examination of their other agents. But how a tribunal, that does not acknowledge the existence, and comprehend the nature and obligatory import of the social compact, can think itself competent to the decision of a constitutional question, it is difficult to conceive, and especially, one involving the nature and essence of legal obligation. To the obligatory effect of that compact, the assent of every member of civil society, is acknowledged by all jurists, to be indispensably necessary—of each with all, and of all with each; and the obligatory effect of the contract upon each, and upon all, consists in, and results from, the consent of each, and all, and its obligation is essentially legal, as well as moral. It is upon valid consideration, viz: the unqualified surrender by each member, of his person and his property, to the regulation and control of the will of the society, and the undertaking, on the part of the society, to control and regulate both, in that way which shall be most conducive to his happiness, and the prosperity of the state. Here, the two ingredients mentioned in the report, and derived in the response, are essential to the validity of the obligation of the social compact, viz: the consent of the parties, upon a valid consideration; and those two ingredients constitute exclusively, the essential basis of its obligation, and on the same principle, the essential basis of every legal obligation. It is admitted by all jurists, that the social compact, or compact, is mutually binding upon each, and upon all, who assent to it; and upon the same principle, that it binds no one, who has not assented to it. Indeed, it is a principle of acknowledged force, that the obligation of a contract must be mutual; that it binds both the contracting parties, who were competent to assent, and did assent to it, or neither. But how can the social compact be mutually binding, according to the new theory? There is no remedy against society, if it should fail to protect or do justice to any one of its members; and an obligation consists, according to the judges, in remedy alone, the civil society can be under no obligation to do justice to a citizen, or protect him against injury, or afford him redress for an injury inflicted. Indeed, it is under no obligation to abstain from plundering him; because there is no remedy, in case it should refuse redress for, or in-
dict injury. In relation to the individual member of society, there would be obligation enough; (if it were possible to conceive of an obligation of a valid contract, which was one-sided only—which was obligatory upon one, and not both of the contracting parties;) because there is, or may be force enough exerted upon him. But is there not an evident distinction between the force of an obligation and personal constraint? When an idiot is imprisoned, to restrain him from doing an injury to himself or others, the force employed by the government in his imprisonment, is certainly of the remedial character. Society is discharging, in the exertion of its force, in that instance, the obligation which it incurred by the social compact. But that obligation does there exist, or did ever exist, or could there without a miracle exist, on his part, to abstain from injuring himself or others? And does not his incapacity to incur obligation or guilt, consist in his incapacity to exert will—in his destitution of volition? And can it be said, that the force exerted by government in his imprisonment, was his obligation to refrain from injuring himself or others? But he is incapable of incurring obligation. The force, therefore, in his case, is not obligation—it is constraint. Suppose a debtor thrown into the same jail for the non-payment of his debt. He did not only not consent, but actually opposed his will to his imprisonment. There was then, in his case, like that of the idiot, the absence of assenting will; neither consented to his confinement—the former actually opposed it. It was constraint, and not obligation, in the idiot's case. Why not the same in the debtor's case? The agent, viz. society, was the same, in both cases. All the external acts, in which the force consisted, was the same in each. The power exerted, was the remedial power of society, in both cases. Why shall it be constraint in the one case, and obligation in the other? If it be said, that the consent of the debtor to the contract in which he incurred the debt, makes the difference, it is replied, that, in that very exercise of his volition, upon a valid consideration, consisted the essence of his obligation, and that his imprisonment was the constraining remedial force of society, exerted to enforce a compliance with that obligation, or reparation for its violation; for if obligation consisted merely in the exertion of the remedial force of society, then the idiot is capable of obligation, and incurred it in the act by which he was imprisoned. This theory would make obligation consist, not in any active exercise of the will, nor in any exercise in which it was concerned, actively or passively; but in constraint alone. But the Judges seem to intimate strongly in the response, that idiots can incur obligation; for they say, that idiots, lunatics, &c. have a right to vote. They have not, to be sure, told us in what remedy that right consists; but
having told us that every right consists in the remedy for its enforcement, and that there is no right without a remedy, it follows, according to the opinion of the Judges of the Court of Appeals, that idiots can contract or incur obligation; and that having a right to vote, should society do them the injustice to refuse to permit them to exercise that right, there is in the judicial arena, a remedy for its enforcement, whether mandatory or reparatory, we are not told.

It has been believed, heretofore, and so taught by all the doctors, that idiots could neither contract obligation nor incur guilt, propter defectum voluntatis, on account of want of will; that there could exist no conscience, there could exist no obligation, either religious, moral, or legal; for conscience was believed to have something to do, in contracting obligation or incurring guilt. But if obligation consists in remedy, and remedy consists in force, then intellect is unnecessary in contracting obligation, and idiots or lunatics can as well incur obligation, as sages or philosophers. Whenever they are overpowered, they are laid under obligation; and upon that principle, a contract extorted by force, produces an obligation, generated by obligation, which should be enforced by the swiftest remedy; that is, according to modern interpretation, the swiftest obligation. Upon that principle, also, the christian is under obligation to sin, whenever temptation to do so becomes so strong, that he is unable to resist it. But the old notion, in relation as well to the contract extorted by force, as to the duty of the christian, in case of temptation, was, that the contract had no obligatory effect, either legal or moral, because the assent to it was forced and not free; and that the christian was under no obligation to sin, because of the strength of the temptation to do so; on the contrary, that his duty to resist the temptation, was increased in proportion to its strength. Hence, Joseph was applauded for resisting, and Judas execrated for yielding to strong temptation.

But upon the new theory, what remedy is there for the violation of his duty, by the father, to attend to the instruction of his children, in relation to their selfish, social and religious, or even their political duties? Not any. Is he therefore under no obligation, in a state of civil society, to perform those duties? What is the obligation to female chastity in wedlock? Is it not obviously and inconceivably great, viewed as a principle of fitness, resulting from, not only the marriage relation, but all the relations of life? Does not matron chastity diffuse its divine aroma over the total of the social relations, and of human existence? Is not the former sweetened, and the latter brightened ineffably, by its celestial influences? Do not the virgin innocence of the daughters, and the manly virtues of the sons, shine...
the brighter in the reflected excellence of their mother; and does it not throw upon the countenance of the husband, the sacred union of equanimity and contentment? And yet their honors will tell us, they must tell us, that the obligation to the performance of the duties which constitute this transcendent excellence of female character, consists alone in the infliction of a fine of $16 66 2-3 in Commonwealth's paper, to be paid too, in case of the conviction of the wife, by the injured husband!—That is the extent and shape of the punitive remedy, and the obligation, they tell us, consists alone in the remedy; "it can consist in nothing else." And the obligation to virgin innocence and purity of character, consists, as the same Judges must tell us, in the liability of the maid, who shall submit to defilement, and be convicted of it, to a fine of $8 33 1-3 like currency. That is the legal remedy, and they again tell us that obligation consists alone in the remedy.

But upon the principle assumed by the Judges, the only obligation in civil society, to abstain from the crime of murder, is in the law which subjects the offender, upon conviction, to the punishment of death. The law which proclaims, thou shalt not kill, though divine as well as human, imposes no obligation; it is a declaratory law, and though promulgated as a rule of action, both by divine and human authority, is unobligatory, because the obligation consists alone in the punitive force of society—in the remedy. It is in vain to say, that this punitive force of this remedial law, renders its subject incapable of perceiving its obligation, the moment it is applied. It expires at the moment of its birth, and in displaying its force, displays its inefficacy. If it should be said, that the Judges meant, that the obligation consists in the apprehension of the remedial force of society; it is replied, they have not said so. They have said that it consists alone in the remedy; that it can consist in nothing else. The apprehension of the remedy, is something else than the remedy itself; they could not, therefore, have meant the apprehension of the remedy; but if they did, fear can be the obligation to duty with slaves only. Intelligent freemen perceive higher motives to duty, in the eternal principles of fitness, resulting from their destiny and the various relations which they sustain; principles of fitness recognized and adopted by civil society, and promulgated in its declaratory system, as the rules of the conduct and duties of its citizens.

In the promulgation of a declaratory law, the sovereign power is as much exerted, as in that of a remedial law. They are both acts of sovereignty, and to say that the first imposes no obligation, is to say that its violation is no offence, and consequently, that society commits murder in every instance in which she executes a malefactor; if, indeed, society can, under the
new theory, commit that crime; for, there being no remedy against her, she can be under no obligation to abstain from that or any other crime. It is the opinion of many able jurisists, that the right which society has to execute the culprit for his crime, is derived from his surrender, in the social compact, of himself, and all his rights of person and of property, to the regulation and control of civil society; all agree, that that is the source of the legitimacy of the power of society over every thing that concerns him, except his life. But Burlemaque and some other jurisists of great distinction, are of opinion, that as man derived his life from Almighty God, it was not competent for him to surrender to society, by the social or any other compact, the right to take it away; that the right by which society condemns and executes a malefactor, is the inherent right of self-defence, on her part; that the malefactor, by violating the obligation of the declaratory law, had waged war against society, and that, of course, his destruction was a defensive effort on the part of civil society. And this seems to have been the earliest opinion of mankind upon this subject; for Cain, immediately after he had slain Abel, exclaimed that every one who should find him, would slay him; thus indicating his consciousness, that in the act he had done, he had violated the obligation of the declaratory law against murder, and thereby waged war against the community, and, therefore, might be justly destroyed by any member of it.

Now, if the theory of Burlemaque be right, what becomes of that of the Judges? Will they dispose of the doctrine of that great jurist, by the force of their Latin maxim, "contra negantem principia non disputandum;" which, interpreted, means "that there is no arguing with a fool?" But this author ranks as high in public opinion, as a jurist, as any author who has ever undertaken to unfold the principles of the laws of nature and nations. Nevertheless, it will be readily admitted, that the dead have no right to govern the living; and that the dicta of no man, dead or living, should have any obligatory effect upon the mind of another, further than their correctness is recognized by his reason. Reason is that divine afflatus, without which there can be no obligation, moral, legal or religious. It must necessarily be the agent and the subject of all obligation of which man is susceptible. It is that alone which constitutes the man, in regard to obligation of every kind. It is by the power of his reason, that he discerns the rule, and comprehends the extent of its import, and the duties which result. It is upon his reason that its obligatory force acts, winning or constraining by all the motives which can act upon his intellect or conscience, the assent of his will to the performance of the duties it enjoins. It is upon this principle, that an obligation cannot be contracted or
guilt incurred by a person destitute of reason; nor was it ever known, before it was promulgated in the response, that an idiot had a right to vote at a general election, or that he could at all participate in the formation or administration of the government. Reason is necessary, not less to valid agency, than to valid obligation. It would be as reasonable, to say that a dead man, as that a living man, unenlightened and incapable of being enlightened by reason, could do a valid act or contract a valid obligation. It would seem to follow, if this reasoning be correct, that every law to be found in the declaratory system, should be considered as obligatory, intrinsically and legally so, upon those to whom it is prescribed as a rule of conduct; obligatory, because it is the will of the sovereign, and because they assented, in the social compact, to be regulated and controlled by that will, and because their reason is convinced that its observance will conduct to their happiness and the happiness of society. Reason, it is acknowledged, will perceive in the remedial, many motives to conform to the obligations of the declaratory system, and will no doubt be greatly influenced by them; but that the remedial furnishes the only and exclusive motives for the observance of the declaratory system, is a doctrine which disfranchises reason, dethrones will, and degrades man below the level of even instinct. It in effect banishes morals, religion and government, from the world. Heaven addresses itself to the reason of man, when it would awaken him to a sense of obligation. "Come, let us reason together," is the style of the Sovereign of the Universe, in relation to the duty of his creature, man; nor will the Omnipotent even save a sinner by doing violence to his will.---His language is, "why will ye perish? Turn ye, rather, and be ye saved." But what will the Judges do with the covenant, which was made by the Divine Majesty, with the Patriarch?---Wherein consisted its obligatory force? What obligation was incurred by the Almighty towards Abraham, in that contract? What remedy had he, in case of its violation, [the very idea shocks us,] on the part of Heaven? None; of course there was, according to the Judges, no obligation on the part of Heaven; and of course the doctrine ascribes to Heaven the doing of an idle and illusory act. The same consequences result from the same doctrine, in relation to the covenant of Works and the covenant of Grace, the great fundamentals of revealed religion; to the decalogue, and even to the blessed promises and injunctions of the Gospel. There is no remedy for a failure to perform them, against either the sovereign or the subject, and of course they import no obligation; for the doctrine is, that obligation consists alone in remedy. According to this doctrine, religion is an idle illusion, degrading to its author, and humiliating even to man. According to this doctrine, the glorious
perfections of the divine character, displayed in the gracious condescension of Heaven, in its address to the reason of man, produce in his mind no consciousness of the duties which result from the relative posture which he occupies, and impose upon him no obligation to perform them. According to this doctrine, the first declaratory enactment of Heaven, forbidding man to eat of the fruit of the tree of knowledge, imposed upon him no obligation to abstain from eating that fruit; the obligation was in the commination, "the day thou eatest thereof thou shalt surely die." So that man was turned out of Eden for the violation of a command, which, according to the Judges, imposed no obligation, and of course, for the violation of no duty, and that too, by divine wisdom and goodness. And what is more extraordinary, he was permitted, by a retrospective act of divine remedial legislation, to reply the debt which he had incurred by the violation of a law, which, according to them, imposed no obligation, and of course for the violation of no duty. Here is a state of facts and inferences, sanctioned by divine intelligence, in the practical exposition of them, which must turn out to have been absurd and silly, (with reverence be it said,) if the doctrine of the Judges be right. They will at least admit, that the retrospective replevin law was, if not constitutional, admirably adapted to the frail constitution of man; that it was a glorious relief law, and has been graciously followed by relief enactments, up, through that still more glorious relief measure, the incarnation, passion and resurrection of our blessed Redeemer, to the present day. Surely the Judges could not have been apprised of the consequences of their new theory of obligation; that it is incompatible with the free agency of man—with any system of government, except that of the most unqualified despotism—with any system of religion, whether natural or revealed—with any system of good morals, and with any system of logic heretofore known; for it excludes all efficient induction in relation to obligation, from the a priori source.

But, according to their own doctrine, the Judges have no right to occupy their seats upon the appellate bench. They claim to sit there by virtue of their commissions from the government; but their right does not consist in the will of the government, certified in their commissions; nor does it consist in any provisions of the constitution, in relation to their department, or its incumbents; nor does it consist in the will of civil society, declared in the constitution, in relation to their tenure of office. It consists alone in the remedy afforded to them for the enforcement or protection of their right; and as there can exist no remedy against civil society, or the sovereign power, if it should remove them from their seats, they can have no right to occupy them; and, conversely, as obligation and right, alias remedy,
are "correlative, correspondent and commensurable," civil society is under no obligation to maintain or protect them in their seats. This is considered a fair application of the doctrine of the Judges, to their own case, and affords them an opportunity to furnish the practical illustration.

They seem to complain that they have been charged in the report, with vacating, in effect, the occupying claimant laws of the state, when, in fact, they had determined that those laws were valid and binding. That charge was predicated upon the effect of the principle which they had settled, in relation to the obligation of contracts. They had laid it down, in the case of Blair and Williams, in page 45 of 4th Littell's Reports, "that although the obligation of a contract cannot exist before the contract, it must obviously must exist contemporaneously with the contract. The contract gives to the one party a right, and of course, must give rise to the obligation of the other; for the right and the obligation are correlative, and their existence must be simultaneous. It is, then, the remedy allowed by law, in force at the date of the contract, being that on the faith of which the contract was made, which constitutes its obligation; and they had in that case declared, that the statute altering, injuriously to the creditor, the remedy which existed at the date of his contract, was unconstitutional and void. Now, the patent from the Commonwealth to the grantee, has been declared by the Supreme Court of the United States, to be a contract between him and the government; [see Fletcher vs. Peck, 6 Cranch, page 87; and according to our Appellate Court, the obligation of every contract is the existing remedy at its date, and any variation or addition to that remedy, injurious to the obligee, is unconstitutional and void. But there were no occupying claimant laws at the date of the grants, with which the people of Kentucky have been so much harrassed, and the provisions of those laws subject the successful grantees to disbursements of money, or to sales of their land, to which they were not subjected by the remedial laws which existed at the date of the emanation of those grants. Therefore, according to the new doctrine of obligation, settled by the Appellate Judges, the provisions of the occupant laws must be unconstitutional and void; and, therefore, the decision pronounced by those Judges, in the cases of Blair and Williams, and Lapsley and Brashear, does, in effect, unless the Judges are determined to disregard all consistency, vacate the occupying claimant laws of this State. In like manner, the laws in relation to forthcoming bonds; to the sale of property under execution, upon a limited credit; and the laws in relation to the valuation of property subjected to sale under execution; and the seven years' limitation law, must likewise fall, upon the same principle; and the assurance given by the
Court, that they had sustained the occupying claimant laws, can afford to the people of Kentucky but little comfort, when they reflect that the repulse principle, which they have now prostrated, had lived and displayed, under judicial nurture and support, tacit or express, its benignant effects, throughout all the vicissitudes which society has experienced, for more than half a century; and that the principle employed in its prostration, must alike prostrate, not only the occupying claimant and other laws, to which reference has been made, but prostrate the legislative remedial energies of the State. The Judges ought not to complain that the people require them to be consistent. They seem to think, in their response, that if they decide right, they may be permitted to reason wrong; forgetting that a right decision, upon wrong reasoning, is accidental. Every decision must, from the organic nature of man, be the result of intellect or sensation, or the conjoint effect of both. Vitiating sensation, or feeble intellect, are incompetent to the duties of judicial decision. The forum, and especially the appellate forum, is not to be the theatre of caprice, or of impulse. "Judic est aleuwan-do ineptiare," [It is sometimes pleasant to indulge in folly,] is a sentiment, which, however it may sweeten the hours of leisure and relaxation, cannot be tolerated on the bench. The judicial functionaries are selected and elevated for their wisdom, and must be expected, by a rational people, to reason right, as well as decide correctly. "Si volo, sic jubeo," [thus I will—thus I command,] is the language of tyranny. The Judge who decides without giving the reason of his decision, says to the people, in the language of Caesar, that his reason is in his will; and bad reasoning had better remain in his will, than be published; for if it is not worse, it certainly is not better, than no reasoning. But the people pay for the reasoning of the Appellate Judges, in the salary which they give to the Reporter of the decisions of that Court; and the idea that they should be content with the decision of a Judge, if they believed it right, without regarding his reasons for it, however it might suit the notions of a people who can endure a delusion, does not suit the meridian of this republic. But how can the people know or believe a judicial opinion to be correct, unless they are informed of the reasoning which led the Judge to the conclusion, which is called his opinion? A conclusion is the result of the inferences drawn from admitted or established facts and principles; and the reasoning consists in the process of arranging, comparing and combining the facts and principles, and in drawing the appropriate inferences from them; and it is in the display, by the Judges of this process, that their responsibility mainly consists. Hence, the Appellate Judges are required by law to embody, in their opinion, a written statement of the case. The request, there-
fore, that the people should be content with the decision, without the reasoning of the Court in support of it, is, in effect, to request that the Judges should be exempt from the appropriate judicial responsibility. But their theory of obligation, is worthy of further and more particular attention. It shall have it.

The Judges, in their response, say: "We can have no idea of an obligation which does not oblige us to do, or abstain from doing something; for an obligation which does not oblige, is a contradiction in terms, and of which it is impossible for the human mind to have any conception." With great deference to the Judges, it is affirmed, that the human mind may have a conception of numberless obligations, which do not, according to their understanding of obligation, oblige one to do, or abstain from doing something. A man is under obligation to pay his just debts; but he may be insolvent and unable to pay them, or he may be dishonest and artful; so that neither the obligation he is under, nor the whole power of the law can oblige him to pay them. All men are under obligation not to cheat, steal, rob or murder; yet this obligation does not oblige them to abstain from fraud, theft, robbery and murder. If indeed it be true that there can be no obligation which does not oblige us to do, or abstain from doing something, then the insolvent man, or the man who has sufficient dishonesty and art, to evade or evade the laws of his country, is under no obligation to pay his debts; the swindler is under no obligation to act honestly; the thief is under no obligation to respect his neighbor's property; the robber is under no obligation to restrain his hand from violence; and the murderer destroys his obligation to regard the life of his fellow-being, by the very fact of taking it away. It ought not to be overlooked, that this definition applies as well to moral as to legal obligations. By its principles, the convicts in the Penitentiary have violated no obligation, either of law or morals; the murderer who swings from the gallows, has disregarded no obligation imposed upon him by God or man; and upon the same principle, the punishments of the future world are unjust, because the wicked are under no obligations, either of morality or religion. Thus, this new theory of obligation, destroys all obligation; or rather, makes it depend upon the caprice or the power of men. By it, moral obligations are made to depend upon their caprice; for they do not compel men to do, or abstain from doing something, unless they choose; and, therefore, moral obligations themselves, instead of obliging, are made to depend upon the volitions of men. The good choose to be under moral obligations, and they are under them; the bad choose not to be under moral obligations, and they are not under them. So in relation to legal obligations; if men have power to evade or defy the laws, they are under no
legal obligations; but if they can do neither, then they are
under legal obligations. Thus, a man's legal obligations, are
in exact proportion to his cunning and his power. The poor
and the weak, whom the laws oblige, are under legal obliga-
tions; but the artful and the strong, who can escape the coer-
cion of the law, by fraud, or force, are under no legal obliga-
tions. These consequences, however, they may shock the sen-
sibility of the public mind, by their intrinsic inaptitude to pro-
mit virtue and good order in society, and, of course, human
happiness, must flow from the principles of the new theory of
obligation. How much more beautiful and consistent, is the old
system; the system of society, of nature, and of God. By that,
all men's obligations were equal. In the moral world, the
good and the bad were equally under obligations to promote
the happiness of the human family. The good were obliged by
those obligations, and were rewarded above, for their obedi-
cence to the will of Heaven; the bad were not obliged, and for
the violation of those obligations spriung from the will of
Heaven, were punished in outer darkness. So in the civil
world, the good citizen who fulfills his obligations to society, was
rewarded with protection and peace; but the bad man who dis-
regarded all those obligations, was punished in proportion to the
enormity of his offences.

In the opinion pronounced in the case of Blair and Williams,
upon the replevin laws, (pamphlet edition, page 8,) the Chief
Justice, speaking of moral obligation, says: "It is an inherent
attribute of the moral nature of man, and not the creature of ci-
il institutions, and can neither be given nor taken away by hu-
man laws." This observation relative to moral obligation, evi-
dently sprung from the fanciful theory the Chief Justice had
formed in his own mind, by which moral obligation could only
result from the laws of nature, and legal obligation only from
the remedies allowed to enforce the laws of society. But fur-
ther reflection has led his mind, and the minds of his judicial
brethren, to a conclusion, which the common sense of all man-
kind has recognized for ages, viz.: That there is a species of
obligation distinct from these two, sprining from human laws.
In their response, they proceed to contradict the foregoing de-
claration of the Chief Justice, in the following words: "In
points of indifference, where there could exist no duty without
the intervention of the municipal law, that law may, no doubt,
by merely declaring what is right, and directing it to be done,
 impose an obligation to observe it; but without superadding
other means to enforce its observance, the obligation to do so,
would depend upon the conscience of men only, and would be
merely a moral obligation," &c. Thus, although in 1828, mo-
ral obligation could not "be given or taken away by human
In the opinion of the Chief Justice, (pamphlet edition, page 6,) he says; "As the remedy allowed by law upon a contract, is only the civil means which obliges to the performance of the contract, or to the repairing the injury done by a failure to
perform it, the legal obligation of a contract evidently consists in that alone." In pages 7-8, it is declared that, from "the authority of jurists, as well as from the obvious reason and intrinsic propriety of the position, it results, that the legal obligation of a contract consists in the remedy given by law to enforce its performance," &c. In page 10, it is said:  "To this objection the true answer is, that the obligation of a contract consists in the remedy," &c. In page 24, Judge Owsley says: "If, therefore, the legal obligation of contracts consists in the legal remedy," &c. Thus, the doctrine was settled in these opinions, that the legal obligation of contracts consists wholly and exclusively in the remedy allowed by law to enforce them. It is also a principle which runs through all their opinions, that the legal right which a creditor has, consists likewise in the remedial law; and that, when such law is repealed or ceases to operate, the right ceases to exist. Yet, in their response, they ask, with apparent exultation, "who denies that there is a difference between right and remedy perceptible by the meanest capacity?" One would be led to suppose, from this, that they had abandoned the ground, that right is remedy, and remedy is right; but in the case of Stanley vs. Earl, quoted in the response, they persist in denying a difference which they say "is perceptible by the meanest capacity." "But, surely, (say they,) if the remedy may in any case be taken away or destroyed, and the legal right remain, there would then be a case in which there would be a legal right without a legal remedy, and it could not be true, that wherever there is a legal right there is a legal remedy. And what notions of identity must they entertain, who at the same time they tell us, that it may be truly and justly said, that the want of right and the want of remedy are the same thing," affirm, "that the want of remedy and the want of right are not the same thing? If the want of right is the same thing as the want of remedy, it is self-evident, that the want of remedy must be the same thing as the want of right; and to affirm that it is not, is not less absurd, than to affirm that the same thing may be, and not be, at the same time. With such reasoners as these, we cannot enter the lists of controversy. They must be left to themselves, and with Lord Coke, we can only say to them, contra negantem principia non est disputandum." This is the uncourteous style, with which the Judges treat those who now support principles, which, until lately, were their own. Is it not here asserted, that right and remedy are the same thing? The Judges might answer, no; it is the want of right, which is the same thing as the want of remedy, and the want of remedy is the same thing as the want of right; but there is a difference between right and remedy, perceptible by the meanest capacity! Now, if the want of one thing be the
same thing as the want of another thing, then those two things must be the same thing; or, rather, it must be the same thing, under different names. And what notions of identity must they entertain, who, at the same time they tell us that the want of one thing is the same thing as the want of another, affirm, that both names do not signify the same thing? We think it would be difficult to discover the difference between right and remedy, which the courts say, is perceptible by the meanest capacity, and reconcile it with the foregoing declarations of the Judges, and the whole tenor of their decision.

But is there any thing so very absurd, in admitting that the want of a right is the want of a remedy, and at the same time affirming that the want of a remedy is not the same thing as a want of right? The want of a man, is the want of common sense; but the want of common sense is not the same thing as the want of a man; for many men are lunatics and idiots. A man may exist without sense; but sense cannot exist without a man. So a right may exist without a remedy; but a remedy cannot exist without a right, legal or moral. The Judges have themselves given an instance, already quoted, in which the law may create an obligation, and consequently a right, without giving a remedy. But to show that they do not always hold the language, that a want of legal remedy is a want of legal right, we quote the following declaration of the Judges, to be found in the case of Butler vs. Butler, 4th Litt. 204 a: "It is the province of a court of equity to afford remedy, where conscience and law acknowledge a right, but know no remedy." So, here it is directly asserted, that law may acknowledge a right, and know no remedy; in other words, that there may be a legal right, without a legal remedy.

In the case of the Commonwealth vs. M'Gowan, 4th Bibb 62, the appellate court say: "Although the right existed in the Commonwealth, against the defendant, to the money which had been thus improperly drawn from her, yet it was not until 1809, that the remedy to recover it was specially given. By that act, (the act of 1809,) such a remedy is provided. The right existed before but without such special remedy." The right of the Commonwealth, in this case, was created by the civil laws, and existed eight years at least, in the opinion of their Honors, without a legal remedy. And these are the assertions of the same men who say, in the case of Stanley vs. Earl, that to assert that there can be a legal right, without a legal remedy, is as absurd, as to "affirm that the same thing may be, and not be, at the same time." They are themselves, therefore, among that class of reasoners, with whom they "cannot enter the lists of controversy." They are themselves among the negantes principia, with whom non est disputandum.
In the response, the Judges say: "We deny that there is evidence of numerous legislative enactments in favor of such principles, and require the production of such laws." &c. "The clause in question was prospective, and it did not repeal the former existing laws of the States; and of course, laws which existed previously, and continued still to exist, cannot be used as an aid in construing the constitution. Virginia abandoned those laws six years after the constitution took effect, and Kentucky in the first year of her existence. The evidence we demand, is this: Show us such laws made by the States since the adoption of the constitution, and retroactive in their operation, embracing pre-existing contracts, and then, and not till then, will we acknowledge that there are instances of legislative construction."

Without pausing to express our astonishment at this bold denial of facts, which constitute a part of the notorious history of our country, we take the Judges at their word, and give them the evidence which they so courteously require.

The convention which formed the present constitution of the United States, finished their labors, and submitted the result of their deliberations to the American people, in September 1787. In January 1788, the Legislature of Virginia passed an act repealing the pre-existing replevin law, and enacting, that in relation to all executions thereafter issued, unless the property levied upon would sell for three-fourths of its value, to be ascertained by persons appointed for that purpose, the defendant might replevy for twelve months; or if he did not replevy, then the property was to be sold on twelve months' credit. This act may be found in Hunning's Statutes at Large, page 457. [See also, Session Acts, page 11.] The constitution was declared to have been duly ratified, by a resolution of Congress, adopted in September 1788, and thenceforward became the supreme law of the land. Let it be remembered, that the act of 1788, before alluded to, was a retrospective replevin law, and that its duration was limited to three years. In December 1788, not five months after the constitution was declared to have been ratified, this act was amended, without changing or repealing its retrospective features. In December 1790, this act, which was about to expire, in the succeeding January, was re-enacted and continued in force one year longer. The Judges may find the re-enacting statute in the 13th volume of Hunning's Statutes, page 138. Here is the evidence for which the Judges called with such confident defiance, as seemed to indicate their intention to surrender, if not their offices, at least their opinions, upon its production. Here is a law made by the great State of Virginia, since the adoption of the constitution, and retroactive too in its operation, embracing pre-existing contracts. But this is not
all. The same retroactive replevin law was twice re-enacted afterwards, in the month of December 1791 and 1792. Thus did the state of Virginia thrice solemnly affirm the constitutionality of replevin laws, within the first five years after the adoption of the federal constitution. What will the Judges say to this?

After quoting from the speeches of Patrick Henry and Edmund Randolph, a few sentences which have no reference to the subject, they say: "The challenge may be given fearlessly, to produce a single adjudicated case, or one dictum of the patriots of that day, which gives a different construction to the clause in question, from that we have given." There is, it must be acknowledged, a great deal of logic in a bold challenge, especially when it comes from the head of the judicial department; but sure, it is not extravagant to suppose that there were some of the patriots of that day in the Virginia Legislature, in the years 1790-1-2 and 3; and sure it is, this same Edmund Randolph, from whose speeches they quote, to prove the unconstitutionality of replevin laws, was Governor of Virginia, and sanctioned, by carrying into effect, the first replevin law passed by that state after the adoption of the federal constitution.

The Judges say, "not an instance can be found, where Congress sanctioned such laws of any state, where such laws were passed since the adoption of the federal constitution." The constitution took effect, as stated above, in September 1788. In December 1792, the replevin and valuation law was re-enacted, and continued in force until the first day of January 1794. On the 18th of March 1793, Congress passed an act expressly recognizing and adopting the appraisement and replevin laws of the States, as they then existed, including this law of Virginia. What, then, becomes of this declaration of the Judges? "It crumbles at the touch." But we have not produced all the instances of legislative construction, hostile to that given by the court, found on the records of our country. Kentucky did not, as the Judges assert, abandon the replevin principle, the first year of her political existence. In October 1792, her first Legislature amended the existing laws, by reducing the existing twelve months replevin, to a replevin of three months, where land taken in execution would not sell for three-fourths of its value, and enacting that there should be an absolute replevin on all executions issued for debts contracted before the first day of February 1793. The Virginia law allowed only a conditional replevin; this Kentucky law allowed an unconditional replevin, and was evidently enacted for the purpose of acting on pre-existing contracts; for it declared, that on all contracts made after the first day of the succeeding February, no replevin should be allowed, except where lands were taken in execution. Here, then, the very first Legisla-
tire of Kentucky passed a replevin law, almost wholly retrospective, and, as the Judges would now say, unconstitutional. The valuation and replevin principles were never wholly abolished by Kentucky, but continued to operate, in cases where executions were levied upon lands, until 1799. In that year, a retrospective replevin law, granting a replevin of three months, without regard to the kind of property seized, or the date of the contract, was enacted by the Legislature, which continued in force, unquestioned, until 1808. That year, in consequence of the embargo, the Legislature passed an act granting a twelve months’ replevin, not only on all original judgments, but upon executions issued upon replevin bonds; and for this law, William Owlsley, one of the respondents, and many other distinguished men, voted. After the repeal of the embargo, the country reverted to the old three months’ replevin system, which it continued to pursue until 1814. In that year, the calamities of the county led to another resort to this relief measure, and a twelve months’ retrospective replevin law was passed, allowing, however, a collection of debts in three months, if the creditor would take the paper currency of that day. Among the distinguished men who voted for this law, is found recorded the name of Benjamin Mills, another of the respondents. This law was successively re-enacted and amended, until it was merged in the relief measures which have given rise to this unhappy controversy. But Virginia only closed her replevin system in the year 1797. She had graduated it by successive enactments, and provided for its expiration on the last day of July in that year; but, on the first day of February 1808, she revived the replevin law of 1793, and provided that it should be continued in force until thirty days after the discontinuance of the embargo; and on the 31st of January 1809, she passed an act authorizing the debtor to give bond, with approved security, in the clerk’s office, in the penalty of double his debt, and thereupon judgments, executions, replevin bonds, decrees, sales of property under decrees, and sales under deeds of trust, were to be stayed until the end of the next General Assembly. [See 2d vol. Virginia Laws passed since 1801, pages 5 and 156.]

But Virginia and Kentucky are not the only States that have given a practical construction to the clause of the constitution, now in question, hostile to that asserted by the Court of Appeals. The Legislature of the State of Massachusetts, in the year 1807, enacted a retrospective occupant law, containing, among others, the following provisions, in substance: “Where any action has been or may be hereafter commenced against a person now holding, by virtue of possession and improvement, and which tenant, or person under whom he holds, has had actual possession for six years before the commencement of such action, the
jury who try the action, if they find for the demandant, shall, if tenant requests, find the increased value of the land by virtue of the buildings and improvements made by such tenant, or those under whom he claims; and if demandant requests, shall find what would have been the value of the demanded premises, had no such buildings or improvements been made thereon. Demandant to elect, during the term, whether he will abandon the premises to the tenant, at the price estimated by the jury. If he does so elect, tenant to pay it, with interest, in one year."

[See Steam and Shaw’s edition, vol. 2, p. 178, 216.] It provides further, that if demandant makes no election, no writ of possession to issue within one year, unless demandant pays, within a year, the estimated value of improvements, with interest; and no new action to be sustained, until demandant has paid such estimated value of the improvements, with interest.

If tenant pays as above, his title is good against demandant, and if he shall be afterwards evicted by title adverse and paramount to that of demandant, he is entitled to recover back from demandant the money so formerly paid. [Idem 216.] By a subsequent law, the tenant was permitted to pay in three annual installments. "That State has also, as late as the years 1815 and 1816, provided by statutory enactments, "that real estate taken in execution should be appraised, and delivered over to the creditor at valuation, redeemable by the debtor in one year." [See Steam and Shaw's edition of the Laws of that State, page 377, and 4:4 of 1st volume, and page 493 of 2d volume.] In the 4th volume of the Laws of Maryland, chap. 19, it will be seen, that that State, in the year 1808, enacted a law staying executions during the continuance of the embargo, and for six months after its discontinuance. In the 1st volume of the Statutes of Tennessee, page 109, an act of that State will be found, which passed on the 2d day of April 1809, staying executions rendered or to be rendered, upon the debtor’s giving security, until the ensuing December. In Georgia, a law was enacted, in the year 1799, staying execution for sixty days, upon the defendant’s giving bond with approved security. [See Georgia Laws, page 212.] The State of Maine, by an act passed the 23d of January 1831, and subsequent acts, exempted from execution, wearing apparel, beds, bedding, bedsteads, household utensils, tools of trade or occupation, stoves fixed for warming buildings, one cow, one sow, ten sheep and their wool, and three tons of hay for cattle and sheep. This law took effect from its date, and embraced existing, as well as future contracts. [See 1st vol. p. 614, 633, 72.] See, also, an act of Congress, passed in 1793, which exempts the arms and equipments of militia, and the uniform of officers, from sale by execution, and from distress and sale for taxes and suits, 1st vol. Laws of Maine, p. 688, 702.—
In the laws of Massachusetts, above referred to, it will be seen, that the Legislature of that State, in the years 1806–9–11, and in 1819, enacted laws in relation to debtors confined under execution, or to be confined, giving to them alike an enlargement of the rules or prison bounds. (See vol. 1, p. 204, vol. 2, p. 210, 503.)

The Judges have denied that there exists any judicial exposition of the 10th section of the first article of the constitution of the United States, except some dicta of inferior courts, not entitled to regard, different from theirs. Indeed, they challenge the production of a decision of any supreme court to that effect. Here, again, they are mistaken; for, in the case of David Alexander vs. William Gibson, decided by the supreme court of South-Carolina, to be seen in Nott and McCord’s Reports, commencing at page 480, it was settled by that court, that an act of the Legislature of that State, discharging the insolvent debtor from all future actions, &c. at the suit of all suing creditors, or such as have received a dividend of his estate, assigned under his petition, is not contrary to the constitution of the United States. The court below had given a judgment predicated on the constitutionality of the statute; the appellate court affirmed the opinion of the inferior tribunal, as to that point, but reversed its judgment, upon the ground that the proceeding under the act had not been in conformity with its provisions. Judge Cheves, a gentleman not less distinguished as a profound jurist, than as an able and distinguished statesman, in pronouncing his opinion in that case, holds the following language: "I think it (an insolvent law) may be deemed to be a law which may be properly considered a part, (and does not exceed the limits,) of the lex fori. An insolvent law may discharge a debtor from imprisonment. Imprisonment of the person of the debtor forms no part of the lex contractus." &c. Again: "Imprisonment on mesne process to answer the suit of the creditor, is, like imprisonment as a satisfaction of the debt, no part of the lex contractus. It is a part of the lex fori; and if the creditor resorts to it, he must take it with its concomitant conditions; and if these be the discharge of the person from confinement, and from the debt, upon the surrender of his property, they are conditions within the just limits of the lex fori. In both instances, it will be a discharge of the person and future estate of the debtor, at least so far as to require a new promise to revive the obligation. The case of the statute of limitations will illustrate this view of the subject. A foreign creditor, who sues in this State, to whose suit the statute of limitations of this State is pleaded, will in vain say that the debt was contracted in another State or country, by whose laws it is not barred. It would be answered, that the statute belongs, not to the law of
the contract, but is a part of the lex fori, and must therefore prevail. So, in that case, though the creditor might recover against his debtor, in the country of the contract, or in any other whose laws for the limitation of actions would not embrace his case; yet, if, on the action he had brought in this State, there should be a final judgment against him, on the plea of the statute, there can, I think, be no doubt, it would be a conclusive bar to his recovery in the country of the contract, and in every other country."

It would seem, that the confidence of the Judges in denying the numerous legislative constructions of the constitution, must have proceeded from such a zealous devotion to their new theory, as to preclude the inquiries requisite for correct information on that subject; and if it be said, that they ought to have known, at least, the Virginia and Kentucky enactments to which reference has been made herein, it may be replied for them, that as soon as they had settled it, that all enactments upon that subject must be void, it was as natural and as easy for them to forget the past, as to resist and vacate the present; and that their facility in forgetting the former, would be increased by their zeal for the destruction of the latter. Instances have presented themselves, in which the zeal to establish and propagate new theories, has not only effaced the recollection, but even extinguished the intellect, of their votaries. A devotion to the discovery of the perpetual motion, which is believed to be about as practicable as the new theory of obligation, has not unfrequently resulted in the futility of the devotees. But, whatever may be the state of the recollection of the Judges, the people of the States of Massachusetts, of Maine, of Maryland, of Tennessee, of Georgia, of Virginia, and even of Kentucky, must be presumed to have possessed sound memories, and understandings competent to the comprehension of the import of the 10th section of the first article of the federal constitution, and to the management of their own affairs, according to the rule which it imposes. They ought, more especially, to be thought so, from the consideration that many of those enactments were made very soon after the adoption of that constitution, and their enactments ought to be considered as a practical contemporaneous exposition of that instrument. Those laws, with but few, if any exception, are as well retrospective as prospective, and evince the common-sense principle, that if it is wise to provide against future evils, it is not less wise, and more natural, to mitigate evils that are present and imminent. They are all, moreover, predicated upon the obvious distinction, inherent in the nature of things, between right and remedy; or, as jurists say, "the lex contractus and the lex fori." The case quoted above, from the appellate court of South-Carolina, is predicated upon, and
sanctions that distinction; and the reason that cases establishing this distinction, are not more numerous, is, that but few have had the hardihood to draw it into decision, by contradicting it. It is only since the intellect which was employed in the formation of the constitution, has been withdrawn by the desistings, from among us, that official power has acquired the confidence to negative the great principle upon which it rests. But will, or can the appellate Judges say, that the decision of the supreme court of South Carolina is entitled to no weight? It is not the dictum of an inferior Judge. That tribunal was appellate, and its incumbents, some of them at least, among the most distinguished men in America. But the wisdom of that State had previously, by the enaction of the law in relation to insolvent debtors, declared the same sentiment, and thereby furnished another instance of legislative exposition of the contested section of the constitution. Will not the Judges yield to the force of the concurrent sentiment of so many States, and of the appellate decision from South Carolina, and to the tariff sanction, at least, of that sentiment, by all the appellate tribunals of those States? For the sentiment could not have prevailed, if it had been wrong, against the reprobation of their respective appellate tribunals. That sentiment had the sanction of Judge Mills, but little more than a year ago. In the case of Blair vs. Williams, &c. he says: "For it will be seen, that I do not adopt the construction of the constitution, that obligation means remedy only, and that the remedy under which a contract was made, attaches to, and so incorporates itself with it, that the same remedy must be used to enforce it. In this respect, I differ in opinion with my brethren." &c. Two years ago, they concurred with him, in concurring with all the world, that right and remedy were distinct things, and that remedy might be varied at the discretion of the Legislature. Now, he concurs with them in differing from all the world, upon that subject. How long would they adhere, if left to themselves, to their present opinion? Society cannot bear the agony of the experiment. It cannot surrender the inherent right of varying its remedial laws, so as to suit them to those mutations in society, which are inseparable from the condition of man. The substitute proposed by their honors, of relieving society from the calamities which may be inflicted upon it by war, famine, pestilence, &c. is about as European and visionary, as the new theory of obligation, and not less impracticable. It is to increase the calamities of society, by the calamity of increased taxation, in order to mitigate the evils which implore the remedial efforts of the sovereign power; that is, when the hardy yeomanry of the State are in the field, fighting the battles of their country, to let their wealthy and indolent creditors ("who would themselves have been soldiers,
but that the bowels of the innocent earth had been digged for the
villainous saltpetre? sacrifice their property and unhbose their
families; and lest they might not be able to effect it, afford
them the help of the ravenous tax gatherer. They must have
taken the idea from the instance mentioned in Sacred Writ, in
which Pharaoh provided by taxation, in kind, for the relief of
the needy, during the seven years' famine, which were ap-
proaching; but they have overlooked the circumstance, that in
that instance, Pharaoh was enabled, by the special premonitions
of Heaven, to look with unerring certainty, up through a period
of fourteen years, and to distinguish between the first and the
last seven of them, and that the taxation took place during the
seven prosperous years, and in the view to provide relief against
the calamities of the seven years of famine—another instance
in which Heaven was graciously concerned in the enaction of a
relief law. Now, the project of the Judges, is either to tax the
people when calamity shall have visited them, for the purpose of
mitigating that calamity, or in the same view to tax them in
periods of prosperity. The first mode would be to aggravate
by the exactions of the tax-gatherer, the calamity which it was
intended to relieve. The other mode would eventuate in a grea-
ter calamity than any which could be apprehended, as the sub-
ject of the contemplated relief, taxation, in any, even the best
government, is itself an evil which is only tolerated because of
its necessity, and should, therefore, never be pushed beyond the
extent of that necessity. But, by this plan of the Judges, the
very necessity of the relief would be produced in the operation
of the means employed to provide against its pressure, upon its
arrival; so that, by the Judges' plan, society would have the
credit of producing the calamity, and of relieving it, and that
too by the proceeds of the means which produced it. This is
surely an intellectual discovery! But could the Judges have
supposed that this relief project would conceal the nakedness of
their new theory, or at all recommend it to the acceptance of
the people? The money in the public treasury belongs to the
people, and there should not, on principles of sound policy, be
at any time in the treasury, a single dollar beyond the sum ne-
cessary for the purposes of the civil list, and the incident con-
tingencies. An accumulation of money in the treasury, beyond
the needs of the civil list, is so much withdrawn from circula-
tion, and thrown into a state of inaction, except so far as it may
be smuggled into activity, through the means of the corruption
and peculation which it would be sure to generate; but when
it is considered, that money is the incentive to industry, as well
as its reward, the impolicy of withdrawing it unnecessarily from
among the people, will be readily perceived. Upon the supposi-
tion that there are one hundred thousand men in this common-
wealth, and that each should owe the other $100, the aggregate
debt would be near $10,000,000. The whole debt would be
extinguished by the circulation of $100, paid by each to the
other. But should calamity arrive, the government, in order
to relieve, according to the judicial project, must have collect-
ed, and have on hand in the treasury, $10,000,000, to give or
lose; and this, too, in preference to the exercise by the Legis-
lature, of its remedial power, in the enactment of a six or nine
months’ replevin law. It is a wonder, this wonderful discovery
had not been made by some of the above enumerated States,
during the calamity inflicted by the embargo, non-intercourse,
and war! Their mode of relief eventuates, like their construc-
tion of the 10th section of the first article of the constitution
of the United States, in distress. It is reproached by every prin-
ciple of sound policy, of which we have any knowledge.

The Judges, in speaking of the principle asserted in the re-
port, that a law, before it should be vacated in the course of ju-
dicial decision, should be so obviously and palpably unconsti-
tutional, that the public mind would sanction the decision vaca-
ting it, asked, in a tone that cannot be misunderstood, “To whom
must it be obvious and palpable? To the idiot, the lunatic, the
incapable, &c. all of whom have a right to vote at an election?”
The committee are restrained from making any comment upon
this quotation, as well by respect for the Legislature, as by what
they consider a becoming self respect. Taken as a criterion
of the estimation in which the Judges hold the people, its import
cannot be well mistaken.

They then controvert the principle of the report, and assert,
in substance, that the unconstitutionality of the law need only
be obvious and palpable to the mind of the Judge before whom
its validity is drawn in question, to justify him to declare it to
be invalid. Here, as in every other instance throughout the
response, which afforded the opportunity, the Judges, in effect,
assert their exemption from responsibility, in the exercise of
judicial power. Upon the principle which they assert, they
may, without any responsibility whatever, declare every law on
the statute book to be void, as it may be drawn into considera-
tion in the course of judicial decision before them. They have
said at the threshold of their response, that they are not respon-
sible for mere error in the course of judicial decision; they
here assert, that the unconstitutionality of the law, need only be
obvious to their own minds, without any regard to the public
mind or sentiment whatever. Irresponsibility follows. Was
the blood and treasure of the revolution squandered in the ex-
change only of regal for judicial tyranny? What constitutes
tyranny, if it be not the power to dispose of the lives, the liber-
ty and the property of the people, according to principles ob-
viously and palpably clear to the mind of the tyrant, without reference to the public will? And is not that power asserted in the response, for the judiciary? The people compose the civil society; the Judges are their agents; the rules of their agency are prescribed by the constitution and the Legislature. And shall it be asserted, successfully, by those judicial agents, that the import of the charter of their powers, must be ascertained by rules and principles, which have reference to their own minds only? This would be true, if the people were really all idiots, lunatics, &c.; but upon no other predication. Is not the tendency of this doctrine, to reverse the order of nature, and make regents of the agents, and vassals of the people?

Is not the love of liberty natural to man? And why, it may be asked, is it not universally enjoyed? Not because of its voluntary abandonment, but because of the perversion and abuse of the natural liberty, which is voluntarily surrendered, for the maintenance and protection of civil liberty. How, and by whom, is it perverted? By the public functionaries, in the gradual extension of their powers, under the plausible colour of official duty. The unsuspecting honesty of the people, accords to their functionaries that confiding indulgence, which emboldens them to make still farther and farther encroachments, until, before the people are aware, they assert as a right, what was at first conceded as an indulgence, and the liberty of the people, if not lost, is greatly endangered. The people are told, that they are a set of idiots; that they have no right to inquire if the law which the Judge has declared to be unconstitutional, is really so; it is enough if it has seemed obviously so to the mind of the Judge—that is exclusively his look out; that the ship of State is under his pilotage and direction; that he has nailed the colours to the mast, and will not give up the ship. The crew have no right to see that she is well navigated, and kept in her proper latitude—that is a matter exclusively with the Judge.—It was in that way that the free governments have all been lost. The struggles which have been made by the people, when awakened from their confidence by the galling encroachments of power, to the sad realities of oppression, have been charged upon them, by its soldiery, and their minions, as an inherent vice, inseparable from their legislation, and destructive of their power of self-government. But a close attention to history, will correct and refute this ruinous error. History and observation will teach us, that the aspirations of ambition, associated with the inherent power of wealth, have inflicted upon the people those agonies, which are mistaken by the unobserving and the credulous, for the restlessness of anarchy, and the illusion is propagated by those whose interest it is, to conceal in misnomer, the enormity of their purposes, and their deeds.
has been denominated a spirit of anarchy in the people, is but
the divinity of liberty that sits within them, and sometimes
displays itself in spasmodic efforts to break the fetters with
which it was bound, while it reclined its confidence head in the
lap of fiduciary power, as did the strong man in that of Delilah;
and like him, it has not unfrequently been shorn of its strength
while it slept. The inquiry as to how the people lost, and the
usurper obtained the sovereign power of the state, is not only
always un courteous, but frequently dangerous. When the sove-
reign power is obtained and exercised, it will be counted by very
many, (such is the frailty of human nature,) no matter how got.
Hence, the flatterers of royalty have been able to prove, by a
very logical process, and entirely to the satisfaction of Kings,
that their right to rule was divine. They stated that nature
made all men equal; that no one had a right of sovereignty
over another; that nature made no sovereign, that the social
compact could only modify what nature had made; that sove-
reignty was not to be found among men, and the compact could
not create it; but it existed in his majesty, and, therefore, Hea-
ven must have conferred it. Hence the divine right of Kings.
His majesty was not, we may be assured, hard to convince; the
piety of the people was addressed, and their credulity invoked;
they believed, and were, of course, enslaved. It can never be
very material, to the people of Kentucky, who shall govern, or
under what name they shall be governed, judicial or royal, until
they shall have determined to surrender the right of self-govern-
ment; and that they will not do, it is hoped, for a very long
time, unless idiots and lunatics should multiply among them very
fast. They cannot, therefore, for the present, have a less zealous
interest in the maintenance of the constitution, than the
three Judges. They cannot, we think, be decently said not to
possess intelligence enough to comprehend its import, nor virtue
enough to regard its obligation; nor can they feel themselves
flattered, when they are told, that their understanding of its
provisions is to be wholly disregarded, in its construction. But
if the people of Kentucky could ever acquiesce in the other enor-
mities of the new theory, they can surely never agree, that such
peridy shall be stamped upon them by judicial decision.
They cannot recognize as legitimate and sound, a theory, the
principles of which, while they paralyze the legislative arm,
induce anguish on the bosom of society, and stamp inanity upon
the State. The theory established by the Judges, denies to the
compact between Virginia and Kentucky, any legal obligation
whatever, upon either of the States. In 4th Littell's Reports,
pages 825-6, Judges Boyle and Owsley record their sentiments
to that effect, in the following words: "It is not, however, ad-
mitted, that the act has, in the slightest degree, impaired the
obligation of the compact with Virginia. It is impossible for it to have done so, if we were correct upon a former occasion, in limiting the operation of the constitution to legal obligations, and in making the legal obligation of contracts consist in the remedy afforded by law; for it will not be pretended, that the law affords any legal remedy, either to the State of Virginia or to this State, in case either should violate the compact; and, of course, there can exist no legal obligation upon either State, and none such can have been impaired by the act.” So that the doctrine of the court denies to the compact any legal obligation whatever; and it can have no moral obligation, because, according to the same theory, moral obligation results exclusively from the laws of nature; but if it had moral obligation, it would be an obligatory for the want of a remedy. But they cannot conceive of an obligation which does not oblige;” so that in every view, the compact is, according to their theory, unobligatory. Judge Mills dissented from the other two Judges, in that opinion. He now, however, concurs with them, in asserting the theory of obligation, which led to that result, as appears from their joint signature to the response.

So that it would seem that the compact with Virginia, was incorporated into the constitution of the State of Kentucky, and made, by the convention, a substantive part of that instrument, to no purpose. It was idly believed by the people, to be as sacredly binding as their constitution itself. Their belief in its obligatory effect, was strengthened by the decision of these same Judges, pronounced in the case of Hoy’s heirs vs. M’Murray, &c. affirming the obligatory effect of that compact. That opinion will be found in 1st volume Littell’s Reports, page 564. That opinion is quoted by the Supreme Court of the United States, in their decision of the case of Green and Biddle; in which decision by the Supreme Court, the obligatory effect of the compact is affirmed, and the occupying claimant laws of Kentucky, vacated by the obligatory force allowed to it by that Court. But the compact itself, the constitution of the State, and their own previous decisions, and that of the Supreme Court of the United States, must all now yield to the force and obligation of the new theory. But what is worse, the reputation of the State must be inverted; the State must be proclaimed to be faithless and perjurious. Let the hundreds who have been ruined, and the thousands who have been greatly injured, by its obligatory force, and who were not even tempted by their sufferings to tarnish their honor, by the assertion that it was not, and ought not to be considered as obligatory upon the people of both States, say whether they are willing to subscribe to this new doctrine. The people of Kentucky are too magnanimous and high-minded, to agree to be absolved from the obligation of that
compact, by the operation of the new doctrine, or by any other means than the consent of the two States. They never contended for more than for a fair and just construction of that compact; they can never agree to escape from its effects, by denying its obligation. *Si non honeste tamen deCORE, is a sentiment which they think should form the ultimate barrier, among even the most degenerate people; they will never agree to approach, or even be driven to that limit. The Kentuckians cannot consent to their absolution from the obligation of the compact, so gratuitously and so unexpectedly offered to them by the Appellate Judges. They want only the rights of freemen; they will maintain them, and with them the just pride of State character—the former by every legitimate mode; and the latter, by acknowledging and observing with good faith, the obligations of the compact which gave birth to the State.

It cannot but appear somewhat strange, that the Judges should have defied the production of a single decision of a superior tribunal, in contravention of their new theory, when it is considered that the Chief Justice had found it necessary, in the case of Blair and Williams, to overrule a decision of the Supreme Court of the United States, which negatived the construction of the constitution, upon which that theory rests. Surely the decision in the case of Green and Biddle, above alluded to, giving obligatory effect to the compact, is contrary to their decision vacating it; and surely that is the decision of a superior tribunal. The decision quoted from South-Carolina, is the decision of the supreme appellate tribunal of that state; and their own decision, in the case of Hoy's heirs vs. Mr. Murray, &c. giving obligatory effect to the compact, they must acknowledge to be the decision of a superior tribunal. The previous decisions of themselves and their predecessors, acknowledging the obligation of the compact, were all of appellate character; and all these, and the decisions, it is believed, of the civilized world, contravene their new doctrine. Hear Huberus, that able jurist, upon this subject. He says: "The reason is, that acts of limitation and modes of execution, do not belong to the essence of the contract; but to the time and manner of bringing suits, which is a distinct thing; and, therefore, it is established upon entering a judgment, the law of the place where it is rendered, is to govern, although it respects a contract made elsewhere." See 3d Dallas' Reports, page 373, in note.

It is to be regretted, that the Judges had not adopted a less servile and positive manner, in their response. The soundest logic, and the most convincing reasoning, are not always associated with terms of acridity and defiance, even in the discussion of political party questions. From the judicial appellate tribunal of the State, indications of political fervor, are not to
be expected. Its incumbents are not the head of a party; they are the Judges of the State. Besides; it was alike due to the magnitude of the question, to the people and themselves, that they should have abstained from the envenomed indulgences in which they have so liberally indulged. These considerations, as well as the intrinsic unfitness of such a course, forbid retribution or comment, in kind.

We cannot but think that the Judges have been unhappy in the complaint which they utter, towards the close of their response, against our late excellent Chief Magistrate and his worthy successor. It was the duty of those gentlemen, occupying, as they respectively did, the Chair of State, to communicate to the Legislature, whatever they believed to be interesting to the people. They did but invite legislative attention to the new, and, as they believed, dangerous theory promulgated by the judiciary. They would have been faithful to the constitution, the people, and themselves, had they acted differently. If the new theory had possessed the merit which is ascribed to it, then would the executive communications complained of, have been the harbinger of the glory of its votaries. But if, on the contrary, it was in reality an experimental exercise of power in the judicial department, forbidden by the genius of the government and the best interests of the country, and they had, by their silence, connived at its exercise, they would have incurred the imputation of a dereelection of official duty, for which they ought not to have been forgiven by the people, who, it is insisted, notwithstanding there are among them some idiots, lunatics and persons of intemperate habits, constitute the tribunal by which the merit of this experiment must be ultimately decided. The Governors, therefore, to whom the querulous allusion is made in the response, are entitled to the approbation of the people, and, if the respondents are right, to their gratitude.

The closing address of the respondents to the sympathy of the people, is believed to be peculiarly unhappy, both in matter and manner. If the people are right in their reprobation of the new theory, they cannot be supposed to be so callous to the agonies it inflicts on them, as to sanction the continuance of their own anguish, by their sympathies for the official sensibilities of those who inflict it. There are occasions in which sympathy is unfeeling cruelty. This is believed to be of that description. Besides, it is intrinsically a subject, the merits of which are to be decided by the understanding, and not the sympathies of the community. The question is solely, whether the legal obligation of a contract consists exclusively in legal remedy—whether right and remedy are identically the same thing; and the former consists, always and exclusively, in the latter, and cannot exist without it; and consequently, whether the legislative
power can be, at all, exerted for the melioration of the human or social condition—whether that power can be exercised in the enactment of execution laws, occupying claimant laws, limitation laws, &c. or whether the discretion of the judiciary shall occupy the place of legislative will. Reason is surely competent to the decision of this question. It is the same in principle, which was decided by the American Revolution. It is, whether the people shall govern, or be governed by the few, or a still smaller number; and an address to the sympathies of the American people, by George the third, in favor of the prerogative powers which he asserted, would have been as appropriate, as the address in the response in favor of judicial prerogative. The ravages made by the latter prerogative among the people, upon their interests and their hopes, furnish ample matter for just sympathy—a sympathy incompatible with that employed by the respondents. But must not that course of judicial decision be miserably weak, indeed, which repose for its support, not upon the intelligence, but upon the sympathy of the people? And can it be supposed, that a people whose understanding is defied and outraged by a course of judicial decision, can lend the aid of their sympathies to its support? And can they, who, when they claim that a law shall be obviously and palpably in conflict with the constitution, before it is annulled by their judicial functionaries, are told expressly, that the only understanding to be addressed or regarded, is that of the judiciary; and by sarcastic implication, that their understanding is incompetent to the comprehension of matters of that sort; that there are among them, idiots, lunatics, inebriates, &c. who have a right to vote—can they, ought they to withdraw their sympathy from their own sufferings, and devote them to the support of their agents, who, by inverting the laws of agency, and of nature, inflict those sufferings? The pride of usurpation should not invoke it; the sufferings of oppression should not accord it. It is true, they have served long; it is also true, that they have been paid for their services; and it is likewise true, that they have experienced the confiding indulgence of the community, to an extent not surpassed in any country; and it is not less true, that the present effort to remove them, has been extorted from a patient, high-minded, reluctant people, by an assertion of judicial power, in which it would be criminal on their part to acquiesce—a people who, while they have the most sacred regard for judicial independence, have a strong consciousness of their own rights, and who would believe they were faithless to themselves and to posterity, if they should surrender them to judicial encroachment.

Your committee cannot conclude, without expressing their deep regret, that the Judges should have attempted, by the con-
struction which they have given, in their response, to the third section of the 4th article of the constitution of the State, to pervert its obvious and recorded meaning, and thereby intrude their errors in their resulting irresponsibility; and beg leave to recommend for the adoption of the Legislature, the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Legislature thereof do possess the power, under and by virtue of the import of the 5th section of the 4th article of the constitution of the State, to remove, by address to the Governor for that purpose, any Judge of the superior or inferior courts of this Commonwealth, from office, two-thirds of each house concurring therein, for any mere error of judicial opinion, which does not amount to misdemeanor in office, notwithstanding that error shall have been committed in the course of judicial decision, if it shall inflict upon the community such injury as in their belief shall amount to a reasonable cause for his removal from office, provided they observe, in doing so, the form of proceeding prescribed in such case by the constitution.

Which being read: Ordered, That said report and the response of the Judges of the Court of Appeals, be laid upon the table for the present.

The house proceeded to the consideration of the report of the joint committee of the General Assembly in relation to the decisions of the Judges of the Court of Appeals, reported to this house on the 25th ult.

And the question being taken on the adoption of the first resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Booker and Wilcoxen, were as follows, viz:


The second resolution for the removal of said Judges from office and the address to the Governor for that purpose was also read.

Mr. Litton called for a division of the question as to the removal of each of said Judges separately.

The question was then taken upon the adoption of the address to the Governor for that purpose, as the same relates to the honorable John Boyle, chief justice of the Court of Appeals of the Commonwealth of Kentucky, which was decided in the negative, two thirds of the members of the House of Representatives not concurring therein.

The yeas and nays being taken pursuant to the provisions of the constitution, were as follows, viz:


The question was then taken upon the adoption of said resolution for removal and address to the Governor, so far as relates to the honorable William Owsley; which was decided in the negative, two thirds of the members of the House of Representatives not concurring therein.

The yeas and nays being taken pursuant to the provisions of the constitution, were as follows, viz:

FEAS—Mr. Speaker, Messrs. Booker, H. O. Brown, Buckner, Buford, Caldwell, Carter, Chenowith, Clarkson, Coleman, Cosby, Dallas, A. H. Davis, S. Davies, Forrest, Fulton, Galloway, Garth, J. G. Hardin, M. Hardin, Hodge, Holt, Hunter, Joyes, Litton, Marksberry, Mason, Maupin, Mayo, M'Brayer, J. M'Connell, Middleton, Morehead, Morgan,
The question was then taken upon the adoption of said resolution for removal and address to the Governor, so far as relates to the honorable Benjamin Mills; which was decided in the negative, two thirds of the members of the House of Representatives not concurring therein.

The yeas and nays being taken pursuant to the provisions of the constitution, were as follows, viz:


Mr. Robertson from the committee for courts of justice, to whom was referred, a bill to amend the several acts concerning conveyances, reported the same with amendments, which being twice read were concurred in; the said bill having been further amended:

Ordered, That the further consideration of said bill and amendments be postponed until the first day of June next.

Mr. Woods from the select committee who were appointed to investigate certain charges against Elijah Haydon, a justice of the peace for the county of Barren, made a report.
Ordered, That the said report with the accompanying documents, be committed to a committee of the whole house for Thursday next; and that the said Elijah Haydon be permitted, on that day to appear at the bar of this house by himself or counsel.

A message was received from the Senate announcing the adoption of a preamble and resolution in relation to the decisions of the Court of Appeals; and their concurrence in a resolution which originated in this house for appointing a joint committee to cancel by burning, certain notes of the bank of the Commonwealth, with amendments to the latter resolution.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. W. Patterson—1. a bill concerning the Independent bank of Columbia.

By Mr. Spalding—2. a bill for the benefit of the sheriffs of Union and Allen counties.

By Mr. B. Hardin—3. a bill for the benefit of the heirs of Jno. H. Holt—and

By Mr. Turner—4. a bill for the benefit of the late sheriffs of Madison county.

Which bills were severally received and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of the said bills having been dispensed with, the 1st, 2d and 4th were ordered to be engrossed and read a third time, and the third was committed to the committee for courts of justice.

And thereupon the rule of the house, constitutional provision and third reading of the 1st 2d and 4th bills having been dispensed with and the same being engrossed,

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That Mr. Patterson carry the said bills to the Senate and request their concurrence.

Mr. Joyes from the select committee to whom was referred a bill to change the time of holding the Spencer circuit court and circuit and county courts of Oldham county, reported the same with amendments, which being severally twice read, were concurred in; and a further amendment having been moved thereto,

Ordered, That the said bill and amendments be recommitted to a select committee of Messrs. Mayo, M'Connell of Greenup, W. C. Williams, Shortridge, Crittenden, T. P. Wilson, Cosby and Daviess.

And then the house adjourned.
Mr. Joyes presented the petition of the Union Rolling Mill company, praying the Legislature to pass a law paying them for iron furnished the Kentucky Penitentiary.

Which was received, read and referred to the committee of claims.

A message was received from the Senate, announcing the passage of bills of the following titles, viz:

An act to fix the seat of justice of Meade county.

An act to regulate and curtail the jurisdiction of the General Court.

An act for the benefit of Rebecca Adams.

And the passage of bills, which originated in this house, of the following titles:

An act for the benefit of the late sheriffs of Madison county.

An act for the benefit of the sheriff of Hart county.

And their concurrence in the amendment proposed by this house, upon concurring in that proposed by the Senate, to a bill from this house, entitled an act for the benefit of the Centre College.

Mr. M'Connell, from the select committee to whom was referred a bill from the Senate, entitled an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals, reported the same without amendment.

The reading of the third section of said bill having been called for, the same was read in the following words:

§ 3. The Governor of the Commonwealth of Kentucky shall nominate, and, by and with the advice and consent of the Senate, appoint a chief justice of the State of Kentucky; a second associate justice of the Court of Appeals; a third associate justice of the Court of Appeals; and a fourth associate justice of the Court of Appeals; who shall, by virtue of their office and commissions, be the justices and judges of the said Supreme Court; and the said Court of Appeals shall be constituted and held by and consist of the said Chief Justice and Associate Justices.

It was then moved and seconded to amend said section by striking out the words printed in italics.

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

The yeas and nays being required thereon by Messrs. Cosby and Green, were as follows, viz:

Yea—Messrs. Bates, Breck, Brents, G. I. Brown, Chappeze, Cosby, Cox, Crittenden, Evans, Farmer, Ford, Gibson, Goggin, Gordon, Green, Gresham, B. Hardin, Kennedy, Mil-
The reading of the first section of said bill was then called for, and the same was read in the following words, viz.:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled an act establishing the Court of Appeals, approved June 28th, 1792, also another act entitled an act establishing the Court of Appeals, approved December 19th, 1796, and every act or part of any act or acts for amending said two acts or either of them, or for regulating the Court of Appeals, or concerning the Court of Appeals, or for giving or allowing any salary or compensation to the Chief Justice of Kentucky or any Judge or Justice of the Court of Appeals, or for increasing any salary or compensation to the Chief Justice or any Judge or Justice of the Court of Appeals shall be and the same is hereby repealed.

It was then moved and seconded to amend said section by expunging therefrom the words printed in italics.

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

The yeas and nays being required thereon by Messrs. Turner and Morgan, were as follows, viz.:


It was then moved and seconded to amend said bill by striking out the sixth section of the bill, which was read as follows:

§ 6. The Court of Appeals or a majority of the Justices thereof, in vacation, shall appoint the clerk of said court, who, before he enters upon the duties of his said office, shall take the oath or affirmation prescribed by the constitution to all officers; and shall give bond to the Governor of the Commonwealth of Kentucky, in the penalty of twenty thousand dollars, with security, approved by a majority of the Justices of said court, conditioned for the faithful discharge of the duties and seasonably to record the decrees, judgments, orders and decisions of the said court; which bond, when approved by a majority of the Justices of said court, shall be recorded in the Court of Appeals. It shall not become void upon the first recovery, but may be put
in suit, from time to time, at the costs and charges of any person aggrieved by breach of the condition, until the whole penalty shall be recovered.

And the question being taken on the adoption of the amendment proposed, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Breck and Thruston, were as follows, viz:


The reading of the eighth section of said bill was then called for, and the same was read in the following words:

§ 8. The clerk shall carefully preserve the transcripts of records certified to the court, and all bonds for prosecution, and all papers relating to suits depending in said court; he shall docket the cases in the order that the records are lodged, that they may be heard in the same order; but the court may, for good cause, direct any case to be heard out of its turn. The proceedings of each day shall be drawn at length by the clerk, by the next sitting of the court, and such corrections as are necessary being made, they shall be signed by the presiding justice. When any cause shall be finally determined the clerk shall make a complete record thereof. All writs, process and summons issuing from the Court of Appeals shall bear teste in the name of the clerk and be signed by him.

It was then moved and seconded to amend said section by expunging therefrom the words printed in italics.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. B. Hardin and Morgan, were as follows, viz:

YEAS—Messrs. Bates, Breck, Brents, G. I. Brown, Chapeze, Cosby, Cox, Crittenden, Cunningham, Evans, Farmer,
For the reading of the sixteenth section was called for, and the same was read in the following words:

§ 16. The said supreme court shall not have or take jurisdiction to delay, supersede, hear, determine, affirm or reverse any order, sentence, judgment or decision, or proceeding of any inferior court, of any judge or of any justice or justices of the peace, touching or concerning any of the subjects following: for treason, murder or felony; for any crime punishable by confinement in the penitentiary; for any corporal punishment; for any contempt to either house of the General Assembly, or to any inferior court or judge or justice; nor in any case prosecuted under the act respecting riots, routs and unlawful assemblies; nor under the act for punishing the disturbance of religious societies; nor to any judgment of a county court, affirming or reversing the judgment of a justice of the peace; nor to any judgment of any court in granting or refusing a continuance of any case or in granting or refusing a new trial, because the verdict was contrary to the evidence; nor to any case where the value in controversy is of less value than twenty dollars, exclusive of costs. In all other cases, the said Court of Appeals shall have jurisdiction to revise, correct, reverse or affirm the sentences, decisions, judgments or decrees of all the courts of this commonwealth, inferior to the said supreme court.

It was then moved and seconded to amend the said section by expunging therefrom the words printed in italics.

And the question being taken upon adopting said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cosby and Holt, were as follows, viz:

YEAS—Messrs. Bates, Breck, Brents, Chapeze, Cosby, Cox, Crittenten, Cunningham, Evans, Farmer, Ford, Goggin,
It was then moved and seconded to amend said bill by striking out the thirty-second and thirty-third sections of said bill, which was read as follows, viz:

§ 32. The act entitled an act to authorize the appointment of Sergeant to the Court of Appeals and allowing appeals in certain cases of caveat, approved February 11th, 1809; also an act directing the duties of the Sergeant of the Court of Appeals, approved February 8th, 1812; also another act entitled an act concerning the Sergeant of the Court of Appeals, approved the 14th of January, 1819; also an act to amend an act entitled an act appointing a Sergeant of the Court of Appeals, approved February the 19th, 1819, shall be and the same are hereby repealed. The provisions and enactments of the said three first described acts of February 11th, 1809, of February 8th, 1812, and of 14th January, 1819, are hereby re-enacted, as if the said recited provisions and sections of the said three first acts were herein repeated at large.

§ 33. The said Court of Appeals may, at pleasure, appoint a person to act as Tipstaff and Crier for said court, who shall attend the Court of Appeals and General Court, and perform such duties as shall be required of him by those courts respectively in term time, and for his services he shall receive the same fees as now allowed by the laws of the United States, to the crier of the court of the United States for the Kentucky district, to be paid upon certificate of allowance from said respective courts to the Auditor of public accounts.

And the question being taken on adopting said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Turner and Kennedy, were as follows, viz:

YEAS—Messrs. Breck, Brents, G. I. Brown, Chapeze, Cosby, Cox, Crittenden, Cunningham, Evans, Farmer, Ford, E 3


Mr. M. Hardin then moved to amend said bill by striking out the whole thereof after the enacting clause, and to insert in lieu thereof the following, viz:

"That the Governor shall nominate and, with the advice and consent of the Senate, appoint a fourth judge of the Court of Appeals, who shall be styled the fourth justice of the Court of Appeals; and who shall receive from the public treasury an annual salary of fifteen hundred dollars, payable quarterly in commonwealth's paper."

§ 2. Be it further enacted, That from and after the passage of this act no act or resolution of the General Assembly of Kentucky shall be determined unconstitutional by the Court of Appeals, unless the whole of the judges, in commission, shall concur in such opinion.

It was then moved and seconded, at 20 minutes after 3 o'clock P. M. that this house do now adjourn.

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

The yeas and nays being required thereon by Messrs. Breck and Wickliffe, were as follows, viz:


NAYS—Mr. Speaker, Messrs. Booker, H. O. Brown, Buckner, Carter, Chenowith, Clarkson, Dallam, A. H. Davis, S. Daviess, Forrest, Fulton, Galloway, Garth, J. G. Hardin, Hodge, Holt, Hunter, Joyce, Litton, Marksberry, Mason, Maupin, Mayo, Mc-

It was then moved and seconded to commit the said bill and amendment to a committee of the whole house on the state of the commonwealth, for to-morrow.

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

The yeas and nays being required thereon by Messrs. Wickliffe and Mason, were as follows, viz:


It was then moved and seconded, at half past 4 o'clock P. M. that this house do now adjourn.

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

The yeas and nays being required thereon by Messrs. Green and Wickliffe, were as follows, viz:


NAYS—Mr. Speaker, Messrs. Booker, H. O. Brown, Buckner, Buford, Caldwell, Carter, Chenowith, Clarkson, Coleman, Dallam, A. H. Davis, S. Daviess, Forrest, Fulton, Galloway, Garth, J. G. Hardin, Hodge, Holt, Hunter, Joyes, Litten, Marksberry, Mason, Maupin, Mayo, M'Brayer, Middleton, Morgan, Mosely, Mullens, Napier, Oldham, W. Patterson,

It was moved at 20 minutes after 5 o'clock P. M. that this house do now adjourn.

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

The yeas and nays being required thereon by Messrs. Booker and Kennedy, were as follows, viz:


It was moved and seconded, at 20 minutes after 6 o'clock P. M. that this house do now adjourn.

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

The yeas and nays being required thereon by Messrs. Booker and B. Hardin, were as follows, viz:


And then the house adjourned.

WEDNESDAY, DECEMBER 22, 1824.

A message from the Senate was received by Mr. Wickliffe, announcing the passage of bills, which originated in this house, of the following titles:

An act to incorporate St. Joseph’s College of Bardstown,

An act for the benefit of the sheriffs of Union and Allen counties—and

The passage of a bill entitled an act for the establishment of the county of Lyon—and

An act for the benefit of the heirs of David Logan, deceased.

Mr. Brown, of Harrison, moved the following resolution:

Resolved, That no person except ladies, members of the Legislature and officers of the government, shall be permitted to enter this hall, without the special invitation of the house or some member thereof.

Which being twice read, was adopted.

The house resumed the consideration of a bill from the Senate, entitled an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals—and the amendment proposed as a substitute therefor, by Mr. Hardin of Hardin, on yesterday. And after discussion thereon,

It was moved and seconded, at half past 5 o'clock P. M. that this house do now adjourn.

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

The yeas and nays being required thereon by Messrs. Wickliffe and Holt, were as follows, viz:


NAYS—Mr. Speaker, Messrs. Booker, H. O. Brown, Buckner, Carter, Chenowith, Clarkson, Dallam, S. Daviss, Forrest, Fulton, Galloway, Garth, J. G. Hardin, Hodge, Holt, Hunter, F. S.
Mr. Prince, from the joint committee of enrollments, reported that the committee had examined enrolled bills and a resolution of the following titles:

An act to incorporate the St. Joseph's College of Bardstown.
An act for the benefit of the sheriffs of Union and Allen counties.
An act for the benefit of the late sheriffs of Madison county.
An act for the benefit of the sheriff of Hart county.
An act for the benefit of the state Hospital at Louisville.
An act for the benefit of the Centre College—and
A resolution concerning the directory of the Bank of the Commonwealth of Kentucky.

And had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.
Ordered, That Mr. Prince inform the Senate thereof.

A message was received from the Senate, announcing the passage of bills, which originated in this house, of the following titles:

An act for the benefit of Marcus Huling and others, with amendments.

An act for appropriating the vacant land in the state of Tennessee, between Walker's line and the latitude of 36 deg. 30 m.

An act declaring Kinmaconick navigable to the mouth of the Laurel fork, with an amendment.

The passage of bills, by the Senate, of the following titles:

An act to amend the act entitled an act to establish and regulate the town of Louisa, in the county of Lawrence.

An act to amend an act entitled an act to authorize a Lottery for the purpose of draining the ponds in the town of Louisville and adjoining thereto—and

The adoption of preamble and resolutions in relation to the decision of the Supreme Court of the United States in the occupying claimant laws of this state and proposing certain restrictions on the jurisdiction of the Federal courts.

A message from the Senate by Mr. Loughborough:

Mr. Speaker—The Governor did, on this day, approve and sign sundry enrolled bills and a resolution of the following titles:

An act for the benefit of the late sheriffs of Madison county.

An act for the benefit of the state Hospital at Louisville.

An act for the benefit of Hart county.

An act for the benefit of the sheriffs of Union and Allen counties—and

A resolution concerning the directory of the Bank of the Commonwealth of Kentucky.

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

On motion, Ordered, That the report of the committee appointed to investigate certain charges exhibited against Elijah Haydon, a justice of the peace for Barren county, be made the order of the day for Thursday next.

The house resumed the consideration of a bill from the Senate, entitled an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals and the substitute offered by Mr. M. Hardin thereto.

The question was then taken upon adopting the said amendment in lieu of the original bill, after the enacting clause.

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

The yeas and nays being required thereon by Messrs. S. Daviess and M. Hardin, were as follows, viz:


It was then moved and seconded, at 45 minutes after 10 o'clock P. M. that this house do now adjourn. And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. New and Crittenden, were as follows, viz:


It was then moved and seconded, that the said bill be ordered to a third reading immediately on this day. A division of the question was called for and the question was first put, shall this bill be read a third time? which was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Samuel and S. Daviess, were as follows, viz:


The question was then put on the second branch of the proposition, viz: upon reading the said bill a third time immediately; which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and New, were as follows, viz:


The reading of said bill a third time having been dispensed with, the question was put on the passage thereof, which was decided in the affirmative.
The yeas and nays being required thereon by Messrs. New and Brown, were as follows, viz:


Ordered, That Mr. S. Daviess inform the Senate thereof.
And then the house adjourned.

FRIDAY, DECEMBER 24, 1824.

Mr. Joyes, from the joint committee of enrollments, reported that the committee of enrollments had examined an enrolled bill, entitled an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals—and had found the same truly enrolled.
Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Joyes inform the Senate thereof.

Mr. Coleman moved the following resolution:

Resolved, That when this house adjourn to-day, it adjourn to meet on Monday morning, 10 o’clock.
Which being twice read, was adopted.

The yeas and nays being required on the adoption of said resolution by Messrs. M’Connell, of Greenup, and Coleman, were as follows, viz:


Mr. Crittenden read and laid on the table the following resolutions:

Whereas, it appears from the result of the elections in the several states, and the formation of the Electoral College for choosing a President of the United States, that no person will receive a majority of electoral votes; and, that Henry Clay, who was the first choice of the people of Kentucky, has not received a sufficient number of votes to bring him before the House of Representatives as one of the three highest, from whom the choice of the President of the United States is to be made; Therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That the members of the House of Representatives, in the Congress of the United States from this state, be requested to vote for General Andrew Jackson as President of the United States.

Resolved, As the opinion of this Legislature, that General Andrew Jackson is the second choice of the State of Kentucky for the next President of the United States—That a very large majority of the people of this state prefer General Jackson to Mr. Adams or Mr. Crawford—and that the members in the House of Representatives in the Congress of the United States, will, by complying with the request herein signified, faithfully and truly represent the feelings and wishes of the good people of Kentucky.

Resolved, That the Governor of the Commonwealth of Kentucky, be requested to forward, forthwith, a copy of the foregoing resolutions to each of our representatives in the Congress of the United States.

A message was received from the Senate, announcing the passage of bills, which originated in this house, of the following titles:

An act for the benefit of Ermina M'Haney and Elizabeth Chrisman.

An act for the divorce of Sally Buster.

An act for the divorce of Elisha M'Cormas from his wife Rispa M'Cormas.

An act for the relief of Jesse Baker, Jr.

An act for the benefit of Doshia Barlow—and
An act further to provide for opening and keeping in repair the road from Danville to the Tennessee line, in the direction of Murfreesborough.

The passage of bills by the Senate of the following titles:

An act for the divorce of Ann Hall.

An act entitled an act to incorporate the Greensburg Bridge company.

An act for the benefit of the widow and devisees of Leratte Dickerson, deceased.

A resolution concerning the public printers—and

A resolution for paying the building commissioners of the Penitentiary—and

That the Senate had received official information that the Governor did, on this day, approve and sign an enrolled bill, which originated in the Senate, entitled an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals.

On the motion of Mr. Rodman, Ordered, That leave be given to bring in a bill for the benefit of Edmund Bartlett—and that Messrs. Rodman, Samuel and Hodge be appointed a committee to prepare and bring in the same.

A bill further to regulate the Court of Appeals, was read a second time and committed to a select committee of Messrs. Shortridge, Cosby, Rowan, Brents, S. Daviess, W. C. Payne, Holt, B. Hardin, Chapeze, Maupin, Brown of Harrison, Goggin, Breck and Morgan.

Mr. Robertson, from the committee for courts of justice, reported a bill for the benefit of the heirs of Joshua Wilson—and

A bill for the benefit of Andrew Mershon.

Which bills were severally received and read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second and third readings of said bills having been dispensed with and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Thruston carry the said bills to the Senate and request their concurrence.

Mr. Wickliffe, from the select committee to whom was referred a bill to provide for opening and keeping in repair the public roads in the county of Fayette, reported the same with amendments, which being twice read, were concurred in—and the said bill, as amended, ordered to be engrossed and read a third time on Monday next.

Mr. Hodge, from the select committee to whom was referred a bill to regulate the pay of the members of the General Assembly, reported the same with an amendment.
Ordered, That the said bill and amendment be laid on the table.

Mr. Hodge, from the select committee appointed for that purpose, reported a bill for the benefit of the Simpson Seminary—which was received and read the first time and laid on the table until the first day of June next.

The amendments proposed by the Senate to bills, which originated in this house, of the following titles, to wit:

An act for the benefit of Benjamin Craig—and
An act to change the place of taking the votes in the Bloomfield precinct in Nelson county; were taken up, twice read and concurred in.

Ordered, That Mr. B. Hardin inform the Senate thereof.

A resolution from the Senate, for paying the building commissioners of the Penitentiary, was taken up, twice read and concurred in.

Ordered, That Mr. Hunter inform the Senate thereof.

An engrossed bill, entitled an act to attach the county of Nicholas to the first district of the Bank of the Commonwealth of Kentucky, was taken up and read the third time; whereupon,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Morgan carry said bill to the Senate and request their concurrence.

Mr. Mosely, from the select committee to whom was referred a resolution, to enquire whether the public printing costs more when divided than when all united in the same office; and whether any advantage has accrued, to the public, from the division, made the following report:

The committee appointed to enquire whether the public printing costs more when divided than when all united in the same office, and whether any advantage has accrued, to the public, from the division; have performed that duty and beg leave to report:

That, by the Treasurer's report, it appears that the expense of the public printing, last year, was $1321 37—by reference to the Auditor's and Treasurer's reports of former years, it will appear, that this is at least $1000 more than it ever cost before, except when there has been an extra session of the Legislature, and $1500 more than the usual average cost of that department of the public service. This augmentation of expense has arisen from an unusual amount of printing, an increase in the price of paper and job work, owing to the depreciation of the currency and the division of the public printing.

The division of the public printing increases its expense in this:—That for every document ordered to be printed by both houses, the types, for precisely the same matter, have to be set
up in two printing offices, and there is an additional charge against the commonwealth for this increase of labor.

In relation to the second branch of the enquiry, we do not learn that any advantage has accrued to the commonwealth, by the division of the printing. The journals are not kept up better than they were before, nor are the bills and documents, ordered by the Legislature, printed with more expedition, nor have the acts of Assembly been printed sooner after the close of the session, nor has any thing been gained in point of accuracy.

While the state has lost money without any equivalent by this measure, it has also increased the labor and diminished the profits of the public officers employed in this service. The prices of public printing were reduced as low as competition could reduce them in 1808, from which period they have remained uniform up to the present time. They were then fixed at least 10 per cent. below the customary prices, but the low prices were compensated by the largeness of the job, the certainty of pay, and the advantages afforded by printing both the journals in the same office. These advantages accrued thus:—Governor's messages, all reports from public institutions and joint committees are spread on both journals, and the printer having once set up his types transferred them from one to the other, without the labor of setting them over again. But since the division of the printing this advantage is lost, and all those documents have to be set up in both offices. There are in the Senate journal of the present session about 120 pages of those documents which are also inserted, word for word, in the journals of this house. We are informed, that setting the types for four pages is counted a printer's day's work. Of course the increase of labor in the journals of the present session, caused by the division of the printing, is equal to thirty day's work for one hand. The price of the printers, originally low, is reduced much lower by the currency in which they receive it, while a division of their work has thus augmented their labor. Competition for the office between different printers, might keep the price down, but if the division is persisted in, it is to be apprehended, that the meagerness of the printers' pay, and this increase of his labor will lead to an understanding among those to whom it may be distributed, to increase the price and thus further to augment the cost to the commonwealth. Sure it is, that the printing cannot be afforded as cheap, when divided, as when united, because there is a large increase of labor without a corresponding increase of pay; and the present printers unite in the declaration, that the prices of printing the acts and journals were reduced so low in 1808, as to be very unprofitable; and if this be so, the present increase of labor and depreciation of currency must make them
more so, and hold out strong inducements for them to ask an increase of pay.

This increase of labor also delays the journals and procrastinates the printing of bills &c. Were the printing all done in one office, the hands, now occupied for days in setting up those long documents a second time, might be employed in bringing forward other parts of the journal or printing bills, thus expediting the business of the Legislature.

It is the opinion of most of the gentlemen from whom we have sought information, that the distribution of this work necessarily produces delays, that printers, enjoying half the profits of this job, cannot afford to keep their offices so well provided with hands to meet sudden emergencies and a press of work as if they enjoyed the whole; that numerous hands, in one office, by being withdrawn from work which is less urgent and devoted to that which is more so, will always meet the order of the Legislature, with more promptness than the few hands which can only be employed in each office when the printing is distributed; and that these numerous hands, turned upon the laws at the close of the session, will print them sooner than they can be printed under the present system.

We are informed that congress, after trying the distribution system and suffering its evils, found it necessary to throw all their work into one office, and have profited much by the change, although their printing exceeds that of Kentucky fifty or an hundred fold.

On the whole, we cannot think a system wise or politic which increases the expenses of the state, reduces the profits of the public officer, by an useless augmentation of his labor, tends to produce needless delays in the execution of the public work, together with a further increase of the public expense, and, at the same time, does not compensate for these evils by a single public benefit. We therefore recommend the adoption of the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the public printing shall not hereafter be divided.

R. MOSELY, Chm.
L. WILLIAMS.
WM. T. BUCKNER.
S. DAVIES.

Mr. S. Daviess, from the committee of propositions and grievances, made the following report, viz: The committee of propositions and grievances have, according to order, had under consideration several petitions to them referred, and have come to the following resolutions thereupon, to wit:
Resolved, As the opinion of this committee, that the petition of sundry citizens of Warren county, praying the passage of a law compelling the society called Shakers to build a lock on a dam, erected by them, on Drake's creek in said county of Warren, be rejected.

Resolved, That the petition of sundry citizens of McCracken county, praying the passage of a law compelling the society called Shakers to build a lock on a dam, erected by them, on Drake's creek in said county of Warren, be rejected.

Which being twice read, were concurred in.

Ordered, That said committee prepare and bring in a bill pursuant to the second resolution.

Mr. Wade, from the select committee to whom was referred a bill to authorize the county court of Green county to appoint an additional constable in said county, reported the same with amendments.

Which being twice read, were concurred in.

Whereupon, said bill was ordered to be engrossed and read a third time.

And thereupon, the rules of the house, constitutional provision and third reading of said bill having been dispensed with and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be amended, to read, a bill to allow additional constables and justices of the peace to several counties in this commonwealth.

Ordered, That Mr. Wade carry said bill to the Senate and request their concurrence.

Mr. M. Hardin, from the select committee appointed for that purpose, reported a bill to erect election precincts in the counties of Meade, Hardin Pulaski and Nelson; which was received and read the first and ordered to be read a second time.

And thereupon, the rules of the house, constitutional provision and second and third readings of said bill having been dispensed with and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. M. Hardin carry said bill to the Senate and request their concurrence.

It was then moved and seconded, at 1 o'clock P. M. that the house do now adjourn.

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

The yeas and nays being required thereon by Messrs. Chernowith and Green, were as follows, to wit:

OF REPRESENTATIVES.


And the house adjourned.

MONDAY, DECEMBER 27, 1824.

Mr. Summers presented the petition of Sarah Kinner, praying a divorce from her husband Rodham Kinner.

Mr. Hunter presented the petition of the guardian of the infant heir of William Littell deceased, praying that a law may pass to authorize a sale of the real estate of the decedent, to be applied, in aid of his personal estate, to the discharge of the debts of the decedent.

The first was committed to the committee of religion and the latter to the committee for courts of justice.

Mr. Prince, from the joint committee of enrollments, reported that they had examined sundry enrolled bills of the following titles, and had found the same truly enrolled, viz:
An act for the benefit of Ermina M’Haney and Elizabeth Chrisman.
An act for the divorce of Sally Buster.
An act for the divorce of Elisha M’Cormas from his wife Rispha M’Cormas.
An act for the benefit of Jesse Baker, Jr.
An act for the benefit of Doshey Barlow.
An act further to provide for opening and keeping in repair the road from Danville to the Tennessee line, in the direction of Murfreesborough.
An act to change the place of taking the votes in the Bloomfield precinct in Nelson county, and for other purposes.
An act for the benefit of Benjamin Craig and others.
Whereupon, the Speaker affixed his signature thereto.
Ordered, That Mr. Prince inform the Senate thereof.

The house took up the report of the committee of religion, which was laid upon the table on the 13th instant: which being twice read, the first, second, third, fourth, fifth, seventh, eighth and ninth resolutions were concurred in, and the sixth was laid upon the table.

Ordered, That said committee prepare and bring in bills pursuant to the 1st, 2nd and 9th resolutions.

Mr. Mayo, from the joint committee to whom was referred a bill to change the times of holding the Spencer circuit court and
circuit and county courts of Oldham county, reported the same with amendments; which being twice read was concurred in. The said bill being further amended at the clerk's table, was ordered to be engrossed, as amended, and read a third time.

And thereupon, the rules of the house, constitutional provision and third reading of said bill having been dispensed with and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be amended to read, an act to alter the times of holding certain circuit and county courts in this commonwealth.

Ordered, That Mr. Mayo carry said bill to the Senate and request their concurrence.

Mr. M. Hardin offered the following resolution, viz:

Resolved, that the House of Representatives, That when they adjourn on the 27th, they will adjourn to meet at 9 o'clock A. M., which being twice read, was adopted.

Leave was given to bring in the following bills, viz:

On motion of Mr. L. Williams—1. a bill for the benefit of the sheriff of Monroe county.

On motion of Mr. S. Daviess—2. a bill respecting the keepers of public warehouses, where tobacco is inspected.

On motion of Mr. Forrest—3. a bill for the better regulating the settlement of executors, administrators and guardian's accounts.

On motion of Mr. Brown of Harrison—4. a bill for the benefit of the sheriff of Harrison county.

On motion of Mr. Joyes—5. a bill authorizing an election to be held in the county of Oldham, for the purpose of enabling the citizens of that county to determine, by vote, where their seat of justice shall be permanently located—and

On motion of Mr. Porter—6. a bill for the benefit of Elisha Mader.

Messrs. L. Williams, Hardin and Litton were appointed a committee to prepare and bring in the first; Messrs. Daviess, Brents, Sterrett and Kennedy the second; Messrs. Forrest, Hardin, Booker and Dallam the third; Messrs. Brown, Coleman and Morgan the fourth; Messrs. Joyes, Rowan and Thruston the fifth; and Messrs. Porter, Spalding and Gordon the sixth.

Mr. M. Hardin moved for leave to bring in a bill laying an additional tax on slaves, sufficient to pay for those executed under the laws of this commonwealth.

And the question being taken on granting leave, it was decided in the negative.

The yeas and nays being required thereon by Messrs. M. Hardin and Wade, were as follows, to wit:


Mr. Rowan presented the petition of Simeon Buckner, deputy sheriff of Jefferson county, representing that his house was consumed by fire, whereby about two hundred and fifty dollars of the public money was burnt or lost, and praying such relief as the Legislature may deem proper to grant.

Which was received, read and referred to the committee of claims.

Mr. Williams, from the select committee appointed for that purpose, reported a bill for the benefit of the sheriff of Monroe county: which was received and read the first and ordered to be read a second time.

And thereupon, the rules of the house, constitutional provision and second and third readings of said bill having been dispensed with and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Williams carry said bill to the Senate and request their concurrence.

The following bills were severally read a second time, to wit: 1. A bill to amend the law imposing a forfeiture for failing to improve lands in this commonwealth.

2. A bill concerning petit jurors and for other purposes.

3. A bill for the benefit of Thomas Stroud.

4. A bill for the benefit of Jesse Schofield.

5. A bill for the benefit of Joshua Talbott.

6. A bill to amend the militia law.

7. A bill to alter the mode of listing taxable property.

8. A bill for the benefit of Senny Boatman.

9. A bill to amend the laws relating to civil proceedings.

10. A bill to amend an act authorizing a lottery in Christian county, approved 29th December, 1823.

11. A bill to dissolve the marriage of Vachel Hobbs and Amelia his wife—and

12. A bill to amend an act to establish the town of Waidsborough in the county of Calloway, and to provide for the sale of lots.
The 1st, 3rd, 4th, 8th, 10th, 11th and 12th (the 4th having been amended at the clerk’s table,) were severally ordered to be engrossed and read a third time; the 1st and 10th on to-morrow; the 2nd, 5th and 9th were postponed until the first day of June next.

The yeas and nays being required on the postponement of the second bill by Messrs. B. Hardin and Sterett, were as follows, viz.:


The sixth was committed to a select committee of Messrs. L. Williams, Kennedy, Brown of Harrison, M. Hardin, Mc'Connell of Woodford, Bollam, Goggin, Hodge and Morgan.

It was then moved and seconded, to postpone the further consideration of the seventh bill until the first day of June next.

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

The yeas and nays being required thereon by Messrs. Morgan and Galloway, were as follows:

**YEAS**—Mr. Speaker, Messrs. Bates, Booker, Brents, Cunningham, Bollam, S. Daviess, Forrest, Goggin, Green, B. Hardin, M. Hardin, Holt, Hunter, Joyes, Litton, Mayo, Mc'Brayer, J. M. Mc'Connell, Middleton, Miller, G. Robertson, Rodman, Rowan, Samuel, Shepherd, Shortridge, Triplett and True—29.


The said bill was then ordered to be engrossed and read a third time to-morrow.

And thereupon, the rule of the house, constitutional provision and third reading of the 3rd, 4th, 8th, 11th and 12th bills having been dispensed with and the same being engrossed.
Resolved, That the said bills do pass, and that the titles of the 3rd, 8th, 11th and 12th be as aforesaid; and that of the 4th be amended to read an act for the benefit of Susan Scofield.

The yeas and nays being required on the passage of the 11th bill by Messrs. M'Connell of Greenup and B. Hardin, were as follows, viz:


Ordered, That the clerk carry the said bills to the Senate and request their concurrence.

A message was received from the Senate, announcing the passage of bills, which originated in this house, of the following titles, to wit:

An act to authorize M'Murtry and Ward of Greenup county, to raise their mill dam across Little Sandy higher.

An act for the benefit of James Gilpin.

An act for the benefit of Martin Beatty.

An act to legalize the proceedings of the trustees of the town of Burlington.

An act to establish the town of Pikeville in the county of Pike.

The passage of bills, by the Senate, of the following titles, to wit:

An act to amend an act entitled an act to amend the law for the recovery of debts before a justice of the peace, February 1st 1809.

An act to amend an act entitled an act to improve and keep open the navigation of the Beech fork of Salt river and other water courses.

An act concerning the town of Danville—and

A resolution fixing on a day for the election of public officers.

A bill authorizing sheriffs to receive executions, emanating from the offices of justices of the peace, in certain cases was read a second time.

It was then moved and seconded to postpone the further consideration of said bill until the first day of June next.
And the question being taken thereon, it was decided in the affirmative.

The ayes and nays being required thereon by Messrs. Gordon and Mason, were as follows:


The house took up the amendments proposed by the Senate to bills, which originated in this house, of the following titles, viz:

An act for the benefit of John Cocke and others.

An act to authorize the county court of Washington county to appoint one additional constable in said county, and for other purposes—and

An act to establish certain new precincts in Morgan county, and to declare valid those precincts which were established in the county of Lawrence and Morgan before said counties were formed.

Which being twice read, were concurred in.

Ordered, That Mr. Williams inform the Senate thereof.

A message from the Governor by Mr. Loughborough, assistant Secretary:

Mr. Speaker—The Governor has, this day, approved and signed the following enrolled bills, which originated in the House of Representatives, viz:

An act providing for a change of venue in the case of Benjamin Craig and others.

An act to change the place of taking the votes in the Bloomfield precinct in Nelson county, and for other purposes.

An act further to provide for opening and keeping in repair the road from Danville to the Tennessee line, in the direction of Murfreesborough.

An act for the benefit of Ermina M'Haney and Elizabeth Chrismen.

An act for the divorce of Sally Buster.

An act for the benefit of Jesse Baker, Jr.

An act for the benefit of Doshay Barlow.
An act for the divorce of Elisha M'Cormas from his wife Rispha M'Cormas.

An act for the benefit of the Centre College.

An act to incorporate the St. Joseph's College of Bardstown.

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

A bill to establish a new county out of parts of Warren, Hart and Grayson counties, was read a second time.

It was then moved and seconded, to postpone the further consideration of said bill until the first day of June next.

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

The yeas and nays being required thereon by Messrs. B. Hardin and Breck, were as follows, viz:


The following bills from the Senate were severally read the first time and ordered to be read a second time viz:

1. An act to authorize the clerks of the Graves county and circuit court to transcribe certain records—and

And thereupon, the rule of the house, constitutional provision and second and third readings of said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the clerk inform the Senate thereof.

The following bills were severally read a second time:

2. A bill to revise and amend the execution laws of this commonwealth.
3. A bill to regulate proceedings on executions and for other purposes.
4. A bill for the benefit of the Union county Seminary.
5. A bill for the benefit of the heirs of Isaac Flannary.
6. A bill to regulate suits against joint and several obligors.

The 1st, 4th, 5th and 6th were severally ordered to be engrossed and read a third time; the second was committed to a committee of the whole house for to-morrow, and the third was laid on the table.

And thereupon, the rule of the house, constitutional provision and third readings of the 1st, 4th, 5th and 6th bills having been dispensed with and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the sixth bill by Messrs. Maupin and Brown, were as follows, viz:


NAYS—

Ordered, That the clerk carry the said bills to the Senate and request their concurrence.

And then the house adjourned.

TUESDAY, DECEMBER 28, 1824.

Mr. Prince, from the joint committee of enrollments, reported that the committee had examined sundry enrolled bills and had found the same truly enrolled, to wit:

An act for the benefit of Martin Beatty.

An act to legalize the proceedings of the trustees of the town of Burlington.

An act for the benefit of James Gilpin—and

An act for appropriating the vacant land in the State of Tennessee between Walker's line and the latitude of 36 degrees 30 minutes.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

The Speaker laid before the house a letter from Messrs. Way & Gideon of Washington City, offering for sale, to this state,
few copies of the Journals of the first American Congress, which they have published.

Which was received, read and referred to the committee for courts of justice.

The Speaker laid before the house the remonstrance of sundry citizens of Washington county, against the passage of the bill to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals.

Which was received, read and laid on the table.

Mr. Forrest, from the majority on the vote by which a bill to establish a new county out of parts of Warren, Hart and Grayson, was postponed until the first day of June next, moved a reconsideration of said vote.

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

The said bill having been amended, was ordered to be engrossed and read a third time to-morrow.

Mr. W. Patterson presented the petition of the widow and heirs of James Lapsley deceased, praying that a law may pass to authorize the sale of a part of the real estate of the said decedent, the proceeds to be applied to the discharge of the debts due by the decedent.

Which was received, read and referred to the committee for courts of justice.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. S. Daviess, from the committee of propositions and grievances—1. a bill to establish election precincts in the counties of Grayson and McCracken—and

By Mr. McConnell, from the committee of religion—2. a bill for the benefit of Agnes Puntony.

Which bills were severally received and read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second and third readings of said bill having been dispensed with and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Daviess carry the said bills to the Senate and request their concurrence.

Mr. B. Hardin, from the committee for courts of justice, to whom was referred a bill for the benefit of the heirs of John H. Holt, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time to-morrow.

On the motion of Mr. Brown of Jessamine, Ordered, That leave be given to bring in a bill to incorporate the Jessamine
Circulating Library company and for other purposes—and that Messrs. Brown, True and W. Robertson be appointed a committee to prepare and bring in the same.

An engrossed bill entitled an act to amend the penal laws was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill by Messrs. Wickliffe and Mason, were as follows, viz:


Ordered, That Mr. Wickliffe carry the said bill to the Senate and request their concurrence.

A bill to regulate proceedings on executions and for other purposes, was taken up and committed to a select committee of Messrs. Turner, Shortridge, G. Robertson, Green and Hodge.

The house then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth—Mr. Robertson, of Garrard, in the chair; and after some time spent therein, the Speaker resumed the chair, and Mr. Robertson reported that the committee had, according to order, had under consideration a bill to revise and amend the execution laws of this commonwealth and had made an amendment thereto, by striking out the first section of the bill.

It was then moved and seconded, to postpone the further consideration of said bill and amendment until the first day of June next.

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

The yeas and nays being required thereon by Messrs. McConnel and Booker, were as follows, viz:

Dec. 28.] OF REPRESENTATIVES.


A resolution from the Senate, fixing on a day for the election of public officers, was twice read, amended and concurred in.

Ordered, That Mr. Brown inform the Senate thereof, and request their concurrence in said amendment.

Mr. S. Daviess, from the select committee to whom was referred an engrossed bill, entitled an act further to amend the laws relative to executions, reported the same without amendment.

The third section of said bill having been amended, it was then moved and seconded to attach thereto the following as an additional proviso, viz:

And provided further, That no sale of lands, as aforesaid, out of the county where the defendant or defendants reside, shall be made by the sheriff of the county where the lands lie, until the sheriff shall have advertised, at least three successive weeks in the nearest authorized newspaper, the time and place of making said sale; and for such advertisement he shall be entitled to issue his fee bill vs. the plaintiff, who shall have the same taxed as a part of his costs. The fee bill of said sheriff to be regulated by a receipt from the printer, that it is the usual charge for similar services.

And the question being taken on adopting said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Shortridge and Green, were as follows, viz:


NAYS—Messrs. Bates, Breck, Brents, G. I. Brown, Buford, Cosby, Cox, Crittenden, Cunningham, Farmer, Ford, Gallaway, Goggins, Gordon, Green, Gresham, B. Hardin, M. Hardin, Kennedy, Marksberry, Maupin, Mayo, J. M. M'Connell, Mil-
Mr. Booker then moved further to amend said bill by attaching thereto the following as an additional section:

And be it further enacted, That all lands and slaves shall be sold on a court day at the court house of the county in which such levy may be made, and all laws requiring lands to be advertised on a court day are hereby repealed, and lands shall be advertised as other property taken under execution, at least ten days preceding the day of sale.

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

The yeas and nays being required thereon by Messrs. Booker and Sterett, were as follows, viz:


The said bill having been further amended, it was then moved and seconded, to postpone the further consideration of said bill until the first day of June next.

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

The yeas and nays being required thereon by Messrs. Green and Mason, were as follows, viz:


NAYS—Mr. Speaker, Messrs. Bates, Booker, Breck, Brents, G. I. Brown, H. O. Brown, Buford, Coleman, Cosby, Cox, Crittenden, Cunningham, Dallas, S. Daviess, Farmer, Ford,
The said bill was then ordered to be engrossed and read a third time to-morrow.

A message from the Governor by Mr. Loughborough:

Mr. Speaker—The Governor has, this day, approved and signed the following enrolled bills, which originated in the House of Representatives, viz:

An act for appropriating the vacant lands in the State of Tennessee, between Walker's line and the latitude thirty six degrees thirty minutes.

An act to legalize the proceedings of the trustees of the town of Burlington.

An act for the benefit of Martin Beatty.

An act for the benefit of James Gilpin.

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

On motion, Ordered, That leave be given to withdraw the petitions of John Neff and Trevor, Paul & Co. together with the documents accompanying the same.

A message was received from the Senate, announcing the passage of bills of the following titles:

An act to establish the county of Russell—and

An act for the benefit of Richard B. Dallam.

And then the house adjourned.

WEDNESDAY, DECEMBER 29, 1824.

Mr. Payne, of Warren, presented the petition of the executor of the estates of William M'Dowell and Samuel J. M'Dowell deceased, praying that a law may pass to authorize the sale of the real estates of said decedents, the proceeds to be applied in payment of debts due by said decedents—and

Mr. Triplett presented the petition of sundry citizens of Ohio county, praying that the report of the commissioners appointed to view and mark a way for a state road from Franklin, in Simpson county, to the town of Owenborough may be confirmed, and that the way proposed may not be changed or altered.

Which petitions were severally received, read and referred: the first to the committee for courts of justice; and the second to the committee of propositions and grievances.
Mr. G. Robertson read and laid on the table the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when the Legislature adjourn on the 7th day of January next, they will adjourn without day.

Mr. S. Daviess, from the committee of propositions and grievances, to whom was referred a bill for the removal of the seat of justice of Meade county, reported the same with amendments, which being twice read, were concurred in; and the said bill, as amended, ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Daviess carry the said bill to the Senate and request their concurrence.

Mr. M'Connell, from the committee of religion, reported a bill for the divorce of George Shackleford, Jesse Baker and Mary Teater; which was received and read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second reading of said bill having been dispensed with, the same was recommitted to the committee of religion.

Mr. Turner, from the select committee to whom was referred a bill to regulate the proceedings on executions and for other purposes, reported the same with amendments. The said bill was then read in the following words:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act passed in the year one thousand eight hundred and twenty one, as requires notice to be given and a judgment to be rendered on delivery bonds before execution shall issue thereon be, and the same is hereby repealed; and it shall and may be lawful, hereafter, for the plaintiff or plaintiffs, in whose favor such bond may be taken upon the officers returning on the execution, by virtue of which the bond shall be taken, that the party or parties who gave the same have failed to comply therewith, to sue out of the office from whence the execution, on which bond was taken, issued—an execution on said bond endorsed, to be discharged by the payment of the amount of the value of the property fixed on by the officer in the condition of said bond, provided the valuation does not exceed the amount of debt, interest and costs; and in case it does amount to more, then it shall be endorsed, to be discharged by the payment of the debt, interest and costs named in the condition of such bond.
§ 2. Be it further enacted, That when the valuation of the property levied on does not amount to as much as the debt, interest and costs due on the execution, the officer, in his return, shall state the value, and another execution may issue for the residue of said claim.

§ 3. Be it further enacted, That all laws and parts of laws, which require real estate to sell for three fourths of its value be, and the same is hereby repealed.

§ 4. Be it further enacted, That it shall be the duty of each circuit court in this commonwealth and of each justice of the peace to fix, from time to time, a compensation, per day, which shall be allowed to officers for each head of live stock taken in execution, which allowance shall, by said courts and by said justices, be recorded in the book where their judgments, respectively, are recorded and shall in future govern officers in their charges in such cases.

The amendments proposed by said committee were then read in the following words:

Be it further enacted, That the law which requires landed property to sell for three fourths of its value be, and the same is hereby repealed; and that the defendant or defendants in any execution shall have the right to redeem lands sold under execution, where the same does not sell for three fourths of its value, by paying to the purchaser or purchasers his purchase money, with legal interest thereon, in two years after the sale.

§ 4. Be it further enacted, That lands taken in execution shall be valued as heretofore.

A division of the question was called for upon the first amendment proposed by the committee, and the question was first put upon striking out the 3rd section of the original bill, which was decided in the affirmative.

It was then moved and seconded, to postpone the further consideration of said bill and amendment until the first day of June next.

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

The yea's and nay's being required thereon by Messrs. Mason and Turner, were as follows, viz:


NAYS—Messrs. Bates, Booker, Breck, G. I. Brown, Buckner, Clarkson, Coleman, Cosby, Cox, Crittenden, Cunningham, A. H. Davis, Farmer, Ford, Fulton, Garth, Gibson, Gor-
It was then moved and seconded, to amend the amendment proposed by the committee in lieu of said third section, by expunging therefrom the words printed in italics.

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

The yeas and nays being required thereon by Messrs. Mason and Cosby, were as follows, viz:


It was then moved and seconded, to amend said amendment by striking out the whole thereof after the enacting clause, and inserting the following in lieu thereof, viz:

That in all cases where land shall be exposed to sale under execution, the same shall be valued according to the laws providing for the valuation of lands when taken in execution, and the same shall not be struck off and sold by the officer, unless it shall sell for at least three fourths of its value; and in all cases when the land, so taken and exposed to sale under execution, shall not sell for three fourths of its value, the plaintiff in the execution shall have a lien upon the said land, by virtue of his execution, so much as will be sufficient to discharge said debt, according to valuation, until the same shall be discharged.

And the question being taken on the amendment to the amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Mason and Turner, were as follows, viz:
The question was then taken upon adopting the amendment, as proposed by the committee, in lieu of the third section of the bill, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Mason and Willis, were as follows, viz:


The question being taken on adopting said amendment, it was decided in the affirmative.

It was then moved and seconded, further to amend said bill by attaching thereto the following as an additional section:

Be it further enacted, That when a debt has been reprieved for two years, if the plaintiff will stay the execution two years after the said reprieve had also become due, the defendant or defendants property shall be subject to sale for what it will bring, only with the exception of such property as the law now allows debtors.

And the question being taken on adopting said amendment, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Booker and Chenoweth, were as follows, viz:

YEAS—Mr. Speaker, Messrs. Chenowith, S. Daviess, Hodgie, Mosely and J. Patterson—6.


The said bill and amendments were then committed to a select committee of Messrs. Turner, Rowan, Willis, Joyce and Shortridge.

Leave was given to bring in the following bills:

On the motion of Mr. New—1. a bill for the benefit of the Lunatic Asylum.

On the motion of Mr. Coleman—2. a bill to legalize the proceedings of the Harrison county court and for other purposes.

On the motion of Mr. S. Daviess—3. a bill authorizing the sheriff of Franklin county to perform the duties of Sergeant and Tipstaff to the General Court for a limited time.

On the motion of Mr. Patterson of Scott—4. a bill for the benefit of the widow of George Threlkeld deceased.

Messrs. New, Brents and Wickliffe were appointed a committee to prepare and bring in the first; Messrs. Coleman, Brown and Fulton the second; Messrs. S. Daviess, Rodman and Hunter the third; and Messrs. J. Patterson, Brown and Rodman the fourth.

The following bills were reported from the several committees appointed to prepare and bring in the same:

By Mr. S. Daviess, 1.—a bill authorizing the Sheriff of Franklin County to perform the duties of Sergeant and Tipstaff to the General Court for a limited time.

By Mr. Brown 2.—a bill for the benefit of the Sheriff of Harrison county.

And by Mr. J. Patterson 3.—a bill for the benefit of the widow of George Threlkeld deceased.

Which bills were severally received and read the first time, and ordered to be read a second time.
And thereupon the rule of the house, constitutional provision and second and third readings of the second and third bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Patterson carry the said bills to the Senate and request their concurrence.

On motion, the rule of the house, constitutional provision and first and second readings of a bill from the Senate entitled an act to amend an act entitled an act to improve and keep open the navigation of the Beech fork of Salt River and other water courses were dispensed with, and that the same was referred to a select committee of Messrs. Hardin, Rowan, Booker, Cosby, Forrest and Chappeze.

A message was received from the Senate announcing the passage of a bill which originated in this house of the following title:

An act establishing the seat of justice of Spencer county.

And the passage of bills of the following titles:

An act to establish a ferry on Green river opposite the lands owned by Coleman Carter on both sides of said river.

And an act to authorize judicial attachments in certain cases.

And their concurrence in the amendment proposed by this house to a resolution which originated in the Senate fixing on a day for the election of public officers.

Mr. Shortridge from the select committee to whom was referred a bill further to regulate the court of appeals, reported the same without amendment. The said bill is in the following words:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judges of the Court of Appeals instead of holding semi-annual sessions in the town of Frankfort, shall hereafter hold the sessions of the court of appeals at three different places in this state, which places shall be styled as follows: The place between the Kentucky and Green Rivers, shall be styled the first appellate judicial site; the place on the north side of the Kentucky River, the second appellate judicial site; and the place in the south side of Green River, the third appellate judicial site.

Be it further enacted, That the location of the first appellate judicial site shall be in the town of in the county of ; and of the second in the town of in the county of ; and of the third in the town of in the county of .

Be it further enacted, That the Judges of the court of appeals shall hold the terms of said court, at said sites, in the following order and times: beginning at the first judicial site, on the third Monday in April next, and the third Monday in April in
each and every year thereafter, and may continue in session for ten weeks, if the business shall require it; at the second appellate judicial site, on the second Monday in January next, and on the second Monday in January in each and every year thereafter, and may continue in session for ten weeks, if the business shall require it; at the third judicial site, on the first Monday in September next, and on the first Monday in September in each and every year thereafter, and may continue in session for ten weeks, if the business shall require it.

Be it further enacted, That the causes remaining in the office of the clerk of the court of appeals, undetermined at the passage of this act, shall by the clerk of said court, be forthwith distributed among the several appellate judicial sites, according to the following rule, viz. The causes set to each of the aforesaid sites, shall be those which originated in counties, the court houses of which are as near or nearer to that site than either of the other sites, and he shall send with each cause, upon which any proceedings may have been had by the court, a correct transcript of the record of such proceeding, and for the distribution of the record and causes aforesaid, the clerk shall be entitled to the sum of dollars, to be paid by the Treasurer, upon the Governor's certificate that the services have been performed.

Be it further enacted, That the clerk of the court of appeals shall keep an office at each of the aforesaid appellate judicial sites, in one of which he shall officiate in person, and he shall appoint at least one qualified person as deputy at each of the other sites, and he shall take care that the clerical duties at each of the aforesaid sites, be faithfully, skillfully and dispatchly done, and the records and papers which may belong and appertain to each of the aforesaid sites, shall be carefully preserved and skillfully arranged in the office connected therewith.

Be it further enacted, That the judges of the court of appeals shall hold their sessions in the court houses of the counties in which the appellate judicial sites are by this act located, if they shall think it more convenient, until otherwise provided by law; and the sheriffs of said counties shall by themselves or deputies, attend the sessions of said court, for which they shall be allowed a reasonable compensation by the court to be certified and paid out of the public treasury.

Be it further enacted, That when an appeal is prayed and granted, it shall be taken to that session of the court which is held at the appellate judicial site nearest the court from which the appeal is prayed, and when there are two or more sites equi-distant, the appellant or appellants shall elect to which he, she or they will take the appeal, and his, her or their election shall be entered of record, and the cause set to the
site thus elected; and where any doubts or disputes shall exist between the parties in the court below, as to the nearest of two or more appellate judicial sites, or as to their equi-distance, that court shall decide irreversibly, as to proximity or distance, and grant the appeal accordingly.

Be it further enacted, That writs of error, with or without supersedeas, shall be sued out from, and made returnable to the office of that appellate judicial site, which is nearest the court house in which the judgment or decree supposed to be erroneous was pronounced; and where two or more appellate judicial sites are supposed to be equi-distant, the plaintiff in error may make his election and sue out his writ accordingly, and the same shall not be dismissed for a mistake of distance, unless the mistake be of a distance more than 8 miles, and in ascertaining distances under the provisions of this act, computation shall be the criterion.

Be it further enacted, That when cross appeals, or cross writs of error are taken, they shall be taken to the same judicial site.

Be it further enacted, That the clerk of the court of appeals, may receive and record as heretofore, deeds of conveyance and other writings at the office of the first appellate judicial site only, and not at the office of any other site, and he shall transmit to, and keep at the office of the first appellate site, all his record books of conveyances, and other recorded writings not judicial, and also, his book or books of memorials and conveyances, and he shall receive and transmit at and from that office, memorials of deeds and other recorded instruments, in the same way he has heretofore done at Frankfort.

Be it further enacted, That if from sickness or any other cause, the judges should be unable to hold their session at any one of the appellate judicial sites, according to the provisions of this act, it shall be competent and legal for the judges to appoint a time at which they will hold a session at the site in which the failure happened, and their proceedings at the session so appointed, shall be entirely valid; and should the press of business, or the state of the docket at any of the judicial sites require it, the judges may appoint and hold an additional term.

Be it further enacted, That the entry books now in the possession and keeping of the clerk of the court of appeals, containing the entries on the north side of the Kentucky River, shall, by the said clerk, be delivered to the register of the land office, to be by him kept in said office.

Be it further enacted, That the court of appeals, as held at the several appellate judicial sites, ordained by this act, shall be governed and regulated by the laws and rules now in force, until they are altered, modified or repealed.
Be it further enacted, That each appeal shall be docketed by the clerk of the court of appeals, and stand for trial at the next term of the court of appeals, to be held in that appellate judicial site to which it may belong, and every writ of error shall stand for trial at the first term after the process is executed; and nothing in this act contained, shall be so construed as to prevent the court of appeals when in session, from hearing and deciding motions for supersedeas made in any case arising in any part of this state, whether the case belongs to that judicial site in which they may be setting or not. All laws contravening the provisions of this act, are hereby repealed.

It was then moved and seconded to postpone the further consideration of said bill until the first day of June next.

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

The yeas and nays being required thereon by Messrs. McConnell (of Greenup) and L. Williams were as follows:


Several amendments having been made to said bill,

It was then moved and seconded, to postpone the further consideration of said bill until the first day of June next.

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

The yeas and nays being required thereon by Messrs. Cosby and H. C. Payne, were as follows, viz.:

The towns of Danville and Cynthiana having been selected as the first and second judicial sites; it was then moved and seconded to fill the blank for the third judicial site with the town of Glasgow in the county of Barren, (the motions to fill the blank with the towns of Russellville and Bowling Green having been previously negatived.)

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

The yeas and nays being required thereon by Messrs. Sterrett and Maupin, were as follows, viz:


The said blank having been filled with the town of Green ville, the question was then taken on engrossing said bill and reading it a third time, which was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. New and Cosby, were as follows, viz:

YEAS—Messrs. Booker, H. O. Brown, Buckner, Carter, Chenowith, Clarkson, Coleman, Cosby, Cunningham, Dallam, A. H. Davis, S. Daviess, Forrest, Fulton, Garth, Gresham, J. G. Hardin, Hock, Joyes, Marksherry, Miller, Morehead, Morgan, Morris, Mosely, Mullens, New, W. Patterson, Porter, Roundtree, Rowan, Shortridge, Spalding, Stephens,


And then the house adjourned.

THURSDAY, DECEMBER 30, 1824.

Mr. Prince, from the joint committee of enrollments, reported that the committee had examined enrolled bills and a resolution of the following titles, and had found the same truly enrolled, viz:

An act establishing the seat of justice of Spencer county.

An act to establish the town of Pikeville in the county of Pike.

An act to authorize McMurtry and Ward of Greenup county, to raise their mill dam across Little Sandy, higher.

An act for the benefit of John Cocke and others.

An act to erect precincts in certain counties in this commonwealth, and for other purposes.

An act to authorize the county court of Washington county to appoint an additional constable in said county, and for other purposes.

An act to authorize the clerk of the Graves county and circuit court to transcribe certain records.

An act for the relief of William Yates.

And a resolution for paying the building commissioners of the Penitentiary.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. Prince presented the petition of Joseph R. Given, praying that a law may pass making allowances for certain claims for keeping certain idiots and lunatics in the county of Livingston.

Which was received, read, and referred to the committee of claims.

A bill authorizing the Sheriff of Franklin county to perform the duties of Sergeant and Tipstaff to the General court for a limited time, was read a second time and committed to a select committee of Messrs. S. Daviess, Green and Hunter.
The following bills from the Senate were severally read the first time, and ordered to be read a second time, viz:

1. An act to establish the county of Russell.

And 2. An act for the establishment of the county of Lyon.

And thereupon the rule of the house, constitutional provision and second readings of said bills having been dispensed with, the said bills (together with sundry petitions in support of the former, and a remonstrance against the passage of the latter) were committed to the committee of propositions and grievances.

Mr. Robertson from the committee for courts of justice, reported a bill for the benefit of the heirs of James Lapsley deceased, which was received and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill having been dispensed with and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Patterson carry said resolution to the Senate and request their concurrence.

Mr. Cunningham from the committee of claims made the following report, viz:

The committee of claims have according to order had under consideration several petitions to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of the Union Rolling Mill company praying the passage of a law allowing them $375 90 cents specie, due them by the Penitentiary, is reasonable.

Resolved, That the petition of Simeon Buckner, Sheriff of Jefferson county, praying the passage of a law allowing him two hundred and twenty dollars public money, which is alleged to have been lost in the destruction of his house by fire, is reasonable.

Resolved, That the petition of John Harrison praying compensation for viewing a road from Bowlinggreen to Frankfort, be rejected.—In submitting this resolution for the adoption of the house, the committee of claims deem it proper to observe, that in their opinion it is the duty of the county court of Shelby to allow the claim of the petitioner, whether the law under which he acted be regarded by said court as constitutional or not. That the said claim is well established, and in the opinion of your committee ample remedy now exists by law, to enforce its due observance by the said county court.

Which being twice read, and the first resolution having been concurred in, it was then moved and seconded to amend the
second resolution by striking out the words is reasonable, and inserting in lieu thereof the words be rejected.

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

The yeas and nays being required thereon by Messrs. Willis and Rowan, were as follows, viz:


The said resolution as amended, was then concurred in.

The third resolution was then concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to the first resolution.

The house took up a resolution laid on the table on yesterday fixing on a day for an adjournment of the General Assembly, which being twice read was adopted

Ordered, That Mr. Robertson carry the said resolution to the Senate and request their concurrence.

A bill to amend the law relative to executed slaves, was read the second time.

It was then moved and seconded, to postpone the further consideration of said bill until the first day of June next.

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

The yeas and nays being required thereon by Messrs. Kennedy and Cosby, were as follows, viz:


The following bills were severally read a second time, to wit:

1. A bill to prevent the emanation of patents upon fraudulent surveys, and for other purposes, and

2. A bill for the divorce of sundry persons.

The first was laid on the table until the first day of June, and the second being amended, was with the amendments, recommitted to the committee of religion.

The house then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Caldwell in the chair; and after some time spent therein, the Speaker resumed the chair, and Mr. Caldwell reported that the committee had according to order, had under consideration the report of the select committee appointed to investigate certain charges against Elijah Hayden, a justice of the peace of Barren county, and had gone through the same without amendment.

It was then moved and seconded that the following resolution be adopted in lieu of the report of the committee, and the resolutions recommended by said committee, viz:

Resolved, That Elijah Hayden be discharged from his further attendance at the bar of this house.

And the question being taken on adopting said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. S. Dand B. Hardin, were as follows, viz:


An engrossed bill entitled an act to amend commonwealth, a forfeiture for failure to improve lands in was read a third time.
Resolved, That the said bill do pass and that the title thereof be as aforesaid.

The yeas and nays being required thereon by Messrs. J. Taylor and Turner were as follows, viz:


Ordered, That Mr. Turner carry the said bill to the Senate and request their concurrence.

Leave was given to bring in the following bills:

On motion of Mr. Triplett—1. a bill to tax the lands in this commonwealth to assist in opening and keeping in repair the roads therein, which tax may be discharged in labour.

On motion of Mr. Patterson (of Scott)—2. an act to authorize the keeper of the upper turnpike gate on the road from Georgetown to Cincinnati to remove the same.

On motion of Mr. McConnell (of Greenup)—3. a bill to provide for ferrying the citizens of Greenup county across Little Sandy on election days, and for other purposes.

On motion of Mr. G. Robertson—4. a bill for the benefit of Fanny Rooney.

And on the motion of Mr. Wickliffe—5. a bill to authorize the insertion of certain advertisements in the Western Luminary.

Messrs. Triplett, Hardin, Maupin, and Joyce, were appointed a committee to prepare and bring in the first; Messrs. J. Patterson, Wingate and Mullens the second; Messrs. McConnell (of Greenup), Stone and Shepherd the third; Messrs. Robertson, Bates and Kennedy the fourth; and Messrs. Wickliffe, The following the fifth.

The following bills were reported from the several committees:

By Mr. Colclough and brought in the same, viz:

Harrison county cox. 1. a bill to legalize the proceedings of the

By Mr. Patterson of, for other purposes, a bill to authorize the keeper
of the upper turnpike gate on the road from Georgetown to Cincinnati to remove the same.

By Mr. Forrest—3. a bill for the better regulating the settlement of the accounts of executors, administrators and guardians.

By Mr. M'Connell of Greenup—4. a bill to provide for ferrying the citizens of Greenup county across Little Sandy on election days and for other purposes

By Mr. G. Robertson—5. a bill for the benefit of Fanny Rooney

By Mr. Porter—6. a bill for the benefit of Elisha Madden.

By Mr. Watkins—7. a bill to legalize the proceedings of the proprietors of the town of Lewisburg.

By Mr. Wickliffe—8. a bill to authorize the insertion of certain advertisements in the Western Luminary, and Farmers' Register and Village Chronicle—and

By Mr. Wingate—9. a bill for the benefit of Edmund Bartlett.

Which bills were severally received and read the first time and ordered to be read a second time with the exception of the 6th, which was laid on the table.

And thereupon, the rule of the house, constitutional provision and second readings of the 1st, 2nd, 3rd, 4th, 5th, 7th, 8th and 9th bills having been dispensed with, the 1st, 2nd, 4th, 5th, 7th, 8th and 9th were severally ordered to be engrossed and read a third time and the third was committed to the committee for courts of justice.

And thereupon, the rule of the house, constitutional provision and third readings of the 1st, 2nd, 4th, 5th, 7th, 8th and 9th bills having been dispensed with and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered. That the clerk carry the said bills to the Senate and request their concurrence.

The following bills from the Senate were severally read the first time and ordered to be read a second time, viz:

1. An act concerning theatrical performances.
2. An act to amend an act entitled an act providing for copying certain records in the Surveyor's office in Fayette county.
3. An act concerning Kentucky land warrants which may have been lost.
4. An act for the divorce of Polly Gillispie.
5. An act to regulate the circuit courts within the fourteenth judicial district—and
6. An act for the relief of the sheriffs of Christian and Henry counties.
And thereupon, the rule of the house, constitutional provision and second readings of said bills having been dispensed with, the 1st, 3rd, 5th and 6th (the fifth having been amended) were severally ordered to be read a third time; the second was committed to a select committee of Messrs. Wickliffe, H. C. Payne and True; and the fourth to the committee of religion.

And thereupon, the rule of the house, constitutional provision and third readings of the 1st, 3rd, 5th and 6th bills having been dispensed with.

Resolved, That the said bills (the fifth as amended,) do pass, and that the titles thereof be as aforesaid.

Ordered, That the clerk inform the Senate thereof and request their concurrence in the amendments to the fifth bill.

A message was received from the Senate, announcing their concurrence in the preamble and resolutions from this house in relation to the decision of the Court of Appeals on the reprieve and endorsement laws.—Their disagreement to a bill, which originated in this house, entitled an act for the divorce of Hannah Mayberry and Sarah Dale.—The passage of a bill entitled an act to amend an act concerning escheats; and the passage of a bill, which originated in this house, entitled an act to appropriate fines and forfeitures, with an amendment.

A message from the Governor by Mr. Loughborough:

Mr. Speaker—The Governor has, this day, approved and signed the following enrolled bills, which originated in the House of Representatives, viz:—

An act to authorize the county court of Washington county to appoint one additional constable in said county, and for other purposes.

An act for the benefit of John Cocke and others.

An act to establish the town of Pikeville in the county of Pike.

An act to erect precincts in certain counties in this commonwealth, and for other purposes.

An act to authorize McMurtry and Ward of Greenup county, to raise their mill dam across Little Sandy higher.

An act establishing the seat of justice for Spencer county.

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. S. Davies, from the select committee to whom was referred a bill authorizing the sheriff of Franklin county to perform the duties of Sergeant and 'Tipstaff' to the General court for a limited time, reported the same with an amendment, which being twice read, was concurred in; and the said bill, as amended, ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with and the same being engrossed,
Resolved, That the said bill do pass, and that the title thereof be amended, to read, an act authorizing Richard Taylor to perform the duties of Sergeant and Tipstaff to the General court for a limited time.

Ordered, That the clerk carry the said bill to the Senate and request their concurrence.

The following bills were severally read a second time:

1. A bill for the benefit of Emily Nixon and Beverly Lastex

2. A bill to establish election precincts in certain counties in this commonwealth.

The first was ordered to be engrossed a third time, and the second was committed to a select committee of Messrs. Rowan, Joyes, Shepherd and Wingate.

And thereupon, the rule of the house, constitutional provision and third reading of the first bill having been dispensed with and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the clerk carry the said bill to the Senate and request their concurrence.

The following reports from joint committees appointed to examine the reports from the Branches of the Bank of the Commonwealth were received, viz.:

The joint committee appointed to examine the report of the Branch Bank at Hartford, make the following report:

That the debts due the institution, with the exception of three hundred and fifty six dollars bad debts in the county of Henderson and fifty dollars doubtful debts in the same county and four hundred and twenty nine doubtful in Union county, appear to be well secured, and all directors, with one exception, appear to have complied with the requisitions, in respect to the calls and discounts; and in other respects the institution appears to have been conducted agreeable to law.

WM. WORTHINGTON.
ROBERT STEPHENS.
JOHN STERETT.
JEREMIAH COX.
EDMUND WATKINS.
GEORGE MORRIS.
P. TRIPLETT.
WM. SPALDING.
R. MOSELEY.

The joint committee appointed to examine the report of the Princeton Branch Bank, make the following report:

That the debts due the institution (with the exception of three
hundred and sixty eight dollars bad debts in the county of Christian, twelve hundred and forty three dollars doubtful debts in the same county, sixty dollars doubtful debts in Todd county and one hundred and sixty four dollars doubtful debts in Trigg county.) appear to be well secured, and all the directors, with one exception, appear to have complied with the requisitions in respect to their calls and discounts; and in other respects the institution appears to have been conducted agreeably to the charter.

From the Senate:

YOUNG EWING.
CHITT: LYON.

From the House of Representatives:

N. S. DALLAM.
CHAS: CALDWELL.
WM. WILSON.
WM. GORDON.
ENOCH PRINCE.
A. H. DAVIS.
R. B. NEW.

The joint committee appointed to examine the report of the Bowlinggreen Branch Bank, make the following report:

That the debts due the institution (with the exception of six hundred and twelve dollars bad debts in the county of Warren, and also from the county of Logan two thousand nine hundred and twenty six dollars and fifty cents, also three thousand six hundred and sixty two dollars doubtful in said county of Logan, and three hundred and twenty three dollars bad debts in the county of Simpson.) appear to be well secured, and all the directors, except two, appear to have complied with the requisitions in respect to the calls and discounts; and in all other respects the institution appears to have been conducted agreeably to the charter.

From the Senate:

P. N. O'BANNON.
ANAK DAUSON.

From the House of Representatives:

JOHN PORTER.
W. HODGE.
W. THOMAS.
P. MOREHEAD.
THOS. MIDDLETON.
W. C. PAYNE.

Mr. L. Williams, from the select committee to whom was referred a bill to amend the militia law, reported the same without amendment.
Ordered, That the said bill be engrossed and read a third time to-morrow.

Mr. M. Hardin read and laid on the table the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That Amos Kendall be directed to print fifteen hundred copies of the militia laws of this state, twelve copies for each regiment in this commonwealth shall be deposited in the several clerks offices in this commonwealth, subject to the distribution of the several commandants of regiments.

The following engrossed bills were severally read a third time:

1. An act to establish a new county out of parts of Warren, Grayson and Harl—

2. An act for the benefit of the heirs of John H. Holt.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the first bill by Messrs. Cox and Middleton, were as follows, viz:


Ordered, That the clerk carry the said bills to the Senate and request their concurrence.

And then the house adjourned.

FRIDAY, DECEMBER 31, 1824.

Mr. Prince presented sundry petitions for the division of Caldwell county, also petitions counter thereto.

Which were received, read and referred to the committee of propositions and grievances.

The house took up the replication to the response of the Judges of the Court of Appeals and the resolution attached thereto; the said resolution having been twice read, the ques-
tion was then taken on the adoption of said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Holt and Mason, were as follows, viz:


The following protests against the adoption of said resolution were submitted and ordered to be entered on the journal, viz:

The undersigned protest against the adoption of the preamble and resolution adopted on to-day, asserting the right of removing judges from office by address, for the following reasons:said preamble and resolution were introduced as a rejoinder to the response of the Judges of the Court of Appeals, to the report of a committee recommending their removal from office, assigning for cause, their decision against the constitutionality of the two years' replevy laws. The original report and resolutions were voted out since the rejoinder was reported to the house—since which a bill has passed both houses and been approved by the Governor, to repeal the law organizing the Court of Appeals.

The question, acted upon to-day, appears then to be entirely abstract. There is no judge, on trial, for it to act on. Its only tendency is to proclaim to the world that the Legislature has the constitutional power to remove a judge from office, a proposition which no person ever denied.

We consider that we were elected to this body to legislate practically for the community—not to frame a code of political faith for the observance of our constituents—not to spend our time and the public treasure in adopting abstract resolutions. S. TURNER.

ROBT. TAYLOR.

The undersigned have voted against the resolution and replication to the Judges' response, because the Judges are not
before the Legislature—because the proceedings are wholly abstract and can have no practical effect, and because the discussion and voting upon such subjects seem, to the undersigned, to be a useless waste of the time of this house and an unnecessary expenditure of the public money.

JNO: M. McCONNELL.
ARCH'D. WOODS.
DANIEL BRECK.

The question was then taken on the adoption of the preamble to said resolution, which was decided in the affirmative.

The yeas and nays being required thereto by Messrs. H. O. Brown and Shepherd, were as follows, viz:


Ordered, That Mr. Holt carry the said replication and resolution to the Senate and request their concurrence.

A message from the Senate was received, announcing their concurrence in the amendments proposed by this house to a bill from the Senate, entitled an act to regulate the circuit courts within the fourteenth judicial district.

A bill entitled an act to provide for the reporting of the decisions of the Court of Appeals—and

The adoption of an additional joint rule—and

The passage of a bill, from this house, entitled an act for the benefit of Fanny Rooney.

A bill from the Senate entitled an act to provide for the publication of the decisions of the Court of Appeals, was read a third time as amended.

It was then moved and seconded, to attach thereto, by way of engrossed rider, the following section, viz:

Be it further enacted, That the reporter may, at his own discretion, publish an abstract of the argument of counsel and the
petitions of lawyers for rehearings, provided that, in the compi-
lilation of the number of pages for which the reporter is to be 
paid, the argument of counsel and the petitions shall be deduced.

And the question being taken on adopting the said amend-
ment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. B. 
Hardin and Mosely, were as follows:

YEAS—Messrs. Bates, Booker, Breck, Brents, G. I. Brown, 
Chapeze, Cosby, Cox, Crittenden, Cunningham, Evans, Far-
ner, Ford, Gibson, Goggin, Gordon, Green, Gresham, B. Har-
din, M. Hardin, Kennedy, J. McConnell, J. M. McConnell, 
Miller, Morris, Mullens, New, Oldham, H. C. Payne, W. C. 
Payne, G. Robertson, Shepherd, Simpson, Sterett, R. Taylor, 
Triplett, True, Turner, Watkins, Wickliffe, L. Williams, T. 

NAYS—Mr. Speaker, Messrs. H. O. Brown, Buckner, Bu-
ford, Carter, Chenowith, Clarkson, Dallam, A. H. Davis, S. 
Darby, Forrest, Fulton, Galloway, Garth, J. G. Hardin, 
Hodge, Holt, Hunter, Joyes, Litton, Marksberry, Mason, 
Mauin, Mayo, McBrayer, Middleton, Morgan, Mosely, J. 
Patterson, W. Patterson, Porter, Prince, W. Robertson, Rod-
man, Roundtree, Rowan, Samuel, Shortridge, Slack, Spalding, 
Stephens, Summers, J. Taylor, Thomas, Wade, W. C. Wil-
liams, Willis and Woods—48.

Resolved, That the said bill, as amended, do pass.

Ordered, That Mr. Mosely inform the Senate thereof and re-
quest their concurrence in the said amendment.

A message was received from the Senate, announcing the 
passage of a bill, which originated in this house, entitled an act 
to provide for the sale of the vacant lands West of the Tennes-
see river, with amendments—and

The passage of bills of the following titles:
An act for the benefit of the infant heir of William Littell.
An act to alter the time of holding the county court of Nelson.
An act to amend an act entitled an act for opening a road from Bowling-green to the mouth of Clover creek on the Ohio river—and
An act for the benefit of the heirs of John Garland deceased.

The house took up the resolutions laid on the table on the 24th 
instant by Mr. Crittenden, relative to the Presidential election; 
which were twice read.

It was then moved to adopt the following preamble and reso-
lution in lieu of the original, viz:

The Legislature of Kentucky have confidence in the represen-
tatives of the state in Congress; and deem it unnecessary and inexpedient to give them any instruction in relation to the
OF REPRESENTATIVES.

Presidential election, although they believe that General Andrew Jackson is the choice of the people of this state; Therefore, Resolved, That the resolutions offered for that purpose be laid on the table.

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

The yeas and nays being required thereon by Messrs. Green and Robertson, were as follows:


The question was then taken on the adoption of the first resolution, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Brown of Harrison and Shepherd, were as follows, viz:


It was then moved and seconded, to amend the second resolution by expunging therefrom the following words:

[Yours to continue...]
That a very large majority of the people of this state prefer General Jackson to Mr. Adams or Mr. Crawford; and that the members of the House of Representatives in the Congress of the United States will, by complying with the request herein signified, faithfully and truly represent the feelings and wishes of the good people of Kentucky.

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

The yeas and nays being required thereon by Messrs. Gallo-
way and Shepherd, were as follows, viz:

YEAS—Messrs. Bates, Breck, Brents, G. I. Brown, Chape-
ze, Coleman, Cosby, Cunningham, Dallam, Farmer, Ford,
Galloway, Garth, Gibson, Goggin, Green, Gresham, J. M. Mc-
Connell, Morris, Mullens, New, J. Patterson, G. Robertson,
Stephens, R. Taylor, Tripplet, True, Wade, Watkins, Wick-
liffe, L. Williams, Willis, Wingate and Woods—34.

NAES—Mr. Speaker, Messrs. Booker, H. O. Brown, Buck-
er, Buford, Caldwell, Carter, Chenowith, Clarkson, Cox, Crit-
tenden, S. Daviess, Forrest, Fulton, Gordon, B. Hardin, J. G.
Hardin, M. Hardin, Hodge, Holt, Joyes, Kennedy, Litton,
Marksberry, Mason, Maupin, Mayo, J. M'Connell, Middleton,
Miller, Morgan, Mosley, W. Patterson, H. C. Payne, W. C.
Payne, Porter, W. Robertson, Rodman, Roundtree, Rowan,
Shepherd, Shortridge, Slack, Spalding, Sterett, Summers, J.
Taylor, Thomas, W. C. Williams, T. P. Wilson and W. Wil-
son—51.

The question was then taken upon the adoption of the second
and third resolutions, which were decided in the affirmative.

The yeas and nays being required thereon by Messrs. Mason
and S. Daviess, were as follows, viz:

YEAS—Mr. Speaker, Messrs. Booker, Brents, G. I. Brown,
H. O. Brown, Buckner, Buford, Caldwell, Carter, Chenowith,
Clarkson, Coleman, Cox, Crittenden, Cunningham, S. Daviess,
Farmer, Ford, Forrest, Fulton, Garth, Gibson, Gordon, Green,
B. Hardin, J. G. Hardin, M. Hardin, Hodge, Holt, Joyes, Ken-
dey, Litton, Marksberry, Mason, Maupin, Mayo, J. M'Connell,
J. M. M'Connell, Middleton, Miller, Morgan, Morris,
Mosely, Mullens, New, J. Patterson, W. Patterson, H. C. Payne,
W. C. Payne, Porter, Prince, W. Robertson, Rodman, Round-
tree, Rowan, Samuel, Shepherd, Shortridge, Slack, Spalding,
Stephens, Sterett, Summers, J. Taylor, Thomas, Tripplet,
Wade, Wickliffe, L. Williams, W. C. Williams, T. P. Wilson,
W. Wilson, Wingate and Woods—74.

NAES—Messrs. Bates, Chapeze, Cosby, Dallam, Galloway,
Goggin, Gresham, G. Robertson, R. Taylor, True, Turner
and Watkins—12.
Ordered, That Mr. Crittenden carry the said resolutions to the Senate and request their concurrence.

The house took up the report of the committee raised to enquire into the propriety of unifying the public printing, on the 24th instant, which being again read, was adopted.

Ordered, That Mr. Mosly carry the said report and resolutions to the Senate and request their concurrence.

Mr. B. Hardin, from the select committee to whom was referred a bill from the Senate, entitled an act to amend an act entitled an act to improve and keep open the navigation of the Beech fork of Salt river and other watercourses, reported the same with an amendment, which being twice read, was concurred in, and the said bill, as amended, ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass.

Ordered, That Mr. B. Hardin inform the Senate thereof, and request their concurrence in the said amendment.

Mr. Breck, from the committee of propositions and grievances, to whom was referred a bill from the Senate entitled an act to establish the county of Russell, reported the same without amendment.

The question was then taken on reading the said bill a third time, which was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. L. Williams and Patterson, were as follows:


Ordered, That Mr. L. Williams inform the Senate thereof.

Mr. Rowan, from the select committee to whom was referred a bill to establish election precincts in certain counties in this commonwealth, reported the same with an amendment, which
being twice read, was concurred in; and the said bill, as amended, ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Wingate carry said bill to the Senate and request their concurrence.

Mr. H. C. Payne, from the select committee to whom was referred a bill from the Senate, entitled an act to amend an act entitled an act providing for copying certain records in the Surveyor's office in Fayette county, reported the same with amendments, which being twice read, was concurred in; and the said bill, as amended, ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass.

Ordered, That Mr. Payne inform the Senate thereof and request their concurrence in said amendments.

On the motion of Mr. M. Hardin, leave was given to bring in a bill to change the time of holding the circuit and county courts in Mende and Grayson counties—whereupon Mr. Hardin presented a bill of the title aforesaid, which was received and read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second and third readings of said bill having been dispensed with and the same being engrossed,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Hardin carry the said bill to the Senate and request their concurrence.

A bill from the Senate entitled an act for the benefit of the securities of Stephen Harper, late sheriff of Floyd county, was read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second and third readings of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Mayo inform the Senate thereof.

Mr. Galloway, from the joint committee to whom was referred the report from the Greensburg Branch of the Bank of the Commonwealth, made the following report:

The joint committee appointed by the Senate and House of Representatives to examine the report from the Greensburg Branch Bank of the Bank of the Commonwealth of Kentucky,
and into the situation of the debts due the said bank at the branch aforesaid, have performed that duty and find the debts due at said branch, generally well secured with few exceptions.

Senators:
- JAMES ALLEN
- JOEL YANCEY
- GRANVILLE BOWMAN
- BEN: SELBY

Representatives:
- SAMUEL BRENTS
- GEORGE GALLOWAY
- L. WILLIAMS
- WILLIAM PATTERSON
- DUDLEY ROUNDTREE
- CLAYTON MILLER
- R. D. MAUPIN
- WILLIAM T. WILLIS
- JOS: G. HARDIN

And then the house adjourned.

SATURDAY, JANUARY 1, 1825.

The Speaker laid before the house the petition of Edward Clark, of the state of Pennsylvania, representing that he had invented a plan by which he has succeeded in towing boats against the rapids of some of the rivers of that state; and praying that a law may pass to confer on him the right of using his invention on the navigable rivers of this state for a limited time, with certain privileges and under certain restrictions.

Which was received, read and referred to the committee raised on so much of the Governor's Message as relates to internal improvements.

Mr. Prince, from the joint committee of enrollments, reported that the committee had examined an enrolled bill entitled an act for the benefit of Fanny Rooney, and had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. Robertson from the committee for courts of justice, made the following report:

The committee for courts of justice, have according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of James Allen, praying the passage of a law restoring him to the privileges of a citizen of this commonwealth, be rejected.
Resolved, That the petition or letter of Way and Gideon, addressed to the legislature of this commonwealth, recommending the purchase of certain books, be rejected.

Which being twice read, was concurred in.

Mr. Robertson from the committee for courts of justice, reported a bill for the benefit of the heirs of Joseph Ray, and William McDowell, William S. McDowell and Samuel J. McDowell.

Which was received and read the first time, and ordered to be read a second time as follows, viz:

WHEREAS it is represented that Joseph Ray of Washington county, departed this life possessed of a large real estate in the said county of Washington, leaving Nicholas Ray who has administered on his estate, and several children who are infants; and not leaving assets sufficient for the payment of all his debts, in consequence whereof it is apprehended that said real estate will be subjected to great loss, and perhaps eventual ruin, unless provision be made by law for the application of a portion of it to the payment of said debts, without coercive sale by execution. Wherefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the circuit court of Washington county setting in chancery shall have power on the joint application of the administrator of the estate of the said Joseph Ray deceased, and of his heirs by their guardian ad litem (to be appointed as hereinafter directed) to decree the sale of so much of the said real estate, in the said county of Washington as he shall deem necessary, for the payment of debts due, and which may hereafter become due against said estate, on such terms and in such modes as he may consider most conducive to the interest of the personal and real representatives of said decedent, and direct the proceeds of such sale to be paid over to the said administrator, on his acknowledging in open court, a bond with approved security, in the penalty of at least double the amount of sale, payable to the aforesaid heirs, with a condition that he will faithfully apply to the payment of said debts the whole amount so paid over to him, which bond shall be filed and made a part of the records of said court, for the security of said heirs.

§ 2. It shall be the duty of the judges of said court on the application of the said heirs, to appoint a guardian ad litem for each of them, for the purpose of enabling him to execute the power vested in him by the foregoing section; whose duty it shall be in the event of any portion of said estate being sold by decree of said court, to make a legal title thereto to the purchaser or purchasers, by deed of genuine warranty, in the name and behalf of the aforesaid heirs; which deed or deeds
shall vest the absolute legal titles to the property thereby conveyed, in the conveyance or conveyances, free from any claims of said heirs forever.

And whereas, William McDowell and his two sons William S. McDowell, and Samuel J. McDowell have all died, leaving real estate and infant representatives, and not sufficient personal estate to pay their respective debts—and William H. Rochester has become the personal representative of said decedents, and together with the guardians of said infants, has applied to the Legislature for permission to dispose of the real estate for the payment of debts. Wherefore,

§ 3. Be it enacted, That the Circuit Court for Warren county, shall be authorized on the joint petition of the aforesaid personal and real representatives of the aforesaid decedents, to decree the sale of so much of their respective real estates as it shall deem necessary and proper, under the same regulations as are prescribed in the first and second sections of this bill.

And thereupon the rule of the house, constitutional provision and second reading of said bill having been dispensed with, it was then moved and seconded to amend the first section of said bill by expunging therefrom the words printed in italics, and to insert "thirty acres of land including the mill."

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

The yeas and nays being required thereon by Messrs. Cosby and Forrest, were as follows:


The said bill as amended, was then ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Cosby carry the said bill to the Senate and request their concurrence.

Mr. Robertson from the same committee, to whom was referred a bill for the benefit of Jonathan Taylor, reported the same without amendment. The said bill was then ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Brack carry the said bill to the Senate and request their concurrence.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Robertson, from the committee for courts of justice—1. a bill for the benefit of the widow and heirs of Philip Odd deceased.

And by Mr. Cunningham, from the committee of claims—2. a bill for the benefit of the Union Rolling Mill Company.

Which bills were severally received and read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That Mr. Cunningham carry the said bills to the Senate and request their concurrence.

A message from the Senate was received, announcing the passage of bills which originated in this house of the following titles:

An act to attach the county of Nicholas to the first district of the bank of the commonwealth.

An act for the benefit of the Sheriff of Harrison county.

An act authorizing Col. Richard Taylor to perform the duties of Sergeant and Tipstaff to the general court for a limited time.

And that the Senate had received official information that the Governor did on the 20th instant, approve and sign sundry enrolled bills and a resolution which originated in the Senate, of the following titles:

An act to authorize the clerk of the Graves county and circuit court to transcribe certain records.

An act for the relief of William Yates.
A resolution for paying the building commissioners of the Penitentiary.

Mr. McConnell from the committee of religion, to whom was referred a bill from the Senate entitled an act for the divorce of Polly Gillispie, reported the same without amendment. The said bill was then laid on the table until the first day June next.

The yeas and nays being required thereon by Messrs. Breck and Turner were as follows, viz:


Mr. McConnell from the committee of religion, to whom was referred a bill for the divorce of sundry persons, reported the same without further amendment.

Ordered, That the said bill as amended, be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Kennedy carry the said bill to the Senate and request their concurrence.

Mr. J. G. Hardin from the select committee to whom was referred a bill to add part of Monroe to Allen county, reported the same with an amendment, which being twice read was concurred in; and the said bill as amended, ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto the words "and for other purposes."

M. 9
Ordered, That Mr. M. Hardin carry the said bill to the Senate and request their concurrence.

Mr. W. C. Williams from the select committee to whom was referred a bill to further regulate the pay of the sheriffs for comparing polls for Governor, reported the same with an amendment; which being twice read, was concurred in, with an amendment.

It was then moved and seconded to postpone the further consideration of said bill until the first day of June next.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Chenowith and Summers, were as follows, viz:


The said bill as amended was then ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Williams carry the said bill to the Senate and request their concurrence.

A bill from the Senate, entitled an act for the benefit of the infant heir of William Littell, was read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hunter inform the Senate thereof.

The amendments proposed by the Senate to a bill from this house entitled an act to provide for the sale of the vacant lands
west of the Tennessee River, were taken up, twice read and concurred in.

Ordered, That Mr. New inform the Senate thereof.

On the motion of Mr. S. Daviess—Ordered, That leave be given to bring in a bill for the divorce of John Neff, and that Messrs. Daviess, Wade and W. Robertson prepare and bring in the same.

Mr. Daviess presented forthwith, a bill of the title aforesaid, which was received and read the first time, and ordered to be read a second time.

And then the house adjourned.

MONDAY, JANUARY 3, 1825.

Mr. Prince, from the joint committee of enrollments, reported that the committee had examined enrolled bills and resolutions of the following titles, and had found the same truly enrolled, viz:

An act to attach the county of Nicholas to the first district of the Bank of the Commonwealth of Kentucky.

An act for the benefit of the sheriff of Harrison county.

An act to provide for the sale of the vacant lands west of the Tennessee river.

An act authorizing Col. Richard Taylor to perform the duties of Sergeant and Tipstaff to the General Court for a limited time.

An act concerning theatrical performances.

An act to regulate circuit courts within the 14th judicial district.

An act to amend an act entitled an act to improve and keep open the navigation of the Beech fork of Salt river and other water courses.

An act for the benefit of the securities of William Harper, late sheriff of Floyd county.

An act to provide for the reporting of the decisions of the Court of Appeals.

An act concerning Kentucky land warrants which may have been lost.

An act for the relief of the sheriffs of Christian and Henry counties—and

A resolution fixing on a day for the election of public officers. Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. Thruston presented the petition of sundry inhabitants of the town of Louisville, in relation to the construction of a canal around the falls of the river Ohio, at Louisville.
Mr. Roundtree presented the petition of Joseph W. Willburger, praying that a law may pass authorizing him to erect a dam across Green river, opposite Munfordsville, for the purpose of erecting a water grist mill thereon—and

Mr. Holt presented the petition of Mary P. Eppes, widow of Daniel Eppes deceased, praying that she may (by special act of Assembly,) be exempted from the operation of a law against champerty and maintenance, which passed at the last session of the General Assembly.

Which petitions were severally received and read; the first was laid upon the table for the present; the second was rejected; and the third was referred to the committee for courts of justice.

Leave was given to bring in the following bills, viz:

On motion of Mr. R. Taylor—1. a bill to reduce the number of directors of the Bank of Kentucky—and

On motion of Mr. Bates—2. a bill for the benefit of Thomas M'Cilton and John Beatty.

Messrs. R. Taylor, Slack and Mason were appointed a committee to prepare and bring in the first; and Messrs. Bates, Turner and Breck the second.

The following bills were reported from the committees appointed to prepare and bring in the same, viz:

By Mr. R. Taylor—1. a bill to reduce the number of directors of the Bank of Kentucky.

By Mr. Bates—2. a bill for the benefit of Thomas M'Cilton and John Beatty.

Which bills were severally received and read the first and ordered to be read a second time.

And thereupon, the rules of the house, constitutional provision and second and third readings of said bills having been dispensed with and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. R. Taylor carry said bills to the Senate and request their concurrence.

Mr. Willis, from the select committee to whom was referred a bill from the Senate, entitled an act concerning constables, reported the same without further amendment.

The question was then taken upon reading the said bill a third time, which was decided in the negative; and so the said bill was rejected.

Ordered, That Mr. Willis inform the Senate thereof.

Mr. Turner, from the select committee to whom was referred a bill to regulate proceedings on executions and for other purposes, reported the same with an amendment, which being twice
read, was concurred in; and the said bill, as amended, ordered to be engrossed and read a third time to-morrow.

A bill to amend the revenue laws of this commonwealth, was read the second time and referred to a select committee of Messrs. B. Hardin, Brents, Rowan and Fulton.

A message was received from the Senate, announcing the passage of bills by the Senate of the following titles, viz:

An act for the benefit of the sheriff of Adair county.

An act to attach the county of Greenup to the first Bank district.

An act imposing a tax on Brokers.

And the passage of bills, which originated in this house, of the following titles:

An act to erect election precincts in the counties of Meade, Hardin, Pulaski and Nelson—and

An act to reduce the number of directors of the Bank of Kentucky.

And their concurrence in the replication and resolution to the response of the Judges of the Court of Appeals.

Mr. McConnell, of Greenup, from the joint committee raised to investigate the accounts of the Treasurer of this state, on the 31st ultimo, made the following report, viz:

The joint committee to whom was referred the letter of Samuel South, Treasurer, representing that on the 4th of November, 1824, the day on which the capitol was destroyed by fire, there had been lost, from the Treasury, money to the amount of from two to three thousand dollars—have made a laborious and patient examination of such witnesses as were called, or voluntarily presented themselves, to ascertain, if practicable, facts which could elucidate the transaction or solve the doubts that might exist and give satisfaction to the Treasurer and the public.

The Treasurer stated, that all the money was lost, in the Treasury, on the day of the conflagration, except between twenty and thirty dollars, which was snatched from the drawer by his son Samuel South, as some unknown person who was bearing it off, eight dollars in silver and forty dollars fifty cents counterfeit notes.

The witnesses generally detailed conversations and parts of conversations which furnished but little useful or applicable intelligence, and no facts which furnished any means of developing the circumstances of the loss.

This testimony has been prepared in the form of depositions, and the contradictory and unsatisfactory, as the committee wish all to be known in relation to this delicate matter, which might, in the slightest degree, affect the reputation of the head of the department in which the loss has been supposed to have accrued; they beg leave to submit the depositions as part of this report.
Having examined the testimony and finding the difficulties of the case far from being removed and no fact being proved, upon which the mind could rest with certainty or quietude, the committee applied to the books of the Treasurer, Auditor and the Bank of the Commonwealth, and counted the money actually on hand and in the Treasury, which they ascertained to be $2648 25, and making up the account from the balance taken from the books and the money as counted—they considered the whole deficiency in the Treasury on the 19th November to be $1228 25. They at once concluded that deficiency to have been produced by the loss said to have been sustained on the 4th, and addressed a letter to the Treasurer for an explanation, which letter and answer are submitted.

Frankfort, Dec. 3rd, 1824.

Sir—

The joint committee raised upon your communication of the loss or money out of the Treasury on the day of the conflagration of the capitol, have, upon the most diligent investigation, ascertained that the whole deficit in the Treasury does not exceed the sum of $1228 91. The means taken by the committee to ascertain that fact, are the following:—By actual count made on the 19th day of November last, they find the amount then in the Treasury to be $2648 25. There was on that day a balance due from the Treasury to the Bank of the Commonwealth $31,007 23, subject, however, to a credit or deduction, as appears from the Auditor's books of $27130 25, leaving a nett balance due the bank of $3677 16. From this sum take the amount of cash in the Treasury $2648 25, leaves the deficit of $1228 91 as above stated. It has been thought advisable and just to give you this information, thereby furnishing you an opportunity of correcting any mistake, may have happened with the committee, and of explaining, should you see proper to do so, the reasons which induced you to report a loss of about $2650. The committee will take pleasure in delaying their report a few days for your answer.

Tho: D. Carneal, Ch. Sen.
Jno: M. Mcconnell, Ch. H. R.

Frankfort, Dec. 6th, 1824.

Gentlemen—

I reply to your letter in which you state the actual deficit to be $1228 91 and offer me the opportunity to explain why I reported the greater deficit of $3650. I submit to you a simple detail of facts, in which I hope you will find an ample explanation. It is in evidence, now before the committee, that I precipitated the statement of the amount lost, upon my own and my
sons recollections of the money actually in the Treasury. I
know, certainly, of the sum of $1850, which I had wrapped
in paper and placed in the back of the drawer. This sum, I had
an impression, was afterwards increased by adding to it an
hundred dollar note. My conjecture, with regard to the loose
money in the front of the drawer, was formed from the recollec-
tion I had of the amounts recently received, and of the amounts
my son and myself remembered to have paid on warrants with-
out employing our usual mode of checking on the bank. Of this
last sum I never could speak with any great assurance, and
therefore informed the house that the amount lost was between
$3000 and $3000. In the attempt to be more exact by stating
the amount of loose money from memory, and fixing the deficit
at about $2650, I must suppose that I have erred between three
and four hundred dollars, unless some future examination shall
shew a mistake in the calculations of the committee, which now
seem to be perfectly correct.

But with regard to the large amount enveloped and put away,
I was sure I could not be mistaken; and I was prepared, from
my consciousness of its truth, to reiterate the statement, altho' I
could not account for the difference, in which it resulted, from
the unquestionable calculations and conclusions of the commit-
tee. In this state of uncertainty the affair must have remained,
and I must have relied on the liberality and good feelings of the
committee, to presume that there was an undetected error rather
than believe me guilty of an attempt to impose on them. Happi-
ly for me, a circumstance was brought to my mind, which, from
the difficulties and embarrassments which surrounded me, had
before escaped me. As I have, in fact, withdrawn but a small
portion of my salary from the Treasury, although I have
credited the payment of the whole amount on the books, it im-
mediately occurred to me, on the recollection of the circum-
stance, that it would make a difference between the sum counted
in the Treasury, and the sum which should be there from the
calculation, equal to the amount of salary undrawn. As the
explanation, which I offer, grows out of facts in relation to my
salary, which are susceptible of proof, I will state them circum-
stantially and solicit an investigation on the part of the com-
mittee. Since I have been in office, it has been my habit to
obtain the warrants for my salary from the Auditor and enter
them, as paid, on the books of my department, without actually
withdrawing the amount from the Treasury. I have, however,
kept a private book, in which sums due from the Treasury to
me are particularly stated; and when I actually appropriate
any part of my salary, by withdrawing it from the Treasury, I
credited the amount in this book. For the purpose of saving
some portion of my salary annually, I have exerted all my other
means on which I supported my family before I accepted my office; for the same object, and the additional expenses which I have incurred by my residence in town, in the stores and groceries, by express agreement with the persons with whom I dealt, are payable at the expiration of the year. The object of this last arrangement was expressly that my salary should remain, as little impaired as possible, in the Treasury until my settlement with the government was closed, that I might have the means on hand to make good to the state any deficit which might accrue from mistakes in counting or calculating, or from any other cause. I thought it best by agreement with my private creditors, to retain this means of satisfying any demands which accidents might occasion against me in favor of the public. My book, for the last year, will shew that I had $1573.65 deposited in the Treasury—that I have withdrawn from that sum at various times items amounting to the sum of $550.80, which leaves a balance in my favor of $1042.85. This last sum, added to that reported as deficit by the committee, will show that the sum of $2271.76 was the sum taken from my office on the day on which the capitol was burnt. I assure the committee that I most sincerely rejoice that the public loss is so much less than I expected; and I congratulate myself that I have been able to lay hold of a circumstance which verifies the original statement of my letter, although at the same time, it apprizes me of a loss, on my part, equal almost a whole year's earnings. I avail myself the present opportunity to acknowledge my obligations to the committee for the patience with which they have laboured in this enquiry, and for the indulgence shown to me, in an investigation involved by so many unfavorable circumstances, among which not the least is my own inacity to prevent or resolve difficulties which would never occur or be so easily explained, by persons whose previous habits of life has prepared them for the business of a person in office. Presuming, on the favourable disposition which the committee have thus evinced, I must beg of them to hear the explanations which, if permitted, a kind friend, Mr. Crittenden, will make on my case, as exhibited in the evidence before the committee. I have communicated to him, for that purpose, all the views with which my own knowledge of truth have furnished me, and which though they cannot be proven by my own oath, yet I hope will be satisfactorily established by a comparison of all the circumstances of the case. For this comparison I might unhesitatingly rely on the intelligence and industry of the committee, but I persuade myself that it would facilitate their labors, if the testimony were canvassed by a person to whom professional experience and talents have made such investigations easy. I am desirous too, that this closing scene of the enquiry may be
had in a public setting of the committee in the Hall of the House of Representatives. Rumor has spread throughout the town, probably throughout the state, all the circumstances which are calculated to criminate me, and I would have an opportunity afforded to all who take an interest in the fate of an injured man, to hear my vindication. I make this application in the fullest confidence that it will meet with the approbation of the committee. They are sensible that the result of their report involves considerations of much greater value to me than even the little remnant of my life. They would not, therefore, willingly decide without attending to all the views which are offered on the evidence. When that is accomplished, I shall cheerfully submit my case to the good sense and feelings of the committee and of the house.

I am, with great respect,
Your obedient servant,

SAML. SOUTH, Tr.

The committee deeming the explanation in the Treasurer's letter plausible, were preparing to report, when feeling difficulty as to the assumption of the particular time when this deficiency accrued and some difference taking place in relation to the calculations and results, your committee, equally zealous to relieve the individual whose reputation was at hazard, and anxious to do justice to their constituents and the country, applied to three gentlemen skilled in accounts and well qualified, two of whom, Messrs. Pendleton and Page, made out a general balance sheet (as per request,) exhibiting the situation of the Treasury from the 10th of October to the 19th of November inclusive, shewing the certain balance on the 2nd, 3rd, 4th and 19th of November; which balance sheet is referred to and made a part of this report:

*Samuel South Treasurer, 2nd November, 1824.*

Dr.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>To amount of cash received from the</td>
<td></td>
</tr>
<tr>
<td>10th October, 1824, to the 2nd November, 1824, on resident lands</td>
<td>$863 84</td>
</tr>
<tr>
<td>Ditto on vacant lands</td>
<td>$64 75</td>
</tr>
<tr>
<td>Ditto on Green river lands</td>
<td>$265 05</td>
</tr>
<tr>
<td>Ditto from sheriffs</td>
<td>$2264 93</td>
</tr>
<tr>
<td>Ditto from clerks</td>
<td>$526 07</td>
</tr>
<tr>
<td>Ditto from agent of Penitentiary</td>
<td>141</td>
</tr>
<tr>
<td>Amount of checks drawn on the Bank of</td>
<td></td>
</tr>
<tr>
<td>the Commonwealth</td>
<td>$4446 63</td>
</tr>
<tr>
<td></td>
<td>$40738 58</td>
</tr>
<tr>
<td></td>
<td>$51185 21</td>
</tr>
</tbody>
</table>
3rd November, 1824.

To amount of cash received from 10th October, 1824, to 3rd November, 1824. upon non resident lands $869 04
Ditto on vacant lands 402 25
Ditto on Green river lands 286 05
Ditto from sheriffs 2064 92
Ditto from clerks 552 57
Ditto from agent of Penitentiary 141 4516 63

Total amount of checks drawn on the Commonwealth Bank up to this day 47080 66

$51597 23

4th November same as the 3rd, no business being done on this day.

19th November, 1824.

To amount of cash received from 10th October, 1824, to 19th November, 1824, upon non residents lands $948 49
Ditto vacant lands 585 75
Ditto Green river lands 566 30
Ditto Tellico lands 53 15
Ditto from sheriffs 5331 28
Ditto from clerks 940 21
Ditto from agent of Penitentiary 425 8849 73
Ditto miscellaneous receipts 2 55

Ditto from the Bank of the Commonwealth 21108 64

Total amount of checks drawn on the Bank of the Commonwealth 53626 01

$83584 38

To total amount of cash received from 4th November to the 19th of November, 1824, exclusive of the sum received from the Bank of the Commonwealth 4383 10

The amount the Treasurer received from the Bank of the Commonwealth, which was credited to him on the books of said bank, 10th November, 1824, 21108 64

2nd November, 1824.

By balance as reported on the 10th October, 1824, $35467 54
Amount of warrants from the 10th October, 1824, to 2nd November, 1824, 12133 43
Cash, specie $500 equal to, in Commonwealth’s notes, $1000 00
Illinois note of $20, do. 10
Should be in Commonwealth’s notes 2584 24

3rd November, 1824.
By balance as reported on the 10th day of October, 1824, $35457 54
Amount of warrants paid from the above date to this day 12351 74
Cash in specie $500 equal to, in Commonwealth’s paper, $1000
In Illinois paper $20, do. 10
Should be in Commonwealth’s paper 2797 95

$51597 23

4th November same as the 3rd, no business being done on this day.
By balance as reported on the 10th of October, 1824, $35457 54
Amount of warrants paid from the above date up to this day 29370 60
Deposited in the Bank of the Commonwealth, 10th November, 1824, $21108 64
Ditto do 18th do. 1510
Cash in specie $500, equal in Commonwealth’s paper $1000
Illinois paper $20, do. 10
In Commonwealth’s paper as counted by the committee 2643 25
Balance due from the Treasurer on this day 1479 35

$83584 33

By amount of warrants paid from the 4th to the 19th November, 1824, it being the amount paid up to the time the committee counted the money in the Treasury office on the 19th November, 1824, $298 86
Checks paid in the Bank from the 4th to the 19th
November, 1824, dated within this period
All of which is respectfully submitted.

Signed

JOHN T. PENDLETON.
THOMAS S. PAGE.

By the above balance sheet your committee ascertained what
sum should have been on hand on the 14th day of November, it
being the same as on the 3d, to wit: $797 dollars 97 cents, on
which day the Treasurer stated that all the money was lost ex­
cept the small sums above mentioned—This then was looked
upon as a new epoch—a starting point. The counting of the
money on the 19th of November, then in the treasury, by three
of the committee, Gen. Allen of the Senate, Messrs. Booker and
McConnell of the House of Representatives, was found to be
$248 dollars 25 cents, a point of termination. From a further
examination of the balance sheet up to the 19th November, it
will be found that the balance due from the Treasurer on that
day was $1479 dollars 35 cents. No proposition can be more self
evident than this; if there had been lost or purloined from
the treasury the sum of $797 dollars 25 cents on the 4th, after
deducting the small sums as heretofore stated by the treasurer,
the receipts and disbursements thereafter never could have les­
sened or restored the loss. That loss would have always ap­
peard the same to the end of time, upon making up and balanc­
ing the treasury account. This seemed to prove to your com­
mittee one of two facts, that the sum of $797 dollars 93 cents,
was not taken from the treasury on the 4th, the day of the con­
cluration, or that the sum necessary to reduce the deficiency
to the sum of $1479 dollars 35 cents, has been introduced into
the treasury between the 4th and 19th.

A letter was addressed to the Treasurer furnishing him with
this balance sheet and requesting his explanation. To this ad­
dress and request the Treasurer returned his answer accompa­
 nied by a balance sheet up to the 19th of December, which let­
ters and balance sheet is made a part of this report.

SIR:

The committee call your attention to the following extract
from the balance sheet as made out by Messrs. Pendleton and
Page, and herewith sent you.

The receipts of money in the treasury from the
4th of November to the 19th, were

Checks drawn by you on the Bank of the com­
monwealth within that period and paid,
Disbursements out of the treasury upon Auditor's warrant

Balance in the treasury,

This sum, 2447 dollars 62 cents, was all the money that could possibly have been in the treasury on the 19th, the day the money was counted, from the date as furnished by the balance sheet. We find on that day, the 19th, the committee counted the sum of 2648 dollars 25 cents, and furthermore, that on the 18th, you deposited in the bank of the commonwealth the sum of 1510 dollars. These facts are to the committee unaccountable; they taking it for granted that on the 4th, all the money in the treasury was lost, except the amount snatched from the drawer by your son Sam.

We wait your explanation.

Very respectfully,

Your obedient servants,

THOMAS D. CARNEAL, Ch'n Senate.

JOHN M. McCONEILL, Ch'n. H. R.

FRANKFORT, Dec. 21, 1824.

Gentlemen—On Saturday last, I received your letter without date, with a balance sheet; by that sheet it would appear that on the 19th November, 1824, the day to which that account was brought down, there was due from the treasury the sum of 1479 dollars 35 cents. By the same balance sheet it appears that from the 4th to the 19th of November, the whole amount of receipts by me at the treasury, exclusive of the sum received from the bank of Kentucky, was 4338 dollars 10 cents; that the whole amount of warrants paid within those dates, is 8038 dollars 86 cents; that the amount of checks paid at the bank within those periods is 6153 dollars 38 cents. From these facts exhibited by the proof sheet, you infer in your letter that there should not have been on the 19th of November, when you counted the money, more than the sum of 2447 dollars 62 cents in the treasury; and that I had deposited on the 18th, the sum of 1510 dollars. Yet the committee counted the sum of 2648 dollars 25 cents.

These facts you suppose are inconsistent with the fact of the loss of the money on the 4th. You say they are unaccountable to the committee, and ask my explanation. It has ever been my desire and pleasure to afford the committee every facility, information and explanation in my power; and I trust the committee will do me the justice to say, they have ever found me ready to do so.

As to the statement in their letter above, I cannot pretend to
give any other or further explanation than this: That the difficulty suggested by the committee proceeds from mistakes into which they have inadvertently fallen themselves. How they have committed those mistakes, and the extent of those mistakes, I will not pretend to say, because it is well known to the committee that their calculations have been made in my absence.

I presume that the committee, committed, no doubt unintentionally, a mistake in counting the money. I think by the copy of their estimate which I have obtained a day or two ago, that they did count the same sums of money twice to produce the sum of 2648 dollars 25 cents stated in their letter to me—but of this the committee can best judge. The best means I have in my power to show them what I deem an error in their statements, and what I consider the true balance, is to submit the statement of Mr. Pendleton and Mr. Page, who have made a balance sheet for me, which I herewith submit with their remarks. Besides the mistake with the committee may have originated in errors in dates of warrants, checks or certificates, if the committee want further explanations, I beseech them to come into the office, examine the books, papers and records and make their own estimates.

With great respect, &c.

SAMUEL SOUTH, Treasurer.

Samuel South, Treasurer (on the 18th Dec. 1824,) Dr.

To cash received from Sheriffs $30954 06
Ditto Clerks 3072 35
Ditto on Green river lands 1207 13
Ditto on vacant lands 1417 45
Ditto on Tellico lands 93 15
Ditto on non resident lands 1154 94
Ditto miscellaneous certificates 2 55
Ditto from agent of the penitentiary 1244 13

$40015 76

Ditto from the bank of the commonwealth 21108 64
Cash due the bank of the commonwealth 24327 64

$85452 04

Samuel South, Treasurer (on the 18th Dec. 1824,) Cr.

By balance as per report 10th October 1824 $35457 54
Amount of warrants paid 40095 24
Cash specie in bank of Kentucky, 500 dollars, equal to 1000 00
Specie on hand $26 18 equal to 52 36
Illinois note 20 dollars, equal to 10 00
Kentucky notes 22 00
Jan. 3.]

OF REPRESENTATIVES.

Commonwealth's notes 6831 27
Counterfeit and on banks not good 40 59

Balance as deficit due from the Treasurer 1292 15

Dollars 85452 04

The above statement is made out by the undersigned at the special and particular request of General South, up to the 19th December 1824. It will be observed that there appears to be a difference between the amount reported as a deficit in this statement, and the one made out by us for the committee, up to the 19th November last, of 187 dollars 20 cents. The only way we can account for this difference is, that the committee must have made a mistake in counting the money in the treasury on the 19th November—because if the money had been counted correctly at both periods—that is, on the 19th November and the 19th December last—the amount in deficit ought to be the same at those periods. The money reported to be on hand in this statement, was counted by each of us, and we agreed in the amount—and the items contained in this statement were ascertained from, and by a comparison of, the books in the office of the Auditor and Treasurer—21st December, 1824.

A copy. Signed JOHN T. PENDLETON.

THOMAS S. PAGE.

By this balance sheet the deficiency in the treasury has again been reduced, and instead of being 1479 dollars 35 cents as on the 19th November, it is but 1292 dollars 15 cents, a gain to the treasury of 187 dollars 20 cents. This is accounted for by Messrs. Pendleton and Page by a mistake in counting the money on the 19th by the committee. Those gentlemen are positive the money was counted accurately on that day, but were the committee to indulge in a belief that a mistake might have been made in counting the money, it would result in this fact, that they did not count all the money—for the sum counted, say 2643 dollars 25 cents would be increased 187 dollars 20 cents, necessarily to reduce the deficit of 1479 dollars 35 cents to 1292 dollars 15 cents.

At one period, from the misarrangement of the entries of disbursements, apprehensions were entertained that a large balance would be found due from the Treasurer—but upon a further examination, and comparison of the Treasurer's books with the Auditor's, it was found the general result agreed, and that a want of correct classification alone existed.

Here your committee beg leave to explain as to the money counted in the treasury—It will be found on the balance sheet up to the 19th November, stated at 2643 dollars 25 cents. The
actual sum counted was 2658 dollars 25 cents, only making a difference of ten dollars. This difference not varying the results, the correction was deemed unimportant, and the paper on which the sums, as counted and set down, is as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Value</th>
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<tbody>
<tr>
<td>Silver 8 dollars</td>
<td>16.00</td>
</tr>
<tr>
<td>Counterfeit</td>
<td>40.50</td>
</tr>
<tr>
<td>Illinois note 20 dollars equal to</td>
<td>10.00</td>
</tr>
<tr>
<td>Kentucky paper</td>
<td>22.00</td>
</tr>
<tr>
<td>One bill commonwealth paper</td>
<td>10.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2658.25</strong></td>
</tr>
<tr>
<td>Cash in certificate of deposit in silver by Clay and Rowan 500 dollars</td>
<td>1000.00</td>
</tr>
<tr>
<td><strong>Dollars</strong></td>
<td><strong>8658.25</strong></td>
</tr>
</tbody>
</table>

JAMES ALLEN.
JOHN M. McCONNELL.
WILLIAM B. BOOKER.

The committee before they close this report, would remark that the Treasurer, as well as all the other public officers from whom they required aid, indicated a cheerfulness in giving assistance, and every wish to bring the investigation to a useful and satisfactory issue.

*From the Senate:*

THO: D. CARNEAL, Ch'm.
JAMES ALLEN.
JAMES CRUTCHER.

*From the House of Representatives:*

JOHN M. McCONNELL, Ch'm.
WILLIAM B. BOOKER.
ENoch Prince.
LEONARD STEPHENS.
JAMES TRUE, Jr.
WILLIAM HUNTER.
WILLIAM ROBERTSON.
EDMUND WATKINS.

Which was laid on the table.

Mr. Prince, from the joint committee of enrollments, reported that the committee had examined an enrolled bill entitled an act to reduce the number of directors of the Bank of Kentucky, and had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

An engrossed bill entitled an act to provide for constructing a canal at the Falls of Ohio, was read a third time.
It was then moved and seconded, to postpone the further consideration of said bill until the first day of June next.

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

The yeas and nays being required thereon by Messrs. B. Hardin and L. Williams, were as follows:


The question was then taken on the passage of said bill, which was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Sterett and Williams, were as follows:


Ordered, That engrossed bills entitled an act to constitute a board of commissioners of public works,

An act providing a fund for internal improvements—and An act providing for the issuing a writ of ad quod damnum to condemn a site for a canal, be severally laid on the table.
On the motion of Mr. Thruston, Ordered, That leave be given to bring in a bill to incorporate the Louisville and Portland canal company, and that Messrs. Thruston, Rowan and Joyes prepare and bring in the same.

Whereupon, Mr. Thruston presented a bill of the title aforesaid, which was received and read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second reading of said bill having been dispensed with, the said bill was recommitted to a select committee of Messrs. Thruston, Rowan, Joyes, McConnell, Booker, Triplett, Gordon and Stephens.

A message from the Governor by Mr. Loughborough:

Mr. Speaker—The Governor has approved and signed the following enrolled bills, which had their origin in the House of Representatives, viz: An act for the benefit of Fanny Rooney. An act authorizing Col. Richard Taylor to perform the duties of Tipstaff to the general court for a limited time. An act for the benefit of the sheriff of Harrison county. An act to provide for the sale of the vacant lands west of the Tennessee river. An act to attach the county of Nicholas to the first district of the bank of the commonwealth of Kentucky. An act to reduce the number of directors of the Bank of Kentucky.

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

The amendments proposed by the Senate to a bill from this house entitled an act to appropriate fines and forfeitures, and to a bill entitled an act to change the time of holding the November term of the Owen circuit court, and for other purposes, were taken up, twice read and concurred in with an amendment.

Ordered, That Mr. Forrest inform the Senate thereof.

Mr. Joyes, from the select committee appointed for that purpose, reported a bill to authorize an election in the county of Oldham, for the purpose of enabling the citizens thereof to vote for the location of their permanent seat of justice.

Which was received and read the first time and laid on the table until the first day of June next.

On motion, leave was given to withdraw the petitions and remonstrances and documents relative to the seat of justice of Oldham county.

A message from the Senate by Mr. Yancey:

Mr. Speaker—The Senate has received official information that the Governor did, on this day, approve and sign enrolled
bills and a resolution, which originated in the Senate, of the following titles:

An act for the benefit of the securities of Stephen Harper, late sheriff of Floyd county.
An act to regulate the circuit courts in the 14th judicial district.
An act for the relief of the sheriffs of Christian and Henry counties.
An act concerning theatrical performances.
An act concerning Kentucky land warrants which may have been lost.
An act to amend an act entitled an act to improve and keep open the navigation of the Beech fork of Salt river and other water courses.
An act to provide for reporting the decisions of the Court of Appeals.
A resolution fixing on a day for the election of public officers.
And then he withdrew.

An engrossed bill entitled an act concerning answers in chancery, was read a third time.
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.
Ordered, That Mr. Brents carry the said bill to the Senate and request their concurrence.

A message was received from the Senate announcing the passage of bills of the following titles:

An act further to regulate the Lunatic Asylum.
An act for the benefit of Captain James Hunt's company of militia—and
An act to regulate the collection of certain officers fees and fines and penalties, and for other purposes.

The following bills were severally read a second time:
1. A bill to reduce the price of mountain lands in this commonwealth.
2. A bill to regulate the action of ejectment.
3. A bill concerning the town of Lexington.
4. A bill for the benefit of the committees of certain lunatics.

The first and third were severally ordered to be engrossed and read a third time; the second was committed to a select committee of Messrs. B. Hardin, M'Connell of Greenup, Mosely and Rowan; the fourth to a select committee of Messrs. R. Taylor, Wickliffe, S. Daviess and Gordon; and the fifth to a select committee of Messrs. Wickliffe, S. Daviess, Joyes and Maupin.

And thereupon, the rule of the house, constitutional provision and third reading of the first and third bills having been dispensed with and the same being engrossed,
Resolved, That the said bills do pass—that the title of the first be amended to read an act to reduce the price of vacant lands North of Walker's line in this commonwealth—and that of the third be as aforesaid.

Ordered, That Mr. W. C. Williams carry the said bills to the Senate and request their concurrence.

And then the house adjourned.

TUESDAY, JANUARY 4, 1825.

Mr. Galloway from the joint committee appointed to examine the Bank of Kentucky, made the following report, viz:

The joint committee of the Senate and House of Representatives, appointed to examine and report to the Legislature the situation of the Bank of Kentucky, herewith report a statement of the situation of that institution on the 14th of the present month, exhibiting the amount of its capital stock, designating the amount owned by the state from the amount owned by individuals, the amount of debts due by individuals, the amount of deposits therein, designating the amounts of special deposits, whether in specie or paper, also the amount of notes of the said bank in circulation, and the amount of specie on hand.

The committee deem it proper to state that the statement of the situation of the bank now reported, has been made out by the officers of the bank, and is signed by the President and Cashier. The want of time to devote to a minute investigation has prevented them from comparing the evidences in possession of the bank with the items of the report, although every facility to make that investigation has been offered by the officers of the Bank.

Senate:
THOMAS C. HOWARD, Ch'n.
CHILTON ALLEN.
YOUNG EWING.
THOMPSON WARD.

House of Representatives:
GEORGE GALLOWAY, Ch'n.
ROBERT TAYLOR.
STEPHEN MULLEN.
JOHN STERETT.
WILLIAM WADE.
GEORGE MORRIS.
BOURNE GOGGIN.
ABSALOM OLDHAM.

A statement of the situation of the Bank of Kentucky, December 14th, 1824.

Due to other banks $1242 59
### OF REPRESENTATIVES.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes issued</td>
<td>408879 06</td>
</tr>
<tr>
<td>Surplus profits</td>
<td>170394 73</td>
</tr>
<tr>
<td>Current profits since 1st July</td>
<td>34986 32</td>
</tr>
<tr>
<td>Stock</td>
<td>139 058 00</td>
</tr>
<tr>
<td>Ditto residuary</td>
<td>173 940 00</td>
</tr>
<tr>
<td>Due to the treasury United States</td>
<td>27363 12</td>
</tr>
<tr>
<td>Due to individuals</td>
<td>175943 84</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,833,107 66</strong></td>
</tr>
</tbody>
</table>

| Deposits in Kentucky notes due to individuals   | 40341 34     |
| Treasury United States                          | 27363 12     |
| **Deposites payable in specie**                 | **$87645 49** |

- Current expenses: $7336 12
- Due from other banks: 47627 01
- Real estate: 362265 66
- Due from individuals: 149873 50
- Defalcations at branches: 28665 21
- Cash on hand, specie: $59649 60
- Notes of other banks: 6569 60
- Kentucky notes: 24641 00
- Notes Bank Commonwealth: 135856 36

| **Total**                                        | **$2,833,107 66** |

The bank holds notes for the rent of property which have not been carried into the general accounts, amounting to $7624 50

J. HARVIE, President.
WILL: S. WALLER, Cashier.

Specifications required by the resolution of the General Assembly, raising a committee for examining into the situation of the Bank of Kentucky.

### STOCK.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owned by state</td>
<td>537030 00</td>
</tr>
<tr>
<td>Ditto by individuals</td>
<td>854028 00</td>
</tr>
<tr>
<td></td>
<td>139,1058 00</td>
</tr>
</tbody>
</table>
Residuary interests on surrendered stock

A distribution of ten dollars the share, in notes of the Bank of the Commonwealth of Kentucky was declared in July last upon the capital stock—of which there remains undrawn and standing to the credit of the stockholders respectively, the sum of

\[ \text{DUE TO THE BANK.} \]

\[ \begin{align*}
\text{By individuals} & : \quad \$1,732,400.00 \\
\text{By Banks} & : \quad \$528,222.00 \\
\text{DEPOSITES.} & \\
\text{Treasury United States} & : \quad \$2,736,723.50 \\
\text{Banks} & : \quad 124,425.90 \\
\text{Individually} & : \quad 175,594.34 \\
\text{Of said deposites, there is in specie Kentucky notes} & : \quad 1,994,134.63 \\
\text{A considerable portion of the balance of deposites cannot be withdrawn, in as much as they are payments from persons indebted to the bank upon notes not under regular discount.} & \\
\text{Notes issued by the Bank} & : \quad 403,879.06 \\
\text{Redeemed and now on hand} & : \quad 246,115.00 \\
\text{Now afloat} & : \quad 162,463.06 \\
\text{Specie} & : \quad 599,400.60 \\
\text{Deposits in specie} & : \quad 19,941.03 \\
\text{Belonging to the Bank} & : \quad 397,083.57 \\
\text{The following reports were received from joint committees} & \\
\text{appointed to examine the reports of the Branches of the Bank of the Commonwealth, viz:} & \\
\text{The joint committee appointed to examine the report of the Somerset Branch of the Bank of the Commonwealth, having carefully examined and inspected the same, beg leave to report: That, as far as they are able to judge, the debts of said} &
\end{align*} \]
Branch Bank are all well secured, with the exception of two in the county of Lincoln amounting to $852, which they consider as lost. The President and Directors of the said Branch have been punctual in the renewal of their notes and in the payment of their calls and discounts, as appears from the said report.

Committee from the Senate:

MARTIN BEATY.
RICHARD BALLINGER.
JAMES DAVIDSON.

Committee from the House of Representatives:

C. M. CUNNINGHAM.
BOURNE GOGGIN.
JAMES FARMER.
RODES GARTh.
BURTON LITTON.
JOHN BATES.
URIAH GRESHAM.

The committee to whom was referred the report of the Lexington Branch Bank of the Commonwealth, have had the same under consideration and report:

That it appears to the committee that the business of said Branch seems, generally, to have been well managed and that the debts due said Branch are, in the opinion of the committee, with a few exceptions, well secured.

R. WICKLIFFE.
JAMES PATTERSON.
JAMES TRUE, JR.
HENRY C. PAYNE.
M. FLOURNOY.

The joint committee, composed of the senators and representatives from the counties composing the second Bank district, have had under consideration and examined the report from the Falmouth Branch, and are of opinion that the business of said bank has been properly conducted. The debts appear to be, generally, well secured and the provision of the charter adhered to.

P. BARRETT.
JOHN FORSYTH.
THO: D. CARNEAL.
AND. S. HUGHES.

Of the Senate.

LEONARD STEPHENS.
N. D. COLEMAN.
H. O. BROWN.
LEWIS RIDDLE.
STEPHEN MULLINS.
JOHN MARKSBERRY.
JOHN S. MORGAN.

Of the House of Representatives.
The joint committee to whom was referred the report of the Branch Bank of the Commonwealth located at Mountsterling, have had the same under consideration, and now submit the following report:

It appears from the said bank report, that there is due from the county of Montgomery $39510.00

From the county of Bath 9317.55

From the county of Greenup 6620.80

From the county of Floyd, including the parts of those counties taken from it since the establishment of the bank, 6314.60

Making an aggregate amount of $62263.15

So far as we are acquainted, we can respectively state, that the debts due that branch are well secured and there are no doubtful debts that we can perceive; we can discover nothing in the management of that institution that we do not approve of.

From the Senate:

THOMSON WARD.
H. B. MAYO.
JESSE DANIEL.

From the House of Representatives:

JOHN M. McCONNELL.
E. SHORTRIDGE.
JACOB MAYO.
WILEY C. WILLIAMS.
JOHN MASON, Jr.

The joint committee raised for the purpose of examining the report of the Louisville Branch Bank of the Commonwealth, have performed that duty and beg leave to report:

That as far as they have been able to ascertain, the debts due are generally well secured, and they doubt not, that the whole of them may be recovered.

It appears that several of the notes are laying over, but your committee believe that notwithstanding they are as well secured as the other debts, and that the failure to renew the notes was occasioned by the distance of the drawers from the bank and some other accidental causes. That portion of the notes which are in suit, they consider no less secure than the other debts, and that portion secured by mortgage they consider amply secured. In conclusion, your committee will beg leave to remark,
that this Branch of the Bank has been conducted with ability and fidelity on the part of the officers.

JAMES W. DENNY.
MARTIN H. WICKLIFF.
JAMES CRUTCHER.
JOHN ROWAN.
C. M. THRUSTON.
THO. JOYES.
LEWIS WILCOXON, Jr.
MARTIN HARDIN.
ISAAC C. CHENOWITH.

The joint committee appointed to examine the report of the principal Bank of the Commonwealth of Kentucky, having performed the duty assigned them, submit the following as the result of their examination, to wit:

That all the debts due by individuals residing in the county of Franklin are considered safe, being, in the opinion of the committee, well secured, and although there are twenty four notes, in that county reported as defaulters; still your committee are satisfied that no loss will accrue to the Bank from them; they being mostly on persons, who are dead or removed out of the state, leaving their securities to pay.

They also find the debts due by individuals residing in the county of Henry are well secured by mortgage on real estate or personal security, and although there are some thirty or forty reported defaulters, your committee believe said debts safe and that no loss will accrue to the Bank from them.

They also report that the debts in Woodford county are considered to be well secured; there being some reported defaulters notwithstanding, and that, in the opinion of the committee, no loss will accrue to the Bank from that county.

The debts due from Owen county are also considered safe, they being small in number and amount; and that no loss can be anticipated from those debtors.

They further report that the debts in the county of Shelby, with a few exceptions, are well secured; there is, however, one note of eighty four dollars considered bad and three others, together amounting to the sum of eight hundred and fifty eight dollars, which are doubtful—they entertain no doubt as to the security of the balance of the debts in that county.

Your committee state further, that the debts in Gallatin county are thought to be well secured at present, but think some attention to a few of them necessary, otherwise a small loss may accrue to the Bank.
All of which is respectfully reported,

J. DUDLEY,
C. H. ALLEN,
AND: MULDROW,

Of the Senate.

JAMES McCORRINDELL,
CYRUS WINGATE,
JOHN RODMAN,
ROBERT SAMUEL,
JAMES FORD,
DAVID GIBSON,
WM. HUNTER,
JAS. McBRAYNER,
H. CRITTENDEN,
THOS. P. WILSON,

Of the House of Representatives.

Leave was given to bring in the following bills:

On the motion of Mr. Stephens—1. a bill supplemental to an act to provide for the selection of a permanent seat of justice for Campbell county, approved 13th December, 1824.

On the motion of Mr. Cosby—2. a bill to authorize the Auditor to come to a settlement with the keeper of the Penitentiary—and 3. a bill to authorize the county court of Owen county to lay an additional levy.

On the motion of Mr. Thomas—4. a bill for the benefit of Betsey Justice—5. a bill for the benefit of Sampson Trammell—and

On the motion of Mr. Chapreze—6. a bill supplemental to an act entitled an act to incorporate St. Joseph's College at Bardstown.

Messrs. Stephens, Carter and Mullens were appointed a committee to prepare and bring in the first; Messrs. Cosby, Garth and L. Williams the second; Messrs. Cosby, Wingate and L. Williams the third; Messrs. Thomas, Wade and Marksberry the fourth and fifth; and Messrs. Chapreze, B. Hardin and Thruston the sixth.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Stephens—1. a bill supplemental to an act to provide for the selection of a permanent seat of justice for Campbell county, approved 13th December, 1824.

By Mr. Cosby—2. a bill to authorize the Auditor to come to a settlement with the keeper of the Penitentiary—3. a bill to authorize the county court of Owen to lay an additional levy.

By Mr. Mosely—4. a bill to amend and reduce into one the several acts exempting property from execution.
By Mr. Thomas—5. a bill for the benefit of Betsey Justice—
6. a bill for the benefit of Sampson Trammell.
By Mr. Chapeze—7. a bill supplemental to an act to incorporate the St. Joseph's College at Bardstown.
By Mr. Watkins—8. a bill for the benefit of Frances Reynolds, her five idiot sons and Col. Robert Patterson.
By Mr. New—9. a bill to amend the several acts in relation to opening a road from Beaver Iron Works to Prestonsburg—
and
By Mr. Thruston—10. a bill for the benefit of Zachary Conclude.
Which bills were severally received and read the first time; the 1st, 2nd, 4th, 5th, 6th, 7th, 8th, 9th and 10th ordered to be read a second time and the third was laid on the table.
And thereupon, the rule of the house, constitutional provision and second and third readings of the 1st, 2nd, 5th, 6th, 7th, 8th, 9th and 10th bills having been dispensed with (the eighth having been amended,) and the same being engrossed.
Resolved, That the said bills do pass and that the titles thereof be as aforesaid.
Ordered, That the clerk carry the said bills to the Senate and request their concurrence.
Mr. Dallam, from the select committee appointed for that purpose, reported a bill for the benefit of the Christian Academy, which was received and read the first time.
It was then moved and seconded, to postpone the further consideration of said bill until the first day of June next.
And the question being taken thereon it was decided in the negative.
The yeas and nays being required thereon by Messrs. Cox and Dallam, were as follows, viz:
The said bill was then ordered to be read a second time.
Mr. Thruston, from the select committee to whom was referred a bill to incorporate the Louisville and Portland canal company, reported the same with amendments, which being twice read, were concurred in; and the said bill, as amended, ordered to be engrossed and read a third time to-morrow.

A message was received from the Senate announcing the passage of bills of the following titles:

An act to amend an act entitled an act to revive and amend the champerty and maintenance law and more effectually to secure the bona fide occupants of land within this commonwealth, approved January 7, 1824.

An act entitled an act to regulate the salaries of the Judges of the Court of Appeals and for other purposes.

An act for the benefit of Henry S. Langford—and

The passage of a bill from this house entitled an act for the relief of the creditors and heirs of Nathaniel Harlan deceased. Their concurrence in the amendments proposed by this house to those proposed by the Senate to a bill, which originated in this house, entitled an act to appropriate lines and forfeitures—and

Their concurrence in a resolution from this house for uniting the public printing.

And in a resolution for the erection of tombstones over the bodies of the honorable Thomas Doherty, late Senator from Pulaski, and the late Governors Madison and Greenup.

The house then proceeded to the election of a Treasurer, and after receiving nominations for persons to fill said office and exchanging nominations with the Senate, and taking three several votes, dropping the candidate having the fewest number of votes at the termination of each vote, a majority of the votes of both houses appearing in favor of Mr. Samuel South, he was thereupon declared duly elected.

After receiving and exchanging nominations with the Senate for public printer, (Mr. Jacob H. Holiman and Messrs. Amos Kendall, Robert Johnson and Albert G. Merriwether under the style and firm of Amos Kendall & Co. being on nomination before the house,) and taking a vote and a comparison of said vote being made by a joint committee, a majority of the votes of both houses appearing in favor of Amos Kendall & Co. they were thereupon declared duly elected public printers.

After receiving and exchanging nominations with the Senate for a President and twelve Directors of the Bank of the Commonwealth and taking a vote thereupon, upon which John J. Crittenden, Esq. had a unanimous vote as President and a comparison of the joint vote by a committee of both houses, the following persons were declared duly elected for the ensuing year, viz:
For President—John J. Crittenden.

The house then proceeded (after receiving and exchanging nominations, as aforesaid, with the Senate,) to the election of Presidents and Directors of the several Branches of said Bank, and having taken votes for those officers, a committee was appointed on the part of this house to meet a committee appointed on the part of the Senate, to compare the joint vote and report to each house the state of the same.

The house then proceeded to the election of a President for the Bank of Kentucky; and after receiving and exchanging nominations with the Senate for that office, (Messrs. John Harvie and Tandy Allen being on nomination,) as well as for four Directors to that institution on the part of the state, and after taking a vote for a President and Directors between the candidates for those offices respectively, a committee was appointed on the part of this house to meet a committee appointed on the part of the Senate, to compare the joint vote. The said committee then retired and after a short time returned, when Mr. Kennedy, from said committee, reported that the joint vote stood thus:

For President—Mr. John Harvie, 87 votes.
   Mr. Tandy Allen, 40 votes.

And that the joint vote for Directors stood thus:

For Mr. Daniel Weisiger, 121 votes.
   Herman Bowmar, 101 votes.
   S. A. Dudley, 90 votes.
   Achilles Sneed, 74 votes.
   James Shannon, 62 votes.
   Charles Julian, 59 votes.

Whereupon, Mr. John Harvie (having a majority and the highest number of all the votes given, was declared duly elected President; and Messrs. Daniel Weisiger, Herman Bowmar, S. A. Dudley and Achilles Sneed (each having a majority and the highest number of votes,) Directors of said institution for the ensuing year.

Mr. Coleman moved the following resolution:

Resolved, That a committee of four be appointed to examine into the propriety of establishing a public library for the use of the Legislature of this commonwealth, with leave to report by bill or otherwise.

Which being twice read, was adopted; and Messrs. Coleman, G. Robertson and Morris appointed a committee pursuant thereto.
The following bills from the Senate were severally read the first time and ordered to be read a second time, viz.:
1. An act for the benefit of the sheriff of Adair county—and
2. An act for the benefit of William Myers.
And thereupon, the rule of the house, constitutional provision and second and third readings of the second bill having been dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.
Ordered, That Mr. Cox inform the Senate thereof.
And then the house adjourned.

**WEDNESDAY, JANUARY 5, 1825.**

Mr. H. C. Payne presented the petition of the heirs of Samuel Gregg deceased, some of whom are minors by their guardian, praying to sell a tract of land, it being represented as incapable of an equitable division between them.

And Mr. W. C. Payne presented the petition of Isaac A. Rude, preferring sundry charges against Hudson Martin, a Justice of the Peace for Warren county, and praying his removal from office.

Which petitions were severally received, read and referred.

The first to a select committee of Messrs. Payne, Wickliffe and True; and the second to a select committee of Messrs. W. C. Payne, Middleton and Willis.

Mr. G. Robertson presented the remonstrance of sundry citizens of Garrard county against the passage of the bill entitled an act to repeal an act to organize the court of appeals and to reorganize a court of appeals—and praying the legislature to reconsider the same at its present session.

Which was received, read and laid on the table.

Mr. H. C. Payne from the select committee appointed for that purpose, reported a bill for the benefit of the infant heirs of Samuel Gregg deceased; which was received and read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Payne carry the said bill to the Senate and request their concurrence.

Mr. S. Daviess from the committee of Propositions and Grievances made the following report, viz.:

The committee of propositions and grievances have, according to order, had under consideration several bills and peti-
tions to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, As the opinion of this committee, that a bill from the Senate entitled an act for the establishment of the county of Lyon, ought not to pass.

Resolved, That the petition of sundry citizens of Caldwell county praying to be added to Trigg county, be rejected.

Which being twice read, it was then moved and seconded to postpone the further consideration of the first resolution, and the bill therein referred to until the first day of June next.

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

The yeas and nays being required thereon by Messrs. Prince and Gordon were as follows:


The second resolution was then concurred in.

Mr. Kennedy, from the committee appointed on the part of this house to meet and compare the joint vote for Presidents and Directors of the several Branches of the Bank of the Commonwealth, made a report.

Whereupon, the following persons were declared duly elected to those offices respectively, viz:

Flemingsburg Branch Bank.

For President—William P. Fleming.


Falmouth Branch Bank.

For President—Press G. Kennett.

For Directors—James Wilson, James Nailer, Thomas W. Hall, Francis Chaffant, Enoch Worthen, James M. Preston, Thomas Buckner, Absalom Skirven.
Winchester Branch Bank.
For President—James Anderson.
For Directors—Samuel Hanson, Lewis Grigsby, John Miles, Micah Taul, David Ruton, Benjamin Straughin, Alexander S. Morrow, Hubbard Taylor, Jr.

Lexington Branch Bank.
For President—Charles Humphreys.

Louisville Branch Bank.
For President—Levi Tyler.

Princeton Branch Bank.
For President—John B. Phelps.

Greensburg Branch Bank.
For President—John Barrett.

Hartford Branch Bank.
For President—Charles McCreey.

Bowling Green Branch Bank.
For President—John Loving.

Mount Sterling Branch Bank.
For President—Henry Daniel.
For Directors—Samuel D. Everett, Thomas C. Barnes, Cuthbert Banks, Marcus Thomas, Thomas Deye Owings, James Ward, David K. Harris, John S. Oakley.

Larrodsburg Branch Bank.
For President—Beriah Megoffin.
For Directors—Joel P. Williams, Christopher Chinn, Jesse Head, David Sutton, David L. McKee, Jesse Coffee, Thomas Head, Thomas E. West.
OF REPRESENTATIVES.

Somerset Branch Bank.

For President—William Fox.

For Directors—Henry James, Charles Hayes, John Griffin, Joseph Porter, Benjamin Eve, John Chrisman, Adam Wilson, James Terrill.

Mr. S. Daviess, from the committee of propositions and grievances, reported a bill to appoint commissioners to review a part of the road from Franklin to Oakenborough on the Ohio river, which was received and read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second reading of said bill having been dispensed with, the same was ordered to be engrossed and read a third time tomorrow.

A message was received from the Senate announcing the passage of a bill, which originated in this house, entitled an act for the benefit of Agnes Panteney—and

A bill entitled an act to add a part of Caldwell county to the county of Trigg—and

The passage of bills entitled an act to amend an act regulating Tavern license.

An act to improve the road from Louisville, Kentucky, to Elizabethtown, Hardin county.

Mr. B. Hardin from the select committee to whom was referred a bill to regulate the action of ejectment, reported the same with amendments, which being twice read was concurred in; and a further amendment having been made thereto.

It was then moved and seconded, to lay the said bill and amendments on the table for the present.

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

The yeas and nays being required thereon by Messrs. McConell of Greenup and Thurston, were as follows, viz:


On the motion of Mr. J. Patterson. Ordered, That leave be given to bring in a bill for the benefit of the heirs of Jacob Stucker deceased, and that Messrs. Patterson, Thruston and Summers be appointed a committee to prepare and bring in the same.

Whereupon, Mr. Patterson presented a bill of the title aforesaid, which was received and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill having been dispensed with and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Patterson carry the said bill to the Senate and request their concurrence.

A bill to amend the several acts more effectually to suppress the practice of duelling, was read a second time and ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill, by Messrs. M'Connell of Greenup and B. Hardin, were as follows, viz:


Ordered, That Mr. Woods carry the said bill to the Senate and request their concurrence.

An engrossed bill entitled an act to incorporate the Louisville
and Portland canal company, was read a third time and an
engrossed clause added thereto by way of rider.

Resolved, That the said bill do pass, and that the title thereof
be as aforesaid.

Ordered, That Mr. Thruston carry the said bill to the Senate
and request their concurrence.

The following bills from the Senate were severally read the
first time and ordered to be read a second time, viz:

1. An act entitled an act to regulate the salaries of the Judges
of the Court of Appeals and for other purposes.
2. An act for the benefit of Cythiana Hardin.
3. An act further to regulate the Lunatic Asylum.
4. An act for the benefit of the heirs of Hugh Fulton.
5. An act to authorize the trustees of the Kentucky Seminary
to dispose of, by compromise, the interest of said seminary in
certain lands.
6. An act for the benefit of the heirs and representatives of
David Allen deceased.
7. An act for the benefit of Rebecca Watson and Henry Dur-
ham.
8. An act authorizing the collection of certain monies due to
the first Presbyterian church in Louisville.
9. An act to regulate the town of Stephensport and vest the
title of the land, set apart for said town, in certain trustees and
for other purposes—and
10. An act for the benefit of William Gordon and Elizabeth
McPherson.

The yeas and nays being required on reading the first bill the
second time by Messrs. Brown of Jessamine and S. Daviess,
were as follows, viz:

YEAS—Mr. Speaker, Messrs. Bates, Booker, H. O. Brown,
Buckner, Caldwell, Carter, Chezowith, Clarkson, Coleman,
A. H. Davis, S. Daviess, Forrest, Fulton, Galloway, Garth,
J. G. Hardin, Hodge, Holt, Hunter, Joyce, Litton, Marksherry,
Mason, Maupin, Mayo, M'Brayer, J. M'Connell, Middleton,
Morgan, Mosely, Mullens, Napier, J. Patterson, H. C.
Payne, Porter, Prince, Riddle, W. Robertson, Routree, Row-
an, Samuel, Shepherd, Shortridge, Stack, Spalding, Stephens,
Summers, J. Taylor, Thomas, Wade, Watkins, Wilcoxon, W.
C. Williams and W. Wilson—53.

NAVS—Messrs. Breck, Brents, G. I. Brown, Chapeze, Cosby,
Cox, Cunningham, Farmer, Ford, Gibson, Goggin, Gordon,
Green, B. Hardin, Kennedy, J. M. M'Connell, Miller,
Morriss, New, Oldham, W. C. Payne, G. Robertson, Simpson,
R. Taylor, Thruston, Tripitt, True, Turner, Wickliffe, L. Wil-
lams, Willis, T. P. Wilson, Wingate and Woods—34.
And thereupon, the rule of the house, constitutional provision and second readings of said bills having been dispensed with, the first was committed to a select committee of Messrs. S. Daviess, Rowan, Holt, Brown of Harrison, Dallam, Caldwell, Mosely, Litton, Mullens, Spalding, Booker, M'Connell of Woodford, Shortridge, J. Taylor and Hodge; and the 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th and 10th (the 3rd being amended,) ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of the 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th and 10th bills having been dispensed with,

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That the clerk inform the Senate thereof.

Mr. Cunningham, from the committee of claims, reported a bill for the appropriation of money, which was received and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of said bill having been dispensed with, the same was committed to the committee of claims.

A bill from the Senate entitled an act to change the time, fixed by law, for electing members of Congress, was read the first time.

It was then moved and seconded, to postpone the further consideration of said bill until the first day of June next.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Mason and Wickliffe, were as follows, viz.: 


The said bill was then ordered to be read a second time.

A message was received from the Senate announcing the passage of bills, which originated in this house, of the following titles:
An act to authorize a sale of a part of the public square in the town of Irvine and county of Estill—and

An act for the removal of the seat of justice of Meade county.

The following bills were severally read a second time and ordered to be engrossed and read a third time:
1. A bill for the benefit of John McLaughlin—and
2. A bill to amend the act for surveying the military lands west of the Tennessee river.

And thereupon the rules of the house, constitutional provision and third readings of said bills having been dispensed with, and the same being engrossed.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Brents carry the said bills to the Senate and request their concurrence.

A bill to provide for the removal of the seat of government from the town of Frankfort to some more central and eligible site was read a second time.

It was then moved and seconded, to postpone the further consideration of said bill until the first day of June next.

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

The yeas and nays being required thereon by Messrs. Daviess and Cosby, were as follows, viz:


It was then moved and seconded, to amend said bill by attaching thereto the following section:

Be it further enacted, That the seat of government of the State of Kentucky shall, from and after the first day of September next, be removed from the town of Frankfort to the town of Lexington; there to remain until the buildings, at the perma-
ments, shall be in a state of readiness for the reception of the Legislative and other officers of the government.

And the question being taken on adopting the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cosby and Holt, were as follows:


And then the house adjourned.

THURSDAY, JANUARY 6, 1825.

Mr. Prince, from the joint committee of enrollments, reported that the committee had examined sundry enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to alter the time of holding the November term of the Owen circuit court and for other purposes.

An act for the removal of the seat of justice of Meade county.

An act for the relief of the creditors and heirs of Nathaniel Hardin deceased.

An act to add a part of the county of Caldwell to the county of Trigg.

An act to appropriate fines and forfeitures.

An act to erect election precincts in the counties of Meade, Hardin, Pulaski and Nelson.

An act for the benefit of the heirs of Hugh Fulton.

An act for the benefit of Cynthia Hardin.

An act for the benefit of the heirs of William Myers.

An act for the benefit of the infant heir of William Littell.

An act to regulate the town of Stephensport and vest the title of the land, set apart for said town, in certain trustees and for other purposes—and
Preamble and resolution in relation to the decisions of the Court of Appeals.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. S. Daviess, from the select committee to whom was referred a bill from the Senate, entitled an act to regulate the salaries of the Judges of the Court of Appeals and for other purposes, reported the same without amendment.

It was then moved and seconded, to amend the first section of said bill by striking out $3000, (being the amount fixed therein for the annual salary of said Judges,) and insert, in lieu thereof, $1500.2

A division of the question was called for, and the question first put on striking out, which was decided in the negative.

The yeas and nays being required thereon by Messrs. B. Hardin and Cosby, were as follows, viz:


The question was then taken on reading the said bill a third time, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. B. Hardin and Brown, were as follows, viz:

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And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with, the question was then taken on the passage thereof, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. B. Hardin and Robertson of Garrard, were as follows, viz:


Ordered, That Mr. Booker inform the Senate thereof.

The house resumed the consideration of a bill to provide for the removal of the seat of government from the town of Frankfort to some more central and eligible site; and the same having been further amended,

The fourth section of the bill was then read as follows:

§ 4. Be it further enacted, That when said commissioners shall have thus ascertained the centre of the state, they shall proceed to select the most eligible site within twenty miles of said centre for the location of the seat of government of the State of Kentucky, having due regard to existing and prospective population; and the permanent seat of the government of the State of Kentucky is hereby, from and after the first day of July, one thousand eight hundred and twenty six, located, established and fixed at said site thus selected.

It was then moved and seconded, to amend said section by
OF REPRESENTATIVES.

striking out the words "twenty miles of said centre," and leave the same a blank.

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

The yeas and nays being required thereon by Messrs. B. Hardin and Cosby, were as follows:


The question was then taken on engrossing the said bill, as amended, and reading the same a third time, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cosby and H. O. Brown, were as follows, viz:


A message was received from the Senate announcing the passage of a bill, which originated in this house, of the following title:
An act to establish election precincts in certain counties in this commonwealth.

And their concurrence in the amendments, proposed by this house, to a bill from the Senate entitled an act to amend an act entitled an act providing for copying certain records in the Surveyor's office of Fayette county and for other purposes, with an amendment.

Mr. Prince, from the joint committee of enrollments, reported that the committee had examined an enrolled bill entitled an act to regulate the salaries of the Judges of the Court of Appeals and for other purposes, and had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered. That Mr. Prince inform the Senate thereof.

Mr. McConnell, of Greenup, moved the following resolution: Resolved, That a bill and an amendment proposed thereto, laid on the table on yesterday, to regulate the action of ejectment is calculated, in a very great degree, to put an end to the land litigation which has so long distracted the good people of this commonwealth, and prejudiced and endangered their best interests, and is therefore a bill of the first importance to the community; wherefore, because it is believed that this session of the Legislature has drawn so near to a close, that unless the said bill shall be taken up on this day, it cannot be passed,

Resolved, That the orders of the day be dispensed with for the present, that said bill may be taken up and passed,

Which being twice read, it was then moved and seconded, to lay the said resolution on the table.

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

The yeas and nays being required thereon by Messrs. McConnell and Breck, were as follows, viz:


The Speaker laid before the house a letter from John Harvie, President of the Bank of Kentucky, containing the names of those gentlemen elected Directors of that institution, on the part of the Stockholders, for the ensuing year, which was read in the following words:

BANK OF KENTUCKY, JAN. 5TH, 1825.

Sir—

Permit me, in conformity to my duty, to announce, through you, to the honorable body over which you preside, that the annual election of Directors to this Bank, on the part of the Stockholders, terminated on yesterday, by the choice of Robert Alexander, John Brown, Charles Miles and Preston W. Brown. With sentiments of great respect, I am yours, &c.

J. HARVIE, Chairman.

Robert J. Ward, Esq.

Speaker of the House of Representatives.

The Speaker also laid before the house a letter from the honorable B. Shackleford, Judge of the 7th Judicial district, objecting against the formation of a new Judicial district out of the counties of Caldwell, Livingston, Calloway, Graves and McCracken, as proposed, which was received and laid on the table.

The following bills from the Senate were severally read the first time and ordered to be read a second time, viz:

1. An act for the benefit of James Rouse.
2. An act for the benefit of Jesse Walker and others.
3. An act for the benefit of the widow and heirs of James Shockley deceased.
4. An act to authorize Charles Mullens and Micajah Vanwinkle to erect a gate on a public road passing through their farms.
5. An act for the benefit of William B. Duncan, late sheriff of Hickman county.
6. An act to change the place of holding the courts of Meade county.
7. An act for the benefit of Abraham Woods and others.

And thereupon, the rule of the house, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2nd, 3rd, 4th and 5th (the first having been amended at the clerk's table,) were severally ordered to be read a third time; the sixth was committed to a select committee of Messrs. M. Hardin, Sterett, Wilcoxen and Chenowith; and the seventh to a select committee of Messrs. Napier, Wilcoxen and Wade.

And thereupon, the rule of the house, constitutional provision
and third reading of the 1st, 2nd, 3rd, 4th and 5th bills having been dispensed with,

Resolved, That the said bills do pass—the first as amended.

Ordered, That Mr. Booker inform the Senate thereof and request their concurrence in the amendments to the first bill.

Leave was given to bring in the following bills:

On the motion of Mr. Clarkson—1. a bill for the benefit of the heirs of George Chamblin deceased.

On the motion of Mr. Ford—2. a bill to authorize the county court of Spencer to procure a house in which the circuit and county courts of Spencer shall be held.

On the motion of Mr. James McConnell—3. a bill to provide for taking the depositions of clerks in certain cases—and

On the motion of Mr. J. Taylor—4. a bill for the benefit of the sheriff of Bath county.

Messrs. Clarkson, Buckner and Holt were appointed a committee to prepare and bring in the first; Messrs. Ford, Crittenden and T. P. Wilson the second; Messrs. James McConnell, B. Hardin and Morgan the third; and Messrs. J. Taylor, Shortridge and Mason the fourth.

The following bills were reported from the several committees appointed to prepare and bring in the same:

By Mr. Clarkson—1. a bill for the benefit of the heirs of George Chamblin deceased.

By Mr. Ford—2. a bill to authorize the county court of Spencer to procure a house in which the circuit courts of Spencer shall be held.

By Mr. McConnell of Woodford—3. a bill to provide for taking the depositions of clerks in certain cases—and

By Mr. J. Taylor—4. a bill for the benefit of the sheriff of Bath county.

Which bills were severally received and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bills having been dispensed with and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Clarkson carry the said bills to the Senate and request their concurrence.

A bill from the Senate entitled an act for the benefit of the sheriff of Adair county, was read a second time, amended and ordered to be read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass.
Ordered, That Mr. Miller inform the Senate thereof and request their concurrence in said amendments.

Mr. Kennedy reported a bill to add additional trustees to the town of Lynchburg in Oldham county, which was received and read the first time and ordered to be read a second time.

The following bills were severally read a second time, viz:
1. A bill to erect a fish trap on the Kentucky river.
2. A bill for the benefit of securities in certain cases.
3. A bill for the benefit of Andrew Higgingbottom.
4. A bill to authorize the sheriff of Oldham county to collect the muster fines of that part of the 38th regiment of Kentucky militia which now compose a part of the 117th regiment—and
5. A bill to amend an act approved December 29th, 1823, entitled an act to amend the law in relation to the turnpike and wilderness road and for other purposes.

The first was laid on the table until the first day of June next; and the 2nd, 3rd, 4th and 5th were severally ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bills having been dispensed with and the same being engrossed,

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That Mr. Booker carry the said bills to the Senate and request their concurrence.

A message from the Governor by Mr. Loughborough:

Mr. Speaker—The Governor has approved and signed the following enrolled bills, which had their origin in the House of Representatives, viz:

An act to alter the time of holding the November term of the Owen circuit court and for other purposes.
An act to appropriate fines and forfeitures.
An act to erect election precincts in the counties of Meade, Hardin, Pulaski and Nelson.
An act for the removal of the seat of justice of Meade county.
An act for the relief of the creditors and heirs of Nathaniel Harlan deceased.
An act to add a part of the county of Caldwell to the county of Trigg.

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

A bill from the Senate entitled an act for the benefit of Augusta College, was read the first time.

And the question being taken on reading the same a second time, it was decided in the negative—the house being equally divided.
The yeas and nays being required thereon by Messrs. B. Hardin and Carter, were as follows:


Mr. J. Taylor immediately moved a reconsideration of the vote by which said bill was rejected.

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

The said bill was then ordered to be read a second time.

And then the house adjourned.

FRIDAY, JANUARY 7, 1825.

Mr. Bates presented the petition of Sally Love widow of James Love deceased, representing that her deceased husband caused sundry plats and certificates of survey founded on Treasury warrants, to be duly registered and paid; the fees of the register thereon amounting to $87.61. That by an act of the legislature grants were prohibited from being issued on said plats and certificates, and praying that a law may pass to authorize the repayment of said fees to her, out of the public treasury.

And Mr. Triplett presented the remonstrance of sundry citizens of Ohio county against the passage of the bill to authorize the review of the way marked out for a state road from Franklin in Simpson county to the town of Owenborough on the Ohio river, under an act of the last session of the General Assembly.

Which petitions were severally received, read and referred:

The first to the committee of claims; and the second to the committee to whom was referred counter petitions on the same subject.
The Speaker laid before the house the remonstrance of sundry citizens of Louisville and Jefferson county against the act of the present session, entitled an act to repeal the act organizing the Court of Appeals and re-organizing a Court of Appeals—and praying a repeal of the said act.

Which was received, read and laid on the table.

The Speaker laid before the house the memorial of Samuel Blight of Pennsylvania, in relation to several claims to land owned by him in the counties of Meade and Hardin; and the injury and injustice which would result to him, from the passage of a bill now before this house, entitled an act to regulate the action of ejectment; and remonstrating against the passage of said bill.

Which was received, read and referred to a select committee of Messrs. Brents, Thruston, Triplett, Cunningham and New.

Leave was given to bring in the following bills:

On the motion of Mr. Holt—1. a bill to establish an election precinct in Bourbon county.

On the motion of Mr. Thruston—2. a bill to authorize the purchase of certain Law Books.

And on the motion of Mr. Hunter—3. a bill to amend the act concerning the Bank of Kentucky.

Messrs. Holt, Buckner and Clarkson were appointed a committee to prepare and bring in the first, Messrs. Thruston, Turner and Robertson the second; and Messrs. Hunter, Rowan and Brents the third.

Mr. Joyes from the select committee appointed for that purpose made the following report:

The select committee to whom were referred the annual reports of the Shelbyville and Louisville turnpike company, have had the same under consideration, and beg leave to make the following report, to wit:

By reference to the act forming said company, which was approved 31st January, 1818, it will be found that the 5th section thereof, prescribes that the said company shall be governed by the act establishing the Lexington and Louisville Turnpike company, approved February 1817; by the 19th section of which act it is made the duty of said company to keep an account of all monies by them received for toll, and by the 20th section of the said act it is required that the President and Directors of said company shall annually lay before the General Assembly of this commonwealth, an abstract of their accounts, shewing the amount of their capital expended in the prosecution of their works, and of the income and profits arising from toll, and it is in obedience to those requisitions, that these abstracts have been submitted to this Legislature. Your committee would beg leave to remark, that the report for the year
1823, bearing date the 23d October of that year, was due, and
would have been made to the last legislature, had it not been
for an oversight; by a reference to which abstract marked B,
it will be seen that the sum of $163,200 00 was originally
subscribed as stock to that turnpike, that of that sum $109,060 32
was paid up; $100,819 59 whereof was paid out, upon the or-
ders of the President of said company for the making the road,
then leaving a balance in the hands of the Treasurer of $60 73,

By a reference to the profit and loss account of that report,
it will be seen that for one year ending on the said 23d Octo-
ber, 1823, the sum of $5,644 24 was received for toll, to which
add $310 52 a residuum after paying the dividend No. 1, of
which there is no account, an aggregate is produced of $5,954
76, out of which $1,777 21 was paid for repairs, salaries and
incidental expenses; $3,187 74 for additional road making,
and $1,860 for dividend No. 2, at 2 per cent. leaving a ba-
 lance in the hands of the Treasurer on the said 23d October,
1823, of $129 81, for which see report No. 1, letter B.
From report No. 2, letter C. it will be seen that no mate-
rial change has taken place in the stock account, and that from
the cash account it will appear that from the 27th September, 1823,
till 24th September, 1824, there resulted from tolls, $5,232 70
from which deduct for expenses same time $2,533 49, will give
a profit for that year of $2,699 21, up to the 11th November,
1824; which report marked as aforesaid, see. Your com-
mittee would further remark, that by the 21st section of said act,
is provided, that if, at the end of three years, after the first
section of said road shall have been completed, it shall appear
that the income and profits will not yield a dividend of six per
centum per annum, on the capital stock so expended, from the
time of investing the same, it shall be lawful to increase the
tolls to six per cent. per annum, and if at any time it shall ap-
pear from the said abstract, that the said profits will yield a
dividend exceeding twelve per cent, then they shall be re-
duced.

Your committee give this view of the subject to shew how
far the reality has fallen short of the expectations of the legis-
lature, when the company was created, which was at a time
when we were deluded with imaginary speculations, growing
out of the banking mania which prevailed in those days, delu-
sions in fact, to which we may ascribe most of our political dis-
asters. The sudden change which followed these events, put
it wholly out of the power of the company to progress with the
road, and indeed a number of those who had made partial pay-
ments on their stock, forfeited what they did pay, from an in-
capacity to complete their entire payments, from the misfor-
tunes which had befallen them subsequent to their undertaking
it; and for the purpose of giving legislative impulse, as far as is compatible with justice, and under the hope that a gradual progression, though the means are limited, may be made towards the effectuation of an improvement of the road, your committee beg leave to report the following bill, marked D, for the purpose of enabling the company to exert their powers, and all their available means to extend the improvement as far as practicable.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Holt—1. a bill to establish an election precinct in Bourbon county.

By Mr. Thruston—2. a bill to authorize the purchase of certain Law Books.

By Mr. Joyes—3. a bill extending certain privileges to the Frankfort and Shelbyville and Shelbyville and Louisville turnpike companies.

By Mr. Chapeze—4. a bill to apply the nett profits of the Bank of the Commonwealth for the year 1835, in aid of the public revenue, and for other purposes.

And by Mr. Hunter—5. a bill to amend an act concerning the Directors of the Bank of Kentucky.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second readings of the 1st, 2nd, 4th and 5th bills having been dispensed with, the 1st, 2nd and 5th were ordered to be engrossed and read a third time, and the 4th was committed to a committee of the whole house on the state of the commonwealth for this day.

And thereupon the rule of the house, constitutional provision and third reading of the 1st, 2nd and 5th bills having been dispensed with, and the same being engrossed.

Resolved, That the said bills do pass, and that the titles thereof be as aioresaid.

Ordered, That Mr. Thruston carry the said bills to the Senate and request their concurrence.

The following reports were received from joint committees appointed to examine the reports of certain branches of the Bank of the Commonwealth, viz:

The committee to whom were referred the report of the branch of the Bank of the Commonwealth of Kentucky at Winchester, have had the same under consideration, according to order, and beg leave to make the following report:

That the affairs of said branch have been managed, as far as can be ascertained from the report, with considerable care and attention, and the debts due to it, are, in the general, well se-
cured. Suits have been instituted in a number of cases, and the delinquencies in addition to those in suit, are not few. There are also some debts which are doubtful, but, upon the whole, it presents as promising an appearance as could be rationally expected, and one it is believed not inferior to any other branch of the same institution.

*From the Senate:*

JOHN L. HICKMAN.
CHILTON ALLAN.
THOMAS C. HOWARD.

*From the House of Representatives:*

A. WOODS.
SQUIRE TURNER.
JAMES SIMPSON.
DANIEL BRECK.
SILAS EVANS.
JOSEPH H. HOLT.
W. T. BUCKNER.
JAMES M. CLARKSON.
A. OLDHAM.

The joint committee appointed to examine the report of the Branch Bank at Flemingsburg, make the following report:

That the debts due the institution appear to be well secured, as per report of said bank officers, except the sum of one hundred and sixty eight dollars deemed bad, two hundred and two dollars are considered doubtful; for these suits have been brought. And all the directors appear to have complied with the requisitions in respect to the calls and discounts; and in other respects, the institution appears to have been conducted agreeably to law.

*From the Senate:*

W. M. B. O'BANNON.

*From the House of Representatives:*

JESSE SUMMERS.
JOHN TAYLOR.
SOLOMON CARTER.
JACOB A. SLACK.
C. B. SHEPARD.
ROBERT TAYLOR.

Mr. Prince, from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Jesse Walker and others.
An act for the benefit of William Gordon and Elizabeth McPherson.
An act for the benefit of the heirs of James Shockley dec'd.
An act to authorize Charles Mullens and Micajah Vanwinkle to erect a gate on a public road passing through their farms.
An act for the benefit of Rebecca Watson and Henry Durham.
An act authorizing the collection of certain monies due to the first Presbyterian Church in Louisville.
Whereupon, the Speaker affixed his signature thereto.
Ordered, That Mr. Prince inform the Senate thereof.
A message was received from the Senate announcing the passage of bills which originated in this house of the following titles:
An act for the benefit of Edmond Bartlett.
An act for the benefit of the sheriff of Bath county.
An act for the divorce of sundry persons.
An act for the benefit of Emily Nixon and Beverly Luster.
An act to legalize the establishment of the town of Smithland and confirming the sale of lots therein.
An act supplemental to an act to provide for the selection of a permanent seat of justice of Campbell county.
An act to reduce the price of vacant lands north of Walker's line.
An act for the benefit of the Union county seminary.
An act concerning the Baptist church in the town of Maysville.
An act to add a part of Monroe to Allen county, and for other purposes.
And an act further to regulate the penitentiary—with amendments to the two latter bills.
The passage of bills of the following titles:
An act for the benefit of Ephraim Knight.
An act for the benefit of the sheriff of Scott county.
An act authorising the citizens of Oldham county to vote for a place for the permanent seat of justice in said county.
A preamble and resolution in relation to the gradual emancipation of slaves proposed by resolutions from the state of Ohio.
And their concurrence in the amendments proposed by this house to bills from that of the following titles:
An act further to regulate the Lunatic Asylum.
And an act for the benefit of the sheriff of Adair county.
And that the Senate had received official information that the Governor on the 6th instant approved and signed sundry enrolled bills which originated in the Senate of the following titles:
An act for the benefit of the heirs and representatives of David Allen deceased.
An act to authorize the Trustees of the Kentucky Seminary to dispose of, by compromise, the interest of said seminary in certain lands.

An act for the benefit of the infant heir of William Littell deceased.

An act to regulate the town of Stephensport, and vest the title of the land set apart for said town in certain trustees, and for other purposes.

An act for the benefit of the heirs of Hugh Fulton deceased.

An act for the benefit of William Myers.

An act for the benefit of Cynthia Hardin.

An act for the benefit of Jesse Walker and others.

An act to authorize Charles Mullens and Micajah Vanwinkle to erect a gate on a public road passing through their farms.

An act for the benefit of William Gordon and Elizabeth McPherson.

An act for the benefit of Rebecca Watson and Henry Durham.

An act for the benefit of the widow and heirs of James Shockley deceased.

An act to regulate the salaries of the Judges of the Court of Appeals, and for other purposes.

The house then according to the standing order of the day, resolved itself into a committee of the whole house on the state of the Commonwealth, Mr. Woods in the chair—and after some time spent therein, the Speaker resumed the chair; and Mr. Woods reported that the committee had according to order, had under consideration a bill to apply the nett profits of the Bank of the Commonwealth for the year 1825 in aid of the public revenue, and for other purposes—and had gone through the same with sundry amendments, which he handed in at the clerk's table, and which being twice read, were concurred in.

Mr. Green then moved further to amend said bill by adding thereto the following as an additional section:

Be it further enacted, That each practising lawyer and physician of five years practice, shall pay a yearly tax of dollars, to be collected as other taxes are; and to enable the commissioner of the revenue to know who were practising lawyers resident in his county on the tenth day of March next preceding the enlisting of the property for taxation, he shall call upon the clerks of the circuit courts of his county for a list of the same, and upon enlisting his property the commissioner shall notify him that he stands enrolled as a practising lawyer, and unless such lawyer shall then swear before such commissioner, that he has resigned his practice and renounced the further pursuit of his profession as a lawyer, the commissioner shall enter him on his book as a practising lawyer. And the
commissioner shall upon general reputation or hearsay, that any person is a practising physician at the time of taking in the list of property of such physician, notify him that he considers him a physician, and unless such physician shall in like manner swear that he has abandoned his profession, or that he does not practice for fee or reward, he shall be listed by such commissioner as a practising physician—and in all such cases the sheriff shall be governed in the collection of the revenue accordingly.

It was then moved and seconded to amend said amendment, by inserting after the word are in the third line, the following words:

Where the fees of the lawyer or doctor amounts to five hundred dollars per year, and at the rate of three per cent upon all fees or property which the said doctor or lawyer may secure yearly above the aforesaid sum, which the said lawyer or doctor shall state upon oath to the commissioner taking in the list of taxable property.

And the question being taken on adopting the amendment to the amendment it was decided in the negative.

The yeas and nays being required thereon by Messrs. S. Daviess and Green were as follows, viz:


It was then moved and seconded to postpone the further consideration of the amendment until the first day of June next.

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

The yeas and nays being required thereon by Messrs. Green and Hodge, were as follows:

YEAS—Mr. Speaker, Messrs. Bates, Breck, Brents, Buckner, Chapeze, Chenowith, Coleman, Cosby, Crittenden, Cunningham, A. H. Davis, S. Daviess, Evans, Forrest, Fulton, Galloway, Garth, Gordon, B. Hardin, J. G. Hardin, M. Har-
The said bill was then ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with and the same being engrossed,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of the said bill by Messrs. Dallam and Chapelle, were as follows:


Ordered, That Mr. Chapelle carry the said bill to the Senate and request their concurrence.

Mr. Shortridge read and laid on the table the following resolution:

Resolved, By the General Assembly of the Commonwealth of Kentucky, that the Governor be, and he is hereby requested, to procure the Artillery Company of Frankfort to fire a National salute, on to-morrow morning at sun rise, in commemoration of our victory at New Orleans, January 8th, 1815.

And thereupon the rule of the house being dispensed with, the said resolution was taken up, twice read and adopted.
Ordered, That Mr. Shortridge carry the said resolution to the Senate and request their concurrence.

A bill from the Senate, entitled an act to change the time fixed by law for electing members of Congress, was read a second time; and the question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. B. Hardin and Wickliffe, were as follows:


Ordered, That Mr. Turner inform the Senate thereof.

An engrossed bill entitled an act to amend the Militia Law, was read a third time as follows:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the 7th section of the act passed the 17th December, 1821, be and the same is hereby repealed, and that the 80th section of the act passed the 4th February, 1815, be and the same is hereby revived.

§ 2. That it shall be the duty of the commandants of regiments to notify by a notice in writing, the Brigadier General and the Brigade Inspector, on or before the first day of September in each year, of the time and place of holding their respective regimental musters.

§ 3. That it shall be the duty of the Lieutenant Colonel and Major to notify by a notice in writing, on or before the 15th April in each year, the Adjutant, Sergeant Major, Quarter Master, Surgeon and Surgeon's Mate, of the time and place of holding the regimental muster, regimental or brigade training, and of their respective battalion musters.

§ 4. That the commandants of regiments, by and with the advice and consent of the court of assessment for fines, may hereafter refuse to reenlist with the sheriff the delinquent list, or any part thereof, which they may think cannot be collected.
It was then moved and seconded to postpone the further consideration of said bill until the first day of June next.

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

The yeas and nays being required thereon by Messrs. McCon nell of Woodford and Maupin, were as follows:


A bill from the Senate entitled an act to amend an act entitled an act to revive and amend the champerty and maintenance law and more effectually to secure the bona fide occupants of land within this commonwealth, approved January 7, 1834—was read the first time and ordered to be read a second time.

It was then moved and seconded, that the rule of the house and constitutional provision and second reading of said bill be dispensed with, with a view to its commitment to a select committee.

And the question being taken thereon, it was decided in the negative, four fifths not voting therefor.

The yeas and nays being required thereon by Messrs. Summers and Green, were as follows, viz:


A message was received from the Senate, announcing their concurrence in a resolution from this house, requesting the Governor to cause a National Salute to be fired on the 8th January, 1825.

A bill from the Senate entitled an act for the benefit of Augusta College—and

A bill for the benefit of the Christian Academy—were severally read a second time and committed to a select committee of Messrs. Carter, Wickliffe, Coleman, Dallam and Holt.

An engrossed bill entitled an act to regulate proceedings on executions and for other purposes, was read a third time.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill, by Messrs. Cosby and Turner, were as follows:


Ordered, That Mr. Turner carry the said bill to the Senate and request their concurrence.

The amendments proposed by the Senate to a bill from this house entitled an act further to regulate the Penitentiary, were twice read and concurred in.

Ordered, That Mr. Patterson inform the Senate thereof.

The amendments proposed by the Senate upon concurring in those proposed by this house to the amendment made by the Senate to a bill from this house entitled an act further to regulate the debt due the commonwealth for the sale of vacant lands, acquired by the treaty of Tellico, were twice read and concurred in.

Ordered, That Mr. Dallam inform the Senate thereof.

And then the house adjourned.
Mr. Joyes presented the memorial of sundry citizens of Jefferson county, approving the passage of the bill to repeal the law organizing the Court of Appeals and to reorganize a Court of Appeals.

It was then moved and seconded to refer said memorial, together with the remonstrance from Jefferson county on the same subject, laid on the table on yesterday, to a select committee.

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

The yeas and nays being required thereon by Messrs. Thruston and Joyes, were as follows, viz:


The said memorial was then laid on the table.

Mr. Morris presented the petition of sundry citizens of the town of Henderson, praying for the legal establishment of said town, as originally laid off by the late General Samuel Hopkins, which was received, read and referred to a select committee of Messrs. Morris, Cox and Green.

Mr. W. C. Payne, from the select committee to whom was referred the memorial of Isaac A. Rude, preferring charges against Hudson Martin, a justice of the peace for Warren county, made the following report, which was laid on the table, viz:

The committee to whom was referred the memorial of Isaac A. Rude, containing sundry charges against Hudson Martin, Esq. a justice of the peace for Warren county, have had that subject under consideration and beg leave to make the following report:

From the evidence which has been produced to your committee, they are of opinion the charges against the said Hudson
Martin have been so far supported by the evidence adduced to us, that it is proper, in the opinion of your committee, that a further investigation should be had.

Wherefore, it is resolved, that a summons issue against the said Hudson Martin, requiring his attendance before the bar of this house on the day of to answer the charges aforesaid; and that the said Martin, at the time of the service of the summons aforesaid, have delivered to him a copy of the charges in said memorial.

Resolved further, That a committee of nine be appointed to investigate the said charges, and that the clerk of the proper committee attend said committee and take down, in writing, the evidence for and against said Martin, and when the evidence is thus known, the said committee shall report the same; and also any resolution they think should be adopted in relation thereto.

Resolved further, That the clerk of this house issue summons to compel the attendance of witnesses on the application of either the commonwealth or the said Martin.

W. C. PAYNE, Ch'm.
WM. T. WILLIS.
R. D. MAUPIN.
THOS. MIDDLETON.

Mr. McConnell, of Woodford, from the joint committee appointed to enquire into the conduct and accounts of the agent, keeper and building commissioners of the Penitentiary, made the following report:

The joint committee raised for the purpose of examining the accounts and conduct of the keeper, agent and building committee of the Penitentiary, have had the subject under consideration and beg leave to report:

That they have examined all the testimony, vouchers and documents produced and submitted to them; that they are perfectly satisfied, from the testimony, that the keeper does not deserve the censure cast upon him by a committee, growing out of his purchase of stone work at the auction made by the agent in pursuance of the directions of the act of Assembly. — Your committee cannot but conclude that the evidence on this point, which was introduced before them, could not have been heard by the former committee. — They find nothing in the conduct of the agent worthy of censure— with respect to the charges against the building committee, your committee have only to say, that they acquit them of all blame, they are satisfied with their conduct; at the same time they do not hesitate to say that they are of opinion, that if the duties to be performed by the building committee, had been confided to a single indi-
individual the work might have been completed by October or November last.

Your committee have carefully examined the accounts and vouchers of the building committee; they find vouchers to cover all the charges made by the commissioners, and they refer to the accounts as well as the testimony taken before the committee, as parts of this, their report.

Your committee conceive that the allowance of $600, claimed by the building committee for their services, is reasonable. They recommend also an allowance of $42 to be made to James Wynt, one of the committee, for money paid by him individually for guards over the convicts whilst working in the quarry.

From the Senate:
JAS. W. DENNY, Ch'm.
JAMES ALLEN.
J. BEAUCHAMP.

From the House of Representatives:
JAS. McCONNELL.
WM. GORDON.
JACOB A. SLACK.
WM. HUNTER.

Which was read and laid on the table.

Mr. Farmer presented the petition of Goodman Oldham, praying compensation for his services in apprehending several persons convicted of felony.

Which was received, read and referred to the committee of claims.

Mr. Coleman, from the select committee appointed to enquire into the propriety of establishing a public library at the seat of government, made the following report, which was received, read and laid on the table, viz:

The committee to whom was referred a resolution to enquire into the propriety of establishing a public library, have had the same under consideration and beg leave to report:

That, in their estimation, such a library will be extremely useful to the Legislature of this commonwealth. Although it may be presumed that the members of the Legislature are among the informed men of their respective counties, yet the most scientific and learned frequently need the aid of books in their investigations, and particularly in their political investigations. Your committee would suggest, that legislative bodies in other countries and in other states have gone to the expense of purchasing libraries—and the national legislature of these United States is possessed of a library of 50,000 volumes. The present low condition of our treasury will not allow as liberal appropriations to such an establishment as your committee
could wish. But the subject is of sufficient magnitude to justify a small appropriation, and it is the opinion of this committee, that it will be found the interest of future Legislatures farther to promote the establishment.

Your committee would recommend the adoption of the following resolutions:

Resolved. That a public library at the seat of government will be of great advantage to the Legislature of this commonwealth.

Resolved. That a law ought to pass, making an appropriation adequate to the commencement of such a library.

N. D. COLEMAN, Chm.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Brents—1. a bill for the benefit of Samuel Blight—and

By Mr. Morris—2. a bill further to regulate the town of Henderson.

Which were severally received and read the first time.

It was then moved and seconded to postpone the further consideration of the first bill until the first day of June next.

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

The yeas and nays being required thereon by Messrs. Summers and B. Hardin, were as follows, viz:


The second bill was ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of said bill having been dispensed with, the same was committed to a select committee of Messrs. Morris, Rowan and Slack.

Mr. Cunningham, from the committee of claims, to whom was referred a bill for the appropriation of money, reported the same with amendments.
Ordered, That the said bill and amendments be committed to a committee of the whole house on the state of the commonwealth.

On motion, Ordered, That the committee for courts of justice be discharged from a further consideration of a bill to incorporate the town of Louisville, and that the same be placed in the orders of the day.

A message from the Governor by Mr. Loughborough:

Mr. Speaker—The Governor has approved and signed a preamble and resolution in relation to the decisions of the Court of Appeals, which originated in the House of Representatives.

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

A bill the better to secure the collection of damages assessed in actions of trespass, was read a second time.

It was then moved and seconded, to postpone the further consideration of said bill until the first day of June next.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Mason and Booker, were as follows, viz:


The said bill was then ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill by Messrs. Mason and Booker, were as follows:

YEAS—Messrs. Bates, Booker, Breck, Brents, G. I. Brown, Buckner, Chapuze, Clarkson, Coleman, Cosby, Cox, Crittenden, Cunningham, Dallam, A. H. Davis, Evans, Farmer, For-


Ordered, That Mr. Booker carry the said bill to the Senate and request their concurrence.

A message was received from the Senate, announcing the passage of bills, which originated in this house, of the following titles:

- An act to establish an election precinct in the county of Bourbon—and
- An act for the benefit of the Union Rolling Mill company, with amendments to the latter bill.

The passage of bills of the following titles:
- An act to establish the 16th and 17th Judicial districts.
- An act concerning public roads—and
- An act to provide for the sale of the manufactured articles now on hand in the Penitentiary and agent's office—and

Their concurrence in the resolutions from this house requesting the representatives from this state, in congress, to vote for Andrew Jackson as President of the United States.

The said amendments were then taken up, twice read and disagreed to.

Ordered, That Mr. Crittenden inform the Senate thereof.

Mr. M. Hardin, from the joint committee appointed to examine the Auditor's office, made the following report:

The joint committee of the Senate and House of Representatives, appointed to examine the Auditor's office, have performed that service.

They have, with great care and labor, examined all the evidence and vouchers in support of each charge against the state, in the year ending on the 10th day of October, 1824, and find all the charges properly supported by legal vouchers and evidence. They also find that the receipts correspond with the books of the Treasurer. They compared the general account, as stated in the Auditor's books, with his report made to the Legislature on the third day of the present session; and they find a perfect correspondence between the books and said report.
They, therefore, deem it unnecessary to accompany this report with a detailed statement of the particular items and charges, as it would be but a repetition of the Auditor’s report.

Your committee think it due to that department, to state, that the whole business has been done with neatness and accuracy.

From the Senate:

JOHN FAULKNER.
AND: MULDROW.
ROBERT STEPHENS.

From the House of Representatives:

MARTIN HARDIN.
W. THOMAS.
L. RIDDELL.
DUDLEY ROUNDTREE.
BEN: W. NAPIER.
SOLOMON CARTER.

Which was received, read and laid on the table.

The following bills were severally read a second time and ordered to be engrossed and read a third time on Monday next, viz:

1. A bill appointing commissioners to view and mark out a state road from Louisville to the Iron Banks—and

2. A bill to regulate and amend the laws for inspecting beef and pork.

The following bills from the Senate were severally read the first time and ordered to be read a second time, viz:

1. An act to regulate the collection of certain officers’ fees and fines and penalties, and for other purposes—and


And thereupon, the rule of the house, constitutional provision and second reading of the second bill having been dispensed with, (and the same having been amended,) the said bill was ordered to be read a third time on Monday next.

A bill from the Senate entitled an act to amend an act entitled an act to revive and amend the champaigny and maintenance law and more effectually to secure the bona fide occupants of land within this commonwealth, approved January 7, 1824, was read a second time and committed to a select committee of Messrs. Summers, Brents, Kennedy, Breck, Woods, Chapzeze, Galloway, Holt, McConnell of Greenup, M. Hardin, Buckner, Clarkson, B. Hardin, Shortridge and Fulton.

The house proceeded to the consideration of the amendment proposed by the Senate, in substitution of the resolutions from this house for appointing a joint committee to cancel, by burning, certain notes of the Bank of the Commonwealth; which amendments were read in the following words:
OF REPRESENTATIVES.

Whereas, It is the opinion of the General Assembly of Kentucky, that a bank, founded on the credit and capital of the people, affording the usual facilities of such institutions to the public and conferring its profits on the government, (instead of residing in the emolument of private stockholders and thereby constituting a monopoly in the few,) ought to be cherished and perpetuated; and whereas, the Bank of the Commonwealth of Kentucky, originating in such principles, has every claim to the countenance and support of the representatives of the people, and may anticipate legislative aid to give value to its notes and stability and duration to the institution, so long as banking corporations are tolerated by the government of the United States and the other states of this Union, whose notes will flow into this state and lay the citizens thereof under heavy contributions in payment of interest, and diminish the wealth of the state to the full amount of the interest paid in said notes; and whereas, the Bank of the Commonwealth of Kentucky, under prudent management, can be placed in a condition to redeem its notes with gold or silver coin at no very distant day, and will also be a place of safe deposit for the public monies, a permanent source of revenue to the state, as well as to afford facilities for the purchase and exportation of the vast surplus produce which otherwise would be left to rot upon the hands of the farmers, or to be purchased by foreigners and a few monied men of the state, (there being but little or no competition,) at a price far below its intrinsic value, to the manifest injury of the great interests of the country. For remedy whereof,

1. Be it resolved by the General Assembly of the Commonwealth of Kentucky, that it is inexpedient to destroy any of the notes of said bank, which may become the property thereof, except such as now have or may hereafter become too much worn to be again employed in the business of said bank.

2. Resolved further, That a committee of three from the Senate and six from the House of Representatives, be appointed to count the notes of said bank which have been withdrawn from circulation, and proceed to cancel, by burning, all such as may be found unfit for further use, and that said committee then proceed to file, in bundles of suitable size, the remainder of said notes, each denomination to itself, and having placed seals thereon write their names severally across the bundles, place them in a box, seal the fastening thereof, deposit said box in the vault of the Bank of Kentucky in which the seal of said bank is kept, lock the door and deposit the key with the President thereof.

3. Resolved further, That it shall be the duty of the Auditor and Treasurer, in company with the Governor, President and Cashier of the Bank of the Commonwealth and the President of
the Bank of Kentucky, to visit the vault in which said box may be deposited, at least once in each month, and make a record of their examinations, noting the days and date thereof with any other remarks they may deem proper.

4. Resolved further, That the said committee be authorized and required to call on the officers of the Bank of Kentucky for the amount of the paper of that bank which may have been redeemed, and that, after having carefully examined and counted the same, they proceed to cancel, by burning, the whole thereof, and report their proceedings herein to each branch of the General Assembly.

It was then moved and seconded, that this house *disagree* to the said amendment of the Senate.

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

The yeas and nays being required thereon by Messrs. W. C. Williams and Wickliffe, were as follows:


Ordered, That Mr. Joyes inform the Senate thereof.

A message from the Senate by Mr. Ewing:

Mr. Speaker—The Senate recede from their amendments proposed to the resolutions from this house, requesting our representatives from this state in congress to vote for Andrew Jackson for President of the United States.

And then he withdrew.

Mr. Carter, from the select committee to whom was referred a bill from the Senate entitled an act for the benefit of the Augusta College, reported the same with amendments, which being read, were concurred in; and the said bill, as amended, ordered to be read a third time to day.

The said bill, as amended, was read a third time as follows, viz:

*Whereas,* It is represented to the present General Assembly, that the trustees of the Augusta College have, pursuant to the
act incorporating said institution, proceeded to organize a board of trustees, who have caused to be erected a handsome and extensive building sufficient to accommodate the students which may be entered in said institution for many years to come.—The funds to defray the expense of the same having been raised by voluntary subscription and donations, but for the want of sufficient fund to enable the trustees to purchase a library and philosophical apparatus, the trustees are unable to carry the institution into complete operation. Wherefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That for the purpose of enabling the trustees of Augustus College to purchase a library and philosophical apparatus the sum of five hundred dollars per annum, out of the amount of the nett profits of the Branch Bank of the Commonwealth of Kentucky, located in the first Judicial district in the town of Flemingsburg, be, and the same is hereby appropriated for and during the term of two years, to commence on the first day of March next; and that the same shall be paid over, by the Cashier of said Branch Bank, semi-annually to the order of the board of trustees of said college.

The question was then taken on the passage of said bill, as amended, which was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. M. Hardin and Carter, were as follows:


Ordered, That the clerk inform the Senate thereof.

The amendments proposed by the Senate to a bill, which originated in this house, entitled an act to add a part of Monroe to Allen county and for other purposes, were taken up, twice read and adopted.

Ordered, That Mr. Hardin inform the Senate thereof.

And then the house adjourned.
Mr. Prince, from the joint committee of enrollments reported that the committee had examined sundry enrolled bills and resolutions of the following titles, and had found the same truly enrolled, viz:

An act further to regulate the debt due the commonwealth for the sale of vacant lands and the lands acquired by the treaty of Tellico.

An act further to regulate the Penitentiary.

An act supplemental to an act to provide for the selection of a permanent seat of justice for Campbell county, approved 18th December, 1824.

An act for the benefit of the Union county seminary.

An act concerning the Baptist Church in the town of Maysville.

An act for the divorce of sundry persons.

An act for the benefit of Edmond Bartlett.

An act for the benefit of Emily Nixon and Beverly Luster.

An act to reduce the price of vacant lands north of Walker's line.

An act for the benefit of the sheriff of Bath county.

An act to establish election precincts in certain counties in this commonwealth.

An act to authorize the sale of a part of the public square in the town of Irwin and county of Estill.

An act for the benefit of Agnes Punteney.

An act to legalize the establishment of the town of Smithland and confirm the sale of lots therein.

An act for the benefit of William B. Duncan, late sheriff of Hickman county.

An act further to regulate the Lunatic Asylum.

An act for the benefit of the sheriffs of Adair, Union, Ballard and Washington counties.

A resolution for a national salute on the 8th of January 1825.

A resolution for uniting the public printing.

Resolutions for the erecting of tombstones over the bodies of the honourable Thomas Dollerhide, late Senator from the county of Pulaski; and the late Governors Madison and Greenup.

And a replication to the response of the judges of the Appellate Court, and a resolution in relation thereto.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. Summers from the select committee to whom was referred a bill from the Senate, entitled an act to amend an act entitled an act to revive and amend the champerty and maintain-
OF REPRESENTATIVES.

ence law, and more effectually to secure the bona fide occupants of land within this commonwealth, approved January 7, 1824, reported the same with sundry amendments.

It was then moved and seconded to lay the said bill and amendments on the table.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Summerville and Breck, were as follows, viz:


Several amendments having been concurred in,
It was again moved and seconded to lay the said bill and amendments on the table.
And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Summerville and Fulton, were as follows, viz:


The further amendments reported by the committee having been concurred in, it was then moved and seconded to amend said bill, by attaching thereto the following as an additional section.

Provided however, That the 9th section of this act, shall not take effect till the 1st day of August next, till which time, all persons whose lands are, or may be forfeited for failing to list the same for the payment of taxes, or for the non payment of taxes, shall have a right to list their lands with the Auditor of Public Accounts, and to pay all or any money, or sums of money which may be due on said land for taxes, and until which time any plaintiff or plaintiffs, or complainants who shall not have paid the taxes due thereon, shall have a right to continue their suits brought, for their lands, nor shall any such suits be tried sooner, unless with the consent of the defendant or defendants. And it shall be the duty of the Auditor to receive, and give a quietus, for all such arrearages so paid. And provided further, That the provisions of this act shall not apply to any judgment in ejectment, or decree in chancery heretofore rendered, or injunction now pending, but the same shall be governed by the act to which this is an amendment.

And the question being taken on adopting said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnel and Joyes, were as follows, viz:


The said bill as amended, was then ordered to be read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill having been dispensed with, Resolved, That the said bill, as amended, do pass.

Ordered, That Mr. Shortridge inform the Senate thereof, and request their concurrence in said amendments.
The amendments proposed by the Senate to bills which originated in this house of the following titles, were twice read, and concurred in, viz:

1. A bill to allow the justices of the peace of Morgan county, each a copy of the digest laws, and for other purposes.
2. A bill declaring Kinnicanick navigable to the mouth of the Laurel fork.
3. A bill for the benefit of Marcus Huling and others.—and
4. A bill for the benefit of the Union Rolling Mill Company.

Ordered, That Mr. Williams inform the Senate thereof.

The amendments proposed by the Senate upon concurring in those proposed by this house, entitled an act to amend an act entitled act providing for copying certain records in the surveyor's office in Fayette county, were taken up and concurred in with an amendment.

Ordered, That Mr. Payne inform the Senate thereof, and request their concurrence in said amendment.

A message was received from the Senate announcing the passage of bills which originated in this house of the following titles:

An act concerning answers in chancery.
An act for the benefit of the Judge of the tenth judicial district.
An act to establish an election precinct in Bullitt county.
An act to change the place of taking votes in the southern precinct in Barren county.
An act to amend the act establishing the town of Lebanon in Washington county.
An act to change the place of voting in the Maxville precinct in the county of Washington.
An act to amend an act entitled an act to amend the several laws now in force concerning the town of Maysville, county of Mason, approved December 15, 1823.
An act for the benefit of the heirs of William Warren, dec'd.
An act for the benefit of the heirs of Joshua Wilson deceased.
An act for the benefit of Seany Boatman.
An act for the benefit of Susan Scofield.
An act to amend an act to establish the town of Wardsborough in the county of Calloway, and to provide for the sale of the lots.
An act for the benefit of Thomas Stroud.
An act for the benefit of the sheriff of Monroe county.
An act to establish election precincts in the counties of Grayson and McCracken.
An act for the benefit of Andrew Mershon.
An act concerning the independent bank of Columbia.
An act for the benefit of the children of David Knox, dec'd.
An act to legalize the proceedings of the trustees of the town of West Liberty.

An act declaring the powers of the trustees of the town of Greenupsburgh, and for other purposes.

An act to authorize the Auditor to come to a settlement with the keeper of the Penitentiary.

And an act to amend the act concerning the Directors of the Bank of Kentucky—with amendments to the latter bill.

The passage of bills of the following titles:

An act for the benefit of the widow and heirs of James Kerr deceased.

An act for the benefit of the heirs of General William McDowell deceased.

An act for the benefit of John Alexander.

An act to regulate the county levy for McCracken county, and for other purposes.

And an act authorising the Crisis, to be printed in Paris, to insert certain advertisements.

The passage of a resolution for procuring a portrait of General La Fayette.

The adoption of a resolution annexed to the report of a committee of the Senate, appointed to examine the improvement made on the Kentucky river by Col. Andrew Muldrow.

Their concurrence in the amendment proposed by this house upon—concurring in those proposed to a bill from the Senate, entitled an act to amend an act entitled an act to provide for copying certain records in the surveyor's office in Fayette county.

And their concurrence in a resolution from this house, fixing on a day for the final adjournment of the General Assembly—with amendments.

And that the Senate had received official information that the Governor did, on this day, approve and sign enrolled bills which originated therein of the following titles:

An act further to regulate the Lunatic Asylum.

An act for the benefit of the sheriffs of J'dair, Union, and Washington counties.

An act for the benefit of William B. Duncan, late sheriff of Hickman county.

The amendments proposed by the Senate to a bill from this house entitled an act to amend an act concerning the Directors of the bank of Kentucky, and that proposed to a resolution from this house fixing on a day for a final adjournment of the Legislature, were twice read and concurred in.

Ordered, That Mr. Hunter inform the Senate thereof.

A message from the Governor by Mr. Loughborough:

Mr. Speaker—The Governor this day approved and signed
the following enrolled bills and resolutions, which had their origin in the House of Representatives, viz:

An act to reduce the price of vacant lands north of Walker's line.

An act for the benefit of the sheriff of Bath county.

An act supplemental to an act to provide for the selection of a permanent seat of justice for Campbell county, approved December 13, 1824.

An act for the benefit of the Union county seminary.

An act for the benefit of Emily Nixon and Beverly Luster.

An act for the benefit of Edmond Bartlett.

An act for the divorce of sundry persons.

An act to authorize the sale of a part of the public square in the town of Irvine and county of Estill.

An act for the benefit of Agnes Puntency.

An act further to regulate the penitentiary.

An act to establish election precincts in certain counties in this commonwealth.

An act further to regulate the debt due the commonwealth for the sale of vacant lands, and the lands acquired by the treaty of Tellico.

An act concerning the Baptist church in the town of Maysville.

An act to legalize the establishment of the town of Smithland and confirming the sale of lots therein.

A resolution for a National Salute on the 6th January, 1825.

A resolution for uniting the public printing.

A resolution for the erection of tombstones over the bodies of the honorable Thomas Rollin, late Senator from the county of Pulaski, and the late Governors Madison and Greenup.

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

An engrossed bill entitled an act to reduce the expenses of the Bank of the Commonwealth, was read a third time.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill by Messrs. Turner and Spalding, were as follows:


Ordered, That Mr. Turner carry the said bill to the Senate and request their concurrence.

The following bills from the Senate were severally read the first time, viz:

1. An act allowing an additional constable to the counties of Logan and Warren.
2. An act to change the place of comparing polls in the 8th Senatorial district.
3. An act for the benefit of Henry S. Langford.
5. An act for the benefit of a seminary of learning in the county of Cumberland.
6. An act for the benefit of the heirs of Andrew Snider deceased.
7. An act to authorize John Bartlett and his associates to build a bridge across main elk horn in Franklin county.
8. An act to amend the law concerning peddlars.
9. An act to change the place of voting in an election precinct in Nicholas county.
10. An act to incorporate the Greensburg Bridge company.
11. An act to change the time of the annual meeting of the General Assembly.
12. An act to amend the several acts respecting the turnpike road from the mouth of Triplett's creek to Big Sandy.
13. An act to legalize the sale, by the trustees of Rebecca Washington, of certain slaves.
14. An act to regulate applications for the establishment of new counties and for other purposes.
15. An act for the benefit of the heirs of Michael Glaves deceased—and
16. An act to change the venue in the case of Samuel Giler.

The 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 9th, 10th, 11th, 12th, 13th, 15th and 16th were severally ordered to be read a second time: the 8th was postponed until the 1st day of June next; and the 14th until the 4th day of July next.

And thereupon, the rule of the house, constitutional provision and second reading of the 1st, 2nd, 3rd, 4th, 6th, 7th, 9th, 10th, 13th, 14th, 15th and 16th having been dispensed with, the 1st,
2nd, 7th, 9th, 10th, 13th and 16th were severally ordered to be read a third, the 13th on to-morrow; the third was committed to a select committee of Messrs. S. Daviess, Gresham and Green; the fourth to a select committee of Messrs. Dallam, Hodge and Watkins; the sixth to a select committee of Messrs. Morgan, Fulton, Wickliffe and Rowan; the twelfth to a select committee of Messrs. Riddle, McConnell of Greenup, Mason, Stephens and Marksberry; and the fifteenth to a select committee of Messrs. B. Hardin, Mullens and Hodge.

And thereupon the rule of the house, constitutional provision and third reading of the 1st, 2nd, 7th, 9th, 10th and 16th bills having been dispensed with.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Crittenden inform the Senate thereof.

A bill from the Senate entitled an act regulating ferries on Big Sandy river and for other purposes, was read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of said bill having been dispensed with.

It was then moved and seconded, to amend said bill by striking out the eleventh section thereof, which was read in the following words:

§ 11. Be it further enacted, That all owners of ferries, toll bridges or turnpike gates shall receive Commonwealth's Bank bills in payment from all persons who pass such ferry, bridge or gate, so long as said Commonwealth's paper is receivable in taxes at the rates now allowed by law. Provided, and be it further enacted, that if any person shall demand or receive carriage or toll contrary to the true intent and meaning of this act shall be fined five dollars, recoverable before a Justice of the peace by warrant in favor of any person who may sue for the same.

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

The yea and nays being required thereon by Messrs. W. C. Payne and McConnell, were as follows, viz:


The said bill, as amended, was then ordered to be read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass.

Ordered, That Mr. McConnell inform the Senate thereof and request their concurrence in said amendments.

And then the house adjourned.

TUESDAY, JANUARY 11, 1825.

Leave was given to bring in the following bills:

On the motion of Mr. Goggin—1, a bill appointing additional trustees to the Somerset Academy.

On the motion of Mr. Joyce—2, a bill to establish a Tobacco Inspection in the town of Portland.

On the motion of Mr. Hodge—3, a bill to amend an act entitled an act to incorporate the Hartford Bridge company and for other purposes—and

On the motion of Mr. Green—4, a bill to authorize Mary P. Eppes to sell such lands or title to land as she may have in this commonwealth.

Messrs. Goggin, Cunningham and Hodge were appointed a committee to prepare and bring in the first; Messrs. Joyce, Rowan and Ford the second; Messrs. Hodge, Triplett and Thomas the third; and Messrs. Green, Robertson and Gresham the fourth.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Goggin—1, a bill appointing additional trustees to the Somerset Academy.

By Mr. Joyce—2, a bill to establish a Tobacco Inspection in the town of Portland.

By Mr. Hodge—3, a bill to amend an act entitled an act to incorporate the Hartford Bridge company and for other purposes—and

By Mr. Green—4, a bill to authorize Mary P. Eppes to sell such lands or title to land as she may have in this commonwealth.

Which bills were severally received and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of the 1st, 2nd and 3rd bills having been dispensed with and the same being engrossed,
Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Joyes carry the said bills to the Senate and request their concurrence.

The following bills from the Senate, which were referred to select committees, were reported with amendments to each, viz:

An act for the benefit of the heir of Henry S. Langford.
An act for the benefit of the heirs of Michael Graves deceased.
An act for the benefit of the heirs of William Baker deceased.
An act for the benefit of Abraham Wood and others.
An act for the benefit of the heirs of Andrew Snider deceased.

The said amendments being severally twice read, were concurred in; and the said bills ordered severally to be read a third time.

And thereupon, the said bills, as amended, having been severally read a third time,

Resolved, That the said bills, as amended, do pass.

Ordered, That Mr. McConnell inform the Senate thereof and request their concurrence in said amendments.

A message was received from the Senate, announcing the passage of bills, which originated in this house, of the following titles:

An act for the benefit of the widow of George Threlkeld deceased.
An act for the benefit of the widow and heirs of James Lapsley.
An act to legalize the proceedings of the Harrison county court and for other purposes.
An act to authorize the keeper of the upper turnpike gate, on the road from Georgetown to Cincinnati, to remove the same.
An act to legalize the proceedings of the proprietors of the town of Lewisburg.
An act to authorize advertisements to be made in the Western Luminary and Farmers' Register and Village Chronicle.
An act for the benefit of the heirs of John H. Holt.
An act to amend the several acts more effectually to suppress the practice of duelling.
An act for the benefit of the widow and heirs of Philip Odd deceased.
An act for the benefit of Henry G. Mitchell and Ezekiel Jenkins.
An act for the benefit of the heirs of Isaac Flannery.

An act in addition to an act entitled an act authorizing certain county courts to appoint port wardens and prescribing their duties, approved February 6, 1819.

An act to provide for taking the depositions of clerks in certain cases.
An act to incorporate the Louisville and Portland canal company.

An act to alter the times of holding certain circuit and county courts in this commonwealth.

An act to provide for ferrying the citizens of Greenup county across Little Sandy on election days and for other purposes—and

An act to regulate suits against joint or joint and several obligors—with amendments to the three latter bills.

Thereon concurrence in the amendments proposed by this house to bills from the Senate of the following titles, to wit:

An act for the benefit of S. Langford.

An act for the benefit of the heirs of Michael Glaves deceased.

An act for the benefit of the heirs of Andrew Snider deceased.

An act for the benefit of the heirs of William Baker deceased—and

An act for the benefit of Abraham Wood and others.

The passage of bills of the following titles:

An act to authorize the insertion of certain advertisements in the Constitutionalist printed in Versailles.

An act to amend an act entitled an act concerning Kentucky land warrants which may have been lost.

An act to change the place of taking votes in an election precinct in Madison county.

An act to add a part of the county of Nicholas to the county of Harrison.

An act to organize the Kentucky enterprising company.

An act to provide for viewing and marking a way for a turnpike road from Lexington to Maysville.

Their disagreement to the amendments proposed by this house to a bill from the Senate entitled an act to regulate ferries on Big Sandy and for other purposes—and

That the Senate had received official information that the Governor did, on day, approve and sign sundry enrolled bills, which originated in the Senate, of the following titles:

An act to change the place of comparing polls in the 8th Senatorial district.

An act to authorize John Bartlett and his associates to build a bridge over main Elkhorn in Franklin county.

An act to change the place of voting in an election precinct in Nicholas county.

An act allowing an additional constable for the counties of Logan and Warren.

An act to amend an act entitled an act providing for copying certain records in the Surveyor's office in Fayette county, and for other purposes.

An act to incorporate the Greensburg bridge company.
Mr. Prince, from the joint committee of enrollments, reported that the committee had examined sundry enrolled bills and a resolution of the following titles, and had found the same truly enrolled, viz:

An act to amend the law regulating the distribution of the Statute Laws and Journals of this commonwealth.

An act to add a part of Monroe to Allen county, and for other purposes.

An act to establish an election precinct in the county of Bourbon.

An act to change the place of comparing polls in the 8th Senatorial district.

An act allowing an additional constable for the counties of Logan and Warren.

An act to change the place of voting in an election precinct in Nicholas county.

An act to amend an act entitled an act providing for copying certain records in the Surveyor's office in Fayette county.

An act to authorize John Bartlett and his associates to build a bridge over main Elk horn in Franklin county.

An act to incorporate the Greensburg bridge company.

A resolution requesting the representatives from this state, in congress, to vote for Andrew Jackson as President of the United States.

An act for the benefit of Susan Scofield.

An act for the benefit of the heirs of Joshua Wilson deceased.

An act to amend an act entitled an act to amend the several laws now in force concerning the town of Maysville, county of Mason, approved December 15, 1823.

An act to establish an election precinct in Bullitt county.

An act for the benefit of Scany Boatman.

An act declaring the powers of the trustees of the town of Greensburgh, and for other purposes.

An act concerning the independent bank at Columbia.

An act for the benefit of the children of David Knox, dec'd.

An act for the benefit of the widow of George Threlkeld deceased.

An act for the benefit of Andrew Mershon.

An act to amend an act to establish the town of Wardsborough in the county of Calloway, and to provide for the sale of lots.

An act to establish election precincts in the counties of Grayson and McCracken.

An act for the benefit of Thomas Stroud.

An act for the benefit of the sheriff of Monroe county.

An act to amend the act establishing the town of Lebanon in Washington county.
...An act to change the place of taking votes in the southern precinct in Barren county.

An act for the benefit of the Judge of the tenth judicial district.

An act to change the place of voting in the Maxville precinct in Washington county.

An act concerning answers in chancery.

An act to amend the act concerning the Directors of the Bank of Kentucky.

An act for the benefit of Marcus Huling and others.

An act for the benefit of the heirs of William Warren, dec'd.

An act to authorize the Auditor to come to a settlement with the keeper of the Penitentiary.

An act to legalize the proceedings of the trustees of the town of West Liberty.

An act for the benefit of the Union Rolling Mill company—and

An act to authorize the keeper of the upper turnpike gate, on the road from Georgetown to Cincinnati, to remove the same.

And had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

The house then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth—Mr. Booker in the chair—and after some time spent therein, the Speaker resumed the chair, and Mr. Booker reported that the committee had, according to order, had under consideration a bill for the appropriation of money, and had gone through the same with sundry amendments, which he handed in at the clerk's table.

The first amendment was then read as follows, viz:

Strike out from the appropriation the following clause:

To William Wood and Adam C. Keenon, for binding one thousand copies each of the acts of the present General Assembly, $500 dollars each; also fifty dollars each for binding one hundred copies each of the Journals of the present session, one half of which sums shall be paid in advance and the balance upon their producing to the Auditor the Secretary's certificate of the delivery of the number of copies hereby authorized to be bound by each of them. Provided, that if the full number of copies allowed to be bound by each of the persons above named, shall not be furnished the Secretary, a deduction, at the rate of 33 1/3 cents for each copy of acts and 50 cents for each copy of journals so wanting, shall be made.

And in lieu thereof insert the following, viz:

To Adam C. Keenon, for binding 2000 copies of the acts of the present session, $600 dollars; also 100 dollars for binding
200 copies of the Journals of the present session, one half of which sum shall be paid in advance and the balance on his producing to the Auditor the Secretary's certificate of the delivery of the number of copies hereby authorized to be bound. Provided that if the full number of copies, allowed to be bound, shall not be furnished the Secretary, a deduction, at the rate of 33 1-3 cents for each copy of the acts and 50 cents for each copy of the journals so wanting, shall be made.

The question was then taken on concurring in the said amendment of the committee, which was decided in the negative.

The yeas and nays being required thereon by Messrs. G. I. Brown and Summers, were as follows, viz:


The second amendment of the committee, which proposes to strike out of said bill the following items: To the joint committee appointed to visit and examine the Transylvania University and Lunatic Hospital at Lexington, eighty three dollars, was also read.

And the question being taken on concurring in the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. B. Hardin and Chemwith, were as follows, viz:


NAYS—Mr. Speaker, Messrs. Bates, Breck, G. I. Brown, H. O. Brown, Buckner, Caldwell, Carter, Coleman, Cosby, Cunningham, Dallam, A. H. Davis, Farmer, Fulton, Garth, Goggin, Gordon, Gresham, Hunter, Joyes, Marksberry, M.
M. Bray, J. M. Mc'Connell, Miller, Morgan, H.
C. Payne, Porter, Rodman, Samuel, Shortridge, Simpson, Ste.
rett, Summers, Wade, Wickliffe, Wilcoxen, Willis and T. P.
Wilson—41.

The following item in said bill was then read, viz: To Evans and Blanton, for building chimneys, furnishing materials, &c. for the Representative Chamber $338 50, as per account rendered.

It was then moved and seconded, to amend said clause by striking out $338 50 and inserting, in lieu thereof, $250.

A division of the question being called for, the question was first put upon striking out, which was decided in the negative.

The yeas and nays being required thereon by Messrs. Spalding and Summers, were as follows, viz:


The remaining amendments having been concurred in, the said bill, as amended, was then ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill having been dispensed with and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Cunningham carry the said bill to the Senate and request their concurrence.

The Speaker laid before the house a memorial of a committee of the citizens of Frankfort, relative to rebuilding the capitol, which was received, read and laid on the table.

A message from the Governor by Mr. Loughborough:

Mr. Speaker—The Governor this day approved and signed the following enrolled bills and resolutions, which had their origin in the House of Representatives, viz:
An act to establish an election precinct in the county of Bourbon.

An act to add a part of Monroe to Allen county, and for other purposes.

An act to amend the law regulating the distribution of the Statute Laws and Journals of this commonwealth.

A resolution requesting the representatives from this state, in Congress, to vote for Andrew Jackson as President of the United States.

An act for the benefit of Susan Scofield.

An act for the benefit of the heirs of Joshua Wilson.

An act for the benefit of Senney Boatman.

An act declaring the powers of the trustees of the town of Greenupsburgh, and for other purposes.

An act concerning the independent bank at Columbia.

An act for the benefit of the children of David Knox, deceased.

An act to establish an election precinct in Bullitt county.

An act to amend an act entitled an act to amend the several laws now in force concerning the town of Maysville, approved December 15, 1823.

An act to legalize the proceedings of the trustees of the town of West Liberty.

An act for the benefit of the Union Rolling Mill company.

An act for the benefit of Marcus Huling and others.

An act to amend the act establishing the town of Lebanon in Washington county.

An act to change the place of taking votes in the southern precinct in Barren county.

An act for the benefit of Thomas Stroud.

An act for the benefit of the Sheriff of Monroe county.

An act for the benefit of Andrew Mershon.

An act for the benefit of the widow of George Threlkeld deceased.

An act to authorize the keeper of the upper turnpike gate, on the road from Georgetown to Cincinnati, to remove the same.

An act to amend an act to establish the town of Waidsburgh in the county of Calloway, and to provide for the sale of lots.

An act to establish election precincts in the counties of Grayson and McCracken.

An act for the benefit of the Judge of the tenth judicial district.

An act to change the place of voting in the Maysville precinct in Washington county.
An act for the benefit of the heirs of William Warren, deceased.

An act to authorize the Auditor to come to a settlement with the keeper of the Penitentiary.

An act concerning answers in chancery.

An act to amend the act concerning the Directors of the Bank of Kentucky.

And then he withdrew.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. Hardin, of Monroe, read and laid on the table the following resolution:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the Governor be, and he is hereby, requested to open a correspondence with the Governor of Tennessee, on the subject of the state road from Danville, in this state, by way of Columbia and Tompkinsville to Murfreesborough in Tennessee—that he communicate to him the measure taken by Kentucky to open and preserve said road and respectfully solicit the attention of the Governor to the expediency of complying and permitting the road to be open to this point.

And thereupon, the rule of the house being dispensed with, the said resolution was taken up, twice read and adopted.

Ordered, That Mr. Hardin carry the said bill to the Senate and request their concurrence.

The amendments proposed by the Senate to a bill from this house, entitled an act to regulate suits against joint and several obligors, were twice read and concurred in.

Ordered, That Mr. Hardin inform the Senate thereof.

Mr. Wickliffe presented the petition of a committee of the Circle Society in Lexington, praying an act of incorporation; which was received, read and referred to a select committee of Messrs. Wickliffe, True and Payne.

Mr. Brown, of Harrison, from the joint committee appointed to examine the Bank of the Commonwealth, made the following report:

The joint committee appointed to examine the Bank of the Commonwealth of Kentucky, beg leave to report:

That they have proceeded to examine the situation of said institution and as far as their enquiries extended they find that the report, heretofore made by the President thereof, contains a detailed statement of the situation of this Bank.

The several amounts of money, referred to in that report, were found to be correct. They found the books and papers of said institution in the nearest order, and the management of said Bank meets with their entire approbation. The officers of the Bank afforded every facility to expedite the examination and to
lay before your committee every fact in relation to the Bank
that was thought material by your committee.

H. O. BROWN, Ch'm.
WILLIAM T. WILLIS.
WILLIAM SPALDING.
GEORGE MORIS.

The amendments proposed by the Senate to a bill, which
originated in this house, entitled an act to alter the time of holding
certain circuit and county courts, were taken up and the first
read in the following words:

Strike out of the eighth section of the bill the following words:
That hereafter the circuit courts, in the county of Monroe,
shall commence on the first Mondays in April, July and October
and continue twelve juridical days; the circuit courts, in the
county of Cumberland, shall commence on the third Mondays in
April, July and October and continue twelve juridical days.

And the question being taken up in concurring in the said
amendment of the Senate, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. J. G.
Hardin and Shortridge, were as follows, viz:

YEAS—Messrs. Breck, Brents, Buckner, Cox, Cunningham,
Farmer, Ford, Goggin, Green, Gresham, L. Hardin, M. Har
din, Kennedy, Mason, Mayo, McBrayer, J. M'Connell, J. M.
M'Connell, Miller, Morgan, Morris, New, Oldham, H. C.
Payne, W. C. Payne, Prince, Riddle, G. Robertson, W. Ro
bertson, Roundtree, Shepherd, Shortridge, Stack, R. Taylor,
Triplett, L. Williams, W. C. Williams, Willis, T. P. Wilson
and W. Wilson—40.

NAES—Mr. Speaker, Messrs. G. I. Brown, Caldwell, Carter,
Clarkston, Dallam, Forrest, Galloway, Gibson, J. G. Hardin,
Holts, Litton, Maupin, Napier, J. Patterson, Porter, Rowan,
Samuel, Spalding, Stephens, J. Taylor, Thomas, Wade, Wat
kins and Wingate—25.

The remaining amendments were then concurred in.
Ordered, That Mr. Hardin inform the Senate thereof.
The following bills from the Senate were severally read the
first time, viz:

An act to amend an act entitled an act to regulate the town
of Scottsville and for other purposes.
2 An act for the benefit of Rebecca Adams.
An act to regulate and curtail the jurisdiction of the General
court.
An act for the benefit of the heirs of David Logan deceased.
An act to amend an act entitled an act to authorize a hospital
for the purpose of draining the ponds in the town of Louis
ville and adjoining there to.
6 An act to amend the act entitled an act to establish and regulate the town of Louisa, in the county of Lawrence.
7 An act for the benefit of the widow and devisees of Leratte Dickinson deceased.
8 An act concerning the town of Danville.
9 An act for the divorce of Ann Hall—and
10 An act to amend an act entitled an act to amend the law for the recovery of debts before a justice of the peace, approved February 1, 1809.

The 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th were severally ordered to be read a second time.

And the question being taken on reading the 10th bill a second time, it was decided in the negative; and so the said bill was rejected.

Ordered, That Mr. Joyes inform the Senate thereof.

And thereupon the rule of the house, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2nd, 3rd, 5th, 6th, 7th, 8th and 9th bills (the 3rd having been amended,) were ordered to be read a third time; and the 4th was committed to a select committee of Messrs. Green, Booker and Galloway.

And thereupon the rule of the house, constitutional provision and third reading of the 1st, 2nd, 3rd, 5th, 6th, 7th, 8th and 9th bills having been dispensed with,

Resolved, That the said bills (the third as amended,) do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Joyes inform the Senate thereof and request their concurrence in the amendments to the third bill.

Mr. Booker moved for leave to bring in a bill to repeal the law for classing tobacco.

And the question being taken upon granting leave to bring in said bill, it was decided in the negative; and so the said motion was disagreed to.

The preamble and resolutions from the Senate relative to the decision of the Supreme Court of the United States on the occupant claimant laws of this state, were taken up and read in the following words:

The General Assembly, at its last session, remonstrated to the Congress of the United States, against the principles attempted to be established by a minority of the Supreme Court, in the case of Green and Biddle, vacating our Occupant Laws, decided at their preceding term. The Senators and Representatives from this state, promptly presented the remonstrance and documents to that body, and as early as practicable, pressed the subject on their consideration. Congress was crowded with important national subjects of immediate concern, and the session was drawing to a close; yet the complaint of Kentucky
was taken up in both houses, and strong indications were given, that her cause was considered the cause of every other state, and that every undeviating republican and inflexible defender of the true principles of our Federal Union, would not only be found in the support of the propositions contained in the Remonstrance, but also of such other changes and reforms in the Judicial Department of the National Government, as may be necessary to defend the states from the further encroachments of that powerful tribunal.

It is unnecessary for the present General Assembly to add any thing to the unanswered, and, it is believed, unanswerable arguments against the opinion of the Court, contained in the petition of Messrs. Rowan and Clay, accompanying the remonstrance; if, indeed, anything could be added, to make the error of the court more palpable; and whether they consult their own judgment, the sentiments of the people of Kentucky, or the indications in the Congress of the United States, it would seem equally superfluous to add anything to the remonstrance itself, for the purpose of vindicating the justice, the policy, and the necessity of the course which the General Assembly has pursued, to vindicate the insulted rights of their state and their constituents. Kentucky could not make more evident, the wrongs she has endured, and the claims she has upon the Congress of the Union, for ample security against future sufferings and degradation.

But it cannot be disguised, that great efforts have been made, and extensive means employed, by those who substantially maintain the supremacy of the Federal Judiciary, and whose interests have been advanced by the decrees of the Court, to impress upon the national government and our sister states, that the people of Kentucky have and feel but an inconsiderable interest in the occupant laws thus attempted to be repealed, and are ready to surrender them as unjust in principle, and repugnant to the compact with our parent state; that they are not opposed to the general principles attempted to be established by that tribunal, and entertain no apprehensions from the application and extension of the degrading doctrines in that and other opinions asserted; that they are ready to yield whatever the Judges may demand; that the measures of the last session were but the effect of a temporary agitation in the public mind, and a rebellious spirit in the General Assembly, which had spent themselves in the effervescence of the moment, and left the state in a disposition to abandon the question, and quietly to submit to the unconstitutional mandates of judicial authority. Hence, it is deemed not only politic, but necessary, for the present General Assembly emphatically to declare, that on this subject they fully accord with the sentiments expressed in the
remonstrance of last session, and by the Governor in his enlightened communication at the commencement of the present session, and that, in their opinion, the same sentiments are entertained by the great body of the people of Kentucky. They have always believed, and do now believe, that the occupant laws attempted to be vacated by the Court, violated no principle either of constitutional or moral law, and are entirely consistent with the compact with the parent state, and were, at the time of their enactment, imperiously required by the condition of the country, and are still essential to its repose. They view the decision of the Court as not only unconstitutional and erroneous, but as asserting principles which are dangerous to the political liberty of the state, and to the civil liberty of its citizens; and taken in connexion with the general tenor of the decisions of that tribunal on constitutional law, and the spirit which has been displayed by their adherents, as threatening an annihilation and consolidation of the states. But the General Assembly and the people of Kentucky view the reports sent abroad, of their readiness to acquiesce in principles so monstrous, as groundless calumnies upon the state character, and upon the patriotism and firmness of the people, and calculated to aid in the prostration of state sovereignty, the main pillar of the Federal Union and American liberty.

It might seem to be incompatible with that confidence with which Kentucky looks to Congress for redress of the wrongs under which she suffers, to press directly upon that body a renewal of her complaints, at so early a period; but viewing the subject of the remonstrance as not only important to the people of Kentucky, but involving the very principles of that government under which the American States are so happily united, the General Assembly deem it proper, through the immediate representatives of the state, to urge it on the early attention of the national legislature, and to declare, that they consider it does as far transcend, in importance, any other subject which may probably command their attention, as the fundamental principles of the government rise above the details of its administration. Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives requested, to urge upon the early attention of Congress, the subject of the remonstrance of Kentucky against the decision of the Supreme Court of the United States annulling the occupying claimant laws of this state, and employ their best efforts to obtain the passage of acts of Congress in conformity to the propositions in the remonstrance contained.

The provisions of the Constitution of the United States in relation to the Federal Judiciary, and the jurisdiction exer-
cised by those tribunals, have also been mentioned by the Governor in his communication. The Constitution provides, "that the judicial power shall extend to controversies between citizens of different states, between citizens of the same state claiming lands under grants from different states, and between the citizens of a state and the citizens or subjects of a foreign state."

It is difficult to perceive the principle on which it was deemed necessary or politic, on the mere circumstance of one of the litigants being a citizen or subject of a foreign state, or of a different state from his adversary, or on the diversity of the sovereignty by whom the land in contest was granted, to vest the jurisdiction of the cause in the federal tribunals, unless we presume that it was apprehended the state courts, at some future day, might become so corrupt or imbecile, as to be incapable of rendering justice according to law, in any case in which a citizen of a foreign or sister state might have an interest adverse to a citizen of the state to which the tribunal belonged, and becomes so far lost to a sense of right, as to deny justice to one of their own citizens, on the ground that his grant emanated from another state. But surely it ought not to have been believed, that this government, which is founded exclusively on the virtue and intelligence of the people, could long endure after the people had become so corrupt, as to will, or even tolerate such abuses of the judiciary, which, like every other department of their government, must, on the principles of the supremacy of the people, ever be a correct representation of themselves. But it cannot be disguised, that there did prevail in the convention, not only an undue distrust of the states, but a strong disposition to place them under the control of the federal judiciary. Hence the provision in the original article from which we have quoted, that subjected a state, contrary to its will, to be arraigned at the bar of the federal judges at the suit of a citizen, or even that of an alien. This provision, it is true, was believed to have been abrogated by an amendment proposed by our parent state, and adopted by the requisite number of the members of the Union. But it is equally true, that the Supreme Court have determined, by their constructions, that a vestige of it still remained, and have, upon its authority, solemnly adjudged, that distinguished state to have passed under their yoke. [Cohens vs. state of Virginia, 6 Wheat. 264.]

The General Assembly do, therefore, fully accord with the Executive, in his opinion that this jurisdiction is unnecessarily and improperly vested; and believing with him, that our state tribunals may be made competent to the determination of all such controversies, would willingly unite with our sister states in ratifying amendments to the constitution, to divest the federal courts of all such jurisdiction. The Supreme Court have,
however, determined, that they cannot exercise jurisdiction in any case, merely on the authority of the constitution; but that the jurisdiction must be given by statute also; [M'Tyler and Wood, 7 Cranch 505] and Congress has, by statute, conferred on them jurisdiction in causes of the above character. The repeal of the acts of Congress would, therefore, for the present, remedy the evil. In a proposition to repeal these acts, it is believed, Kentucky would display an unanimity seldom witnessed on any question. It was by virtue of these acts, that the Circuit Court for the Kentucky District obtained jurisdiction in the case of Green and Biddle, from which it was adjourned to the Supreme Court, where the occupant laws, designed to secure the bona fide occupant a fair compensation for his labor, honestly bestowed on lands granted to him by the Commonwealth, and believed to be his own, are attempted to be annulled. If, therefore, those acts of Congress had not been in force, the decision could never have been given, and if repealed, our laws may be restored.

These are not, however, the only laws designed to secure justice to the people of Kentucky, which have been disregarded by the federal tribunals, in exercising jurisdiction under the act in question. The Circuit Court for the Kentucky District, have held for naught, the statute of this state limiting actions for the recovery of lands, to seven years, which was enacted for the purpose of fixing a period at which the people might hope for repose; and by that decision, have given a scope to actions which will be barred only by the lapse of almost half a century.

In addition to these considerations, the jurisdiction of the federal court has exhibited in Kentucky, the novel spectacle of two rules of decision on the very right of the thing in contest, in causes of the same nature, arising in the same places, and determined in the same building, and differing only in the character of the parties to the suits. Nor has this deplorable diversity of rules governing the right to property, been confined to cases depending on constitutional law; but has, to a great and afflicting extent, been applied to cases depending on the unwritten or common law itself, which, having been denied to be a part of the national code, was believed to consist in general custom, as evidenced by the decisions of the state judiciary and the acquiescence of the people, and on the authority of the federal rules. In opposition to those of the state tribunals, the dwellings of our citizens have been adjudged to non-residents and speculators. [Speed and Buford, 3 Bibb 57; Green and Lister, same book 63.] To secure the observance of the statutes of the people, and the uniform application of the unwritten code, is not, however, the only inducement with Kentucky, for oppo-
ing this unnecessary jurisdiction. The federal courts in Kentucky exercise their authority throughout the state, and the people in every quarter of the country, however remote, and in whatever condition in society, are liable to be summoned to the metropolis, to answer the actions of foreigners and aliens. Whilst the people of the state are required to bring and conduct their suits in the county where the land is situated and can be conveniently defended, foreigners station themselves and their agents at our capital, and the people are commanded to attend upon them. For this exclusive privilege, no good reason is perceived; but great inconveniences and loss have been sustained. In consequence of the people being compelled to defend their lands and dwellings hundreds of miles from their homes, they often find themselves, after succeeding in their suits, well nigh ruined by the costs and charges, and not infrequently their all is lost, for want of that attention to their causes, which it is impossible to bestow at so great a distance. The revising tribunal is in the Supreme Court, and in numerous cases, wholly beyond the reach of the means of our citizens. They have, therefore, to abide by the decision of the inferior court, when against them; and when for them, and an appeal is taken, to risk the decision of the remote tribunal, on an ex parte discussion. To remedy these inconveniences, the General Assembly unhesitatingly declare, that, in their opinion, the jurisdiction of the federal courts, in all such causes, ought to be divested. We are aware, that it was proposed at the last session of Congress, to remedy these inconveniences to litigants, by a multiplication of the districts of the federal court, and thus to carry home the justice of the federal Judges to the doors of the people. But for this remedy we are not prepared. We still glory in the part which the representatives of Kentucky took, in the repeal of the wide-spread system of the federal judiciary, which was established for the abolition of the rights of the states, and the humiliation of the people. We are, therefore, for a curtailment of the jurisdiction of the courts; not for a multiplication of the courts and judges, and an extension of their patronage and influence: Therefore,

2. Resolved by the authority aforesaid, That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to cause an act to pass that body repealing all statutes now in force, which give the federal courts jurisdiction, where land is the subject-matter of controversy, merely on account of the citizenship of the parties, or the states from which the grant to the land in contest issued.

There is another provision in the judiciary act of Congress, by which the Supreme Court exercises a jurisdiction to annul and set aside not only the statutes of the states, but also the de-
cisions of their courts of justice, which is peculiarly objectionable in its character. The 25th section of the judiciary act provides, among other things, "that a final judgment or decree in any suit, in the highest court of law or equity of a state, in which a decision of the suit could be had, where is drawn into question the validity of a statute of, or authority exercised under any state, on the ground of their being repugnant to the constitution, treaties or laws of the United States, and the decision is in favor of such, their validity may be re-examined, and reversed or affirmed, in the Supreme Court of the United States, upon a writ of error."

That a writ of error is allowed to one party and not to the other; that it is given for the purpose of annulling the statute of a state, after its highest judicial tribunal has declared it constitutional and valid, and yet denied when the state court has vacated the statute, is certainly an unequal provision. The case of the decision of the Court of Appeals on the repelion laws, illustrates this objection. Had the party who contended for the validity of these laws prevailed, their adversaries, who allege that they were repugnant to the constitution of the United States, might have prosecuted their writ of error, and had the decision re-examined and reversed. But the Court of Appeals having attempted to annul the laws, the parties who contended for their validity, have no appeal, and consequently, the decision is fixed upon the state as a precedent for all future time, unless the Judges be driven from office in some mode. It is not, however, this singular provision in the statute, which constitutes the main objection. It is by no means conceded, that Congress had power to provide, that after the highest court of law or equity of a state, in which the case could be heard, had pronounced its final decision between the parties, the judgment or decree might be re-examined and reversed in the federal courts. But it is not necessary to urge the constitutional objection. Congress has power to repeal the enactment; [Dauphine vs. United States, 6 Cranch 314] it will, therefore, be sufficient for Kentucky to unite with the other states in urging upon that body, the other intrinsic objections and dangerous tendencies of this singular clause. It might be sufficient to say, that by this short paragraph, the prerogative of understanding and applying, the principles of the federal constitution, is wholly wrested from the states and people, by whom it was made, and consigned to a tribunal installed for life, equally irresponsible to the people and their representatives; that by vesting this jurisdiction in the Supreme Court, seven men, placed above all control by the only rightful sovereigns, are made the final arbiters of the extent of the legislative power of the states, and have it thereby in their power to degrade them to any character of
corporation," which may be dictated by their ambitious designs or capricious fancies.

If it be asked, how could uniformity of construction upon those articles of the constitution which are prohibitory to the states, be maintained, if this mode of preserving it be abandoned, it is answered, that this section does not secure that object. It is only calculated for a reduction of the power of the states by the Supreme Court, where the state judicatures are not bold enough for the undertaking, whilst it leaves those states without appeal, who are willing to become the victims of such decisions by their own tribunals, as may sink them even below the grade to which the federal judiciary would consign them; so that the enactment only affords a double means of reducing the states, without the advantage of uniformity in either the process or result. It would, therefore, be surely preferable to leave the state judicatures controllable only by the people and their representatives. This would, at least, avoid the diversity of constitutional law in the same state; and to remedy the evils of a contrariety of construction which might prevail in the different states, it would surely be safer to resort to explanatory amendments of the constitution, than to leave it wholly to the power of those whom the public will, which is the very soul of the instrument itself, can never reach. This means of obtaining the end, it is believed, would itself have a most advantageous effect. It would produce a continual recurrence to first principles, and awaken a vigilance in the public mind, which would constitute the strongest barrier against usurpations from whatever quarter they might come. These means would produce a perfect understanding of the restraints which the states have imposed upon themselves, which is essential to their obligation, and, it is believed, would sufficiently secure their observance.

Wherefore,

3. Resolved by the authority aforesaid, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the repeal of so much of any act of Congress as provides that any judgment or decree of the highest court of law or equity in any state, in any case in which is drawn in question, the validity of any statute of a state, on the ground that it is repugnant to the constitution of the United States, may be reversed in the Supreme Court of the United States, by writ of error or otherwise.

4. Resolved by the authority aforesaid, That the Governor be requested to transmit a copy of the foregoing Preambles and Resolutions to each of our Senators and Representatives in Congress.

The question was then taken upon concurring in the preamble to, and in, the first resolution.
And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. S. Daviess and Holt, were as follows, viz:


The remainder of said preamble and resolutions were then stricken out, and the preamble and resolution, as amended, concurred in.

Ordered, That Mr. Daviess inform the Senate thereof.

Mr. Marksberry, from the select committee to whom was referred a bill from the Senate, entitled an act to amend the several acts respecting the turnpike road from the mouth of Triplett's creek to Big Sandy, reported the same with sundry amendments.

Ordered, That the said bill and amendments be recommitted to a select committee of Messrs. Patterson, Marksberry, Riddle and Mullens.

A message was received from the Senate announcing the passage of bills which originated in this house of the following titles:


An act for the benefit of Thomas McIlvain and John Beatty; with amendments to the latter bill.

That the Senate concur in the amendments made by this house to a bill from the Senate entitled an act to regulate and curtail the jurisdiction of the General Court—and

That the Senate concur in the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th and 8th amendments proposed by this house to a bill from the Senate entitled an act to amend an act entitled an act to revive and amend the champerty and maintenance law and more effectually to secure the bona fide occupants of land within this commonwealth, approved January 7, 1824—and disagree to the ninth amendment proposed by this house to said bill.
The house then proceeded to reconsider the said ninth amendment, which proposed to add to the bill the following section: § 13. Be it further enacted, That in all actions of ejectment, and real actions, in which the plaintiff or plaintiffs, or his or their lessor, shall rely upon a title adverse to that under which the defendant or defendants claim or possess the land in controversy, and where the plaintiff or plaintiffs, or his, her or their lessor or lessors, or the claimant or claimants, shall not have had previously the actual occupancy and possession of the said land, it shall be competent for the defendant or defendants, under the general issue, to give in evidence and rely upon the verdict of a jury and judgment of the court upon such finding of a jury against the plaintiff or plaintiffs, or his or their lessor, or those under whom he, she or they claim, in favor of the defendant or defendants, or those under whom he, she or they claim, for the same land in controversy, or any part of it; and such judgment, in the cases aforesaid, shall be a complete bar to a recovery of so much land, the title to which may be shown to have been previously litigated and tried in a former suit or action. But it shall be the duty of the defendant or defendants wishing to avail himself or themselves of the provisions of this section of this act, at the time of filing his or their plea, to file and cause to be noted on the record, a notice of his or their intention to rely upon such former finding and judgment, in which shall be stated the names of the parties and the court in which such judgment was rendered, and the term of the court at which the same was so rendered: Provided always, that nothing in this act contained shall in any manner be construed to extend to any cases, except those in which the parties litigant shall set up claim, or hold the lands in question under claims originally adverse to each other: And provided further, that nothing in this act contained shall be construed to repeal or impair the jurisdiction of chancery in all other cases: And provided further, that no person shall avail himself or herself of any of the provisions of this act, nor put the plaintiff or claimant on the proof of any matter in this act mentioned, unless such defendant shall show, upon the trial of the case, that he, she or they have had the possession of the land in question, or such part thereof as he, she or they may claim title to, for seven years before the commencement of such action or suit: Provided, however, that the ninth section of this act shall not take effect until the first day of August next, until which time all persons whose lands are or may be forfeited, for failing to list the same for the payment of taxes, or for the non-payment of taxes, shall have a right to list their lands with the Auditor of Public Accounts, and to pay all or any money or sums of money, which may be due on said lands for the taxes; and until which time any plaintiff or plain-
tiffs, or complainant, who shall not have paid the taxes due thereon, shall have a right to continue their suits brought for their lands, nor shall any such suit be tried sooner, unless with the consent of the defendant or defendants; and it shall be the duty of the Auditor to receive and give a quietus for all such arrearages so paid: And provided further, that the provisions of this act shall not apply to any judgment in ejectment or decree in chancery heretofore rendered, or injunction now pending; but the same shall be governed by the act to which this is an amendment.

It was then moved and seconded to postpone the further consideration of said bill and amendments until the first day of June next.

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

The yeas and nays being required thereon by Messrs. Summers and Morgan, were as follows, viz:


It was then moved and seconded that this house insist on their said amendment.

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

The yeas and nays being required thereon by Messrs. Rowan and M'Connell, were as follows:


NAYS—Mr. Speaker, Messrs. Buckner, Carter, Clarkson, Evans, Forrest, Fulton, Gisson, B. Hardin, J. G. Hardin, Holt, Marksberry, Maupin, Mayo, M'Brayer, J. M'Connell, J. M. M'Connell, Morgan, Mullens, Napier, Porter, W. Robertson,
OF REPRESENTATIVES.

A bill, adding a part of Pulaski to Whitley county, was read a second time and ordered to be engrossed and read a third time.

Mr. Brown, from the select committee appointed for that purpose, reported a bill to incorporate the Jessamine Library company and for other purposes, which was received and laid on the table.

Mr. Morris, from the select committee to whom was referred a bill further to regulate the town of Henderson, reported the same without amendment.

Ordered, That the said bill be laid on the table.

A resolution from the Senate for procuring a portrait of General La Fayette, was twice read and amended in the following words:

Whilst the people of the United States are testifying their gratitude for the distinguished and generous services of General La Fayette in the American Revolution, the people of Kentucky would gladly co-operate in handing down to posterity the fame, and in preserving a likeness of the man whose genius and devotion to the cause of freedom and liberal principles, in two hemispheres, have been so conspicuously displayed. A portrait of the man is calculated to call up the associate ideas of the talents and virtues by which he acquired his great reputation, and to increase and strengthen the moral effects and advantages resulting from the great principles with which his fame is connected. Every citizen of Kentucky is eager to look at La Fayette. In viewing him, the glory of our country, the principles of the revolution, the greatness of the object, the toils, anxieties, constancy and patriotism employed in pursuit of it, and the precious value of liberty, are kindled ideas.

A man, born and nurtured in Kentucky, grown in its forests and cambresks, by force of his native genius, exerted under the benign influence of free government and equal rights, has distinguished himself in the art of painting. Such an artist is an appropriate instrument to be employed, by Kentucky, in preserving a likeness of La Fayette and in testifying her gratitude for his services, which have so eminently contributed to bring forth that political freedom, independence and sovereignty as a state, which she enjoys in common with the rest of the United States. Therefore,
Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor be requested, and he is hereby authorized for and on behalf of this state, to employ Matthew H. Jouitt to take a full length portrait of General La Fayette.

Resolved, That the Governor be requested to cause these resolutions to be made known to General La Fayette, accompanied by an earnest solicitation, on behalf of this General Assembly, that he will permit Mr. Jouitt to take the portrait.

Resolved, That the portrait, when taken, shall be placed in the Representatives Hall of this State, three to be preserved as a memento of the high regard in which this state holds the services of that illustrious man, and of the devotion of the good people of this state to the principles which his distinguished services contributed to establish.

The question was then taken on concurring in the said resolutions, as amended, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell of Greenup and B. Hardin, were as follows, viz:


Ordered, That Mr. S. Davies inform the Senate thereof, and request their concurrence in said amendment.

Mr. Cosby moved the following resolution:

Whereas, it is represented to this house that the President and Directors of the Bank of Kentucky have, by a resolution, appropriated a sum of money for the rebuilding of the capitol, or intend doing so, and that they have opened a correspondence with the Bank of the United States with a view to obtain, from that Bank, a similar appropriation. Therefore,

Resolved, That this house does not and will not approve such appropriations and that any attempt, on the part of said Banks or either of them, or by any other persons whatever, to interfere with the capitol or the ground thereof, except so far as provision is or shall be made by law, will meet the disapprobation of this house.
Which being twice read, it was then moved and seconded to postpone the further consideration of said resolution until the first day of June next.

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

The yeas and nays being required thereon by Messrs. Cosby and Hunter, were as follows:


It was then moved and seconded, to amend the said resolution by expunging from the seventh line thereof the word "not."

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. S. Davies and Cosby, were as follows, viz.:


The said resolution was then adopted.

Mr. Marksberry read and laid on the table the following resolution:

Whereas, the present General Assembly of Kentucky anticipate a lively hope that the general government will establish an
Armory on the western waters, whenever a suitable site can be procured; and whereas, it is now hoped that the company, incorporated at this session for constructing a canal around the falls of the Ohio river, under the name and style of the Louisville and Portland canal company, will achieve, in the shortest practicable period, that great object.

Be it therefore resolved, That should the Congress of the United States establish an Armory near Louisville, in connection with the said Louisville and Portland canal, by arrangement with the company for the requisite water power, this state will, by law, concede to the United States exclusive jurisdiction in and over the territory necessary for that object.

And thereupon, the rule of the house being dispensed with, the said resolution was twice read and adopted.

Ordered, That Mr. Joyes carry the said resolution to the Senate and request their concurrence.

Mr. McConnell read and laid on the table the following resolution:

Resolved by the General Assembly, That Thomas S. Page be and he is hereby appointed a commissioner on the part of this state to take into his charge and make sale of all the brick, iron and other materials, remaining of the capital, for the best price that can be had, either at public or private sale, and pay the same over to the treasurer; having first obtained the Auditor's warrant for so doing, retaining to himself per cent. on the amount of sales so, by him, made, as a full compensation for his services and that he make report to the next General Assembly.

Mr. Galloway moved to take up, for consideration, an engrossed bill entitled an act to alter the mode of taking in lists of taxable property.

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

The yeas and nays being required thereon by Messrs. Galloway and Fulton, were as follows:


Resolved by the General Assembly of the Commonwealth of Kentucky, That Roger Devine be, and he is hereby, authorized and directed to provide the fuel necessary for the use of the House of Representatives at their next session, for the lowest price for which it can be had— and shall be entitled to, and receive for his trouble in procuring and receiving the same, a reasonable compensation.

And thereupon, the rule of the house being dispensed with, the said resolution was taken up, twice read and adopted.

Ordered, That Mr. Galloway carry the said resolution to the Senate and request their concurrence.

Mr. Dallam, from the select committee to whom was referred a bill for the benefit of the Christian Academy, reported the same without amendment.

Ordered, That the said bill be laid on the table.

The following bills from the Senate were severally read the first time and ordered to be read a second time, viz:

1. An act to alter the time of holding the county court of Nelson.
2. An act for the benefit of John Alexander.
3. An act to provide for the sale of all the manufactured articles now on hand in the Penitentiary and Agent's office.
4. An act to amend an act entitled an act concerning Kentucky land warrants which may have been lost.
5. An act to authorize the insertion of certain advertisements in the Constitutionalist, printed in Versailles.

And thereupon, the rule of the house, constitutional provision and second and third readings of said bills having been dispensed with, (the 3rd and 4th having been amended.)

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That Mr. Chappeze inform the Senate thereof, and request their concurrence in the amendments to the 3rd and 4th bills.

Mr. Marksberry, from the select committee to whom was referred a bill from the Senate entitled an act to amend the several acts respecting the turnpike road from the mouth of Triplett's creek to Big Sandy, reported the same without amendment.

Ordered, That the said bill be laid on the table.

A bill from the Senate entitled an act concerning the Greensburg Independent Bank, was read a third time as amended.

Resolved, That the said bill, as amended, do pass.
Ordered, That the Mr. Brents inform the Senate thereof and request their concurrence in said amendment.

A bill from the Senate entitled an act to organize the Kentucky enterprising company, was read the first time and ordered to be read a second time.

A message was received from the Senate announcing the passage of bills, which originated in this house, of the following titles:

An act for the benefit of Jonathan Taylor.

An act to further regulate the pay of sheriffs for comparing polls for Governor and Lieutenant Governor.

An act to amend the several acts in relation to opening a road from Beaver Iron Works to Prestonsburg.

An act supplementary to an act entitled an act to incorporate the St. Joseph College of Bardstown.

An act to authorize the sheriff of Oldham county to collect the muster fines of that part of the 38th regiment of Kentucky militia which now compose a part of the 117th regiment.

An act for the benefit of the heirs of Jacob Stucker deceased.

An act to provide for taking the depositions of clerks in certain cases.

An act for the benefit of the heirs of George Chamblin deceased.

An act to amend the act for surveying the military lands west of the Tennessee river.

An act to amend an act approved December 29, 1823, entitled an act to amend the law in relation to the turnpike and wilderness road and for other purposes.

An act to change the time of holding the circuit courts of Mead and Grayson counties.

An act appointing additional trustees to the Somerset Academy.

An act to establish a new county out of parts of Warren, Hart and Grayson—and

An act to amend the penal laws—with amendments to the two last bills.

The amendments to the two last bills, together with those to a bill from this house, entitled an act for the benefit of Thomas Mclnton and John Beatty, were twice read and concurred in.

Ordered, That Mr. Wickliffe inform the Senate thereof.

A message was received from the Senate announcing the adoption of a resolution requesting the Secretary of State to purchase certain Journals of the Congress of the United States—and.

Their concurrence in the amendment proposed by this house to a resolution from the Senate for procuring a portrait of General La Fayette—and.
That the Senate insist on their disagreement to the amendments proposed by this house to a bill, which originated in the Senate, entitled an act to amend an act entitled an act to revive and amend the champerty and maintenance law, and more effectually to secure the bona fide occupants of land in this commonwealth, approved January 7, 1824.

Whereupon, on motion, Ordered, That Messrs. Hardin, McConnell of Greenup, Triplett, R. Taylor and Garth be appointed a committee of free conference on the part of this house, to meet such committee as may be appointed on the part of the Senate, to take into consideration the 9th amendment, proposed by this house, to said bill; that Mr. Hardin inform the Senate thereof and request the appointment of a committee on their part.

After a short time, a message was received from the Senate announcing the appointment of a committee, on the part of that body, pursuant to said request.

A message was received from the Senate, announcing that the joint committee of conference had reported to the Senate and that the Senate had concurred in the several amendments reported by said committee. The amendments of the said committee were then taken up and the first concurred in.

The second was then read in the following words:

Strike out from the thirteenth section the following proviso:

And provided further, that no person shall avail himself or herself of any of the provisions of this act, nor put the plaintiff or claimant on the proof of any matter in this act mentioned, unless such defendant shall show, upon the trial of the case, that he, she or they have had the possession of the land in question or such part thereof as he, she or they may claim title to, seven years before the commencement of such action or suit.

And the question being taken upon concurring in said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. B. Hardin and McConnell of Greenup, were as follows:


**NAYS**—Messrs. Breins, G. J. Brown, H. O. Brown, Cole,
Ordered, That Mr. Hardin inform the Senate thereof.

Mr. Robertson presented a paper, purporting to be the protest of sundry members of this house against the act organizing the Court of Appeals, for the purpose of having the same read and entered on the journals.

And the question being taken on receiving the said protest with a view to the reading thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. W. C. Williams and Green, were as follows, viz:


A message was received from the Senate announcing that the Senate had received official information that the Governor did, on this day, approve and sign sundry enrolled bills, which originated in the Senate, of the following titles:

An act for the benefit of the widow and devisees of Lorrain Dickerson deceased.

An act to curtail and regulate the jurisdiction of the General court.

An act to amend the act entitled an act to establish and regulate the town of Louisa, in the county of Lawrence.

An act to amend an act entitled an act to regulate the town of Scottville and for other purposes.

An act for the benefit of the heirs of Michael Glaves deceased.

An act for the benefit of William Baker deceased.

An act for the benefit of the heirs of Andrew Snider deceased.

An act for the benefit of Henry S. Langford and others.

An act to change the venue in the case of Samuel Giler.

An act concerning the town of Danville.

An act for the divorce of Ann Hall.
An act for the benefit of Rebecca Adams.

That the Senate concur in the amendments, proposed by this house, to bills from that, of the following titles:

An act concerning the Greensburg Independent Bank.

An act to provide for the sale of all the manufactured articles now on hand in the Penitentiary and Agent's office.

An act to amend an act entitled an act concerning Kentucky land warrants which may have been lost.

Their concurrence in resolutions from this house of the following titles:

A resolution for ceding to the Congress of the United States certain lands, in this state, as a site for an armory.

A resolution requesting the Governor of this state to open a correspondence with the Governor of Tennessee on the subject of the road from Danville in this state, by the way of Columbia and Tompkinsville, to Murfreesborough in Tennessee.

Their disagreement to a bill, which originated in this house, entitled an act to dissolve the marriage of Vachel Hobbs and Amelia his wife—and

The passage of bills, which originated in this house, of the following titles:

An act for the benefit of Frances Reynolds and her five idiot sons and Col. Robert Patterson.

An act to authorize the purchase of certain Law Books.

An act to apply the nett profits of the Bank of the Commonwealth, for the year 1825, in aid of the public revenue and for other purposes.

An act for the benefit of Zachary Conclude.

An act for the benefit of Betsey Justice—and

An act for the appropriation of money, with amendments to the latter bill.

The said amendments were then taken up, twice read and concurred in.

Ordered, That Mr. Hardin inform the Senate thereof.

Mr. Prince, from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles and had found the same truly enrolled, viz:

An act for the benefit of the widow and devisees of Lerat Dickerson deceased.

An act to regulate and curtail the jurisdiction of the General court.

An act to amend the act entitled an act to establish and regulate the town of Louisa, in the county of Lawrence.

An act concerning the town of Danville.

An act for the divorce of Ann Hall.

An act for the benefit of Rebecca Adams,
An act to amend an act entitled an act to regulate the town of Scottsville and for other purposes.
An act for the benefit of the heirs of Michael Glaves deceased.
An act for the benefit of the heirs of William Baker deceased.
An act for the benefit of the heirs of Andrew Snider deceased.
An act for the benefit of Henry S. Langford and others.
An act to change the venue of Samuel Giler.
An act to regulate suits against joint and several obligors.
An act to legalize the proceedings of the Harrison county court and for other purposes.
An act for the benefit of the heirs of John H. Holt.
An act for the benefit of Henry G. Mitchell and Ezekiel Jenkins.
An act for the benefit of the widow and heirs of James Lapsley.
An act for the benefit of the heirs of Isaac Flannery.
An act to legalize the proceedings of the proprietors of the town of Lewisburgh.
An act declaring Kinnacanick navigable to the mouth of Laurel fork.
An act to authorize advertisements to be made in the Western Luminary, and Farmers' Register and Village Chronicle.
An act to amend the several acts more effectually to suppress the practice of duelling.
An act to establish a tobacco inspection in the town of Portland.
An act to alter the time of holding certain circuit and county courts in this commonwealth.
An act for the benefit of the widow and heirs of Philip Add.
An act in addition to an act entitled an act authorizing certain county courts to appoint port wardens and prescribing their duties, approved February 6, 1819.
An act to incorporate the Louisville and Portland canal company.
An act to authorize the insertion of certain advertisements in the Constitutionalist, printed in Versailles.
An act to amend an act entitled an act to authorize a Lottery for the purpose of draining the ponds in the town of Louisville and adjoining thereto.
An act for the benefit of John Alexander.
An act to alter the time of holding the county court of Nelson.
Preamble and resolution for procuring the portrait of General La Fayette.
An act for the benefit of Abraham Wood and others.
An act appointing additional trustees to the Somerset Academy.
An act to amend the act for surveying the military lands west of the Tennessee river.

An act to amend an act approved December 30th, 1823; entitled an act to amend an act to amend the law in relation to the turnpike and wilderness road and for other purposes.

An act for the benefit of the heirs of George Chamblin deceased.


An act to amend the several acts in relation to opening a road from Beaver Iron Works to Prestonsburg.

An act supplementary to an act entitled an act to incorporate the St. Joseph's College of Bardstown.

An act for the benefit of Jonathan Taylor.

An act further to regulate the pay of sheriffs for comparing polls for Governor and Lieutenant Governor.

An act to authorize the sheriffs of Oldham county to collect the muster fines of that part of the 38th regiment of the militia, which now comprises a part of the 117th regiment.

An act to change the time of holding the circuit and county courts of Meade and the circuit courts of Grayson county.

An act to amend and explain the penal laws.

An act to establish the county of Edmundson.

An act for the benefit of Thomas McElton and John Beatty.

An act to authorize the purchase of certain Law Books.

An act for the benefit of the heirs of Jacob Stucker deceased.

An act for the benefit of Zachary Conklin.

An act to provide for taking the depositions of clerks in certain cases.

An act for the benefit of Frances Reynolds and her five idiot sons and Col. Robert Patterson.

An act for the benefit of Betsey Justice.

An act to apply the net profits of the Bank of the Commonwealth, for the year 1825, in aid of the public revenue and for other purposes.

A resolution for ceding to Congress certain lands in this state, for the site of an Armory.

A resolution requesting the Governor to open a correspondence with the Governor of the State of Tennessee in relation to the road from Danville, by way of Columbia and Tompkinsville, to Murfreesborough in Tennessee.

An act concerning the Greensburg Independent Bank.

An act to provide for the sale of all the manufactured articles now on hand in the Penitentiary and Agent's Office.

An act to amend an act entitled an act to revive and amend the champerty and maintenance law and more effectually to
secure the bona fide occupants of land within this commonwealth.

An act to amend an act entitled an act concerning Kentucky land warrants which may have been lost.

A preamble and resolution instructing our Senators and requesting our Representatives in Congress to support the passage of a law re-organizing the Supreme Court in conformity to the proposition contained in the remonstrance of the legislature of this state adopted at this session.

An act for the appropriation of money.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Joyes inform the Senate thereof.

A message from the Governor by Mr. Loughborough:

Mr. Speaker—The Governor this day approved and signed the following enrolled bills which originated in the House of Representatives, viz:

An act for the benefit of the widow and heirs of Philip Audd.

An act in addition to an act entitled an act authorizing certain county courts to appoint port wardens and prescribing their duties, approved February 6, 1819.

An act to alter the times of holding certain circuit and county courts in this commonwealth.

An act to incorporate the Louisville and Portland canal company.

An act for the benefit of the heirs of Isaac Flannery.

An act to establish a tobacco inspection in the town of Portland.

An act for the benefit of Henry G. Mitchell and Ezekiel Jenkins.

An act to authorize advertisements to be made in the Western Luminary and Farmers' Register and Village Chronicle.

An act for the benefit of the widow and heirs of James Lapsley.

An act to amend the several acts more effectually to suppress the practice of duelling.

An act for the benefit of the heirs of John H. Holt.

An act to legalize the proceedings of the Harrison county court and for other purposes.

An act declaring Kinnaikanick navigable to the mouth of the Laurel fork.

An act to regulate suits against joint and several obligors.

An act to legalize the proceedings of the proprietors of the town of Lewisburg.

An act to provide for taking the depositions of clerks in certain cases.

An act for the benefit of the heirs of Jacob Stucker deceased.

An act to amend an act approved Dec. 29, 1823, entitled an
act to amend the law in relation to the turnpike and wilderness road, and for other purposes.

An act appointing additional trustees to the Somerset academy.

An act to amend the act for surveying the military lands west of Tennessee river.


An act to amend the several acts in relation to opening a road from Beaver Iron-works to Prestonsburg.

An act to further regulate the pay of Sheriffs for comparing polls for Governor and Lieutenant Governor.

An act supplementary to an act entitled an act to incorporate the St. Joseph's College of Bardstown.

An act for the benefit of Jonathan Taylor.

An act for the benefit of the heirs of George Chamblin deceased.

An act to establish the county of Edmundson.

An act to amend and explain the penal laws.

An act to change the time of holding the circuit and county courts of Meade, and the circuit courts of Grayson county.

An act to authorize the Sheriff of Oldham county to collect the muster fines of that part of the thirty-eighth regiment of the militia which now compose the 117th regiment.

An act for the benefit of Thomas McIlvain and John Beatty.

An act to authorize the purchase of certain law books.

An act for the benefit of Zachary Conclude.

An act for the benefit of Frances Reynolds and her five idiot sons, and Colonel Robert Patterson.

An act to apply the nett profits of the Bank of the Commonwealth for the year 1825 in aid of the public revenue and for other purposes.

An act for the benefit of Betsey Justice.

An act for the appropriation of money.

A resolution for ceding to Congress certain land in this state for the site of an armory.

A resolution requesting the Governor to open a correspondence with the Governor of the state of Tennessee in relation to the road leading from Danville by way of Columbia and Tompkinsville to Murfreesborough in Tennessee.

And then he withdrew.

Ordered, That Mr. Joyce inform the Senate thereof.

A message was received from the Senate announcing that the Senate had received official information that the Governor did, on this day, approve and sign enrolled bills, which originated in the Senate, of the following titles:

An act for the benefit of Abraham Woods and others.
An act to authorize the insertion of certain advertisements in the Constitutionalist printed in Versailles.

An act for the benefit of John Alexander.

An act to alter the time of holding the Nelson county court.

An act to amend an act entitled an act to authorize a Lottery for the purpose of draining the ponds in the town of Louisville or adjoining thereunto.

An act to provide for the sale of all the manufactured articles now on hand in the Penitentiary and agent's office.

An act concerning the Greensburg independent bank.

An act to amend an act entitled an act to amend and act concerning Kentucky land warrants which may have been lost.

A preamble and resolution for procuring the portrait of General La Fayette.

A preamble and resolution instructing our Senators and requesting our Representatives in Congress to support the passage of a law re-organizing the Supreme Court in conformity to the propositions contained in the remonstrance of the legislature of this state adopted at the last session.

An act to amend an act entitled an act to revive and amend the chancery and maintenance law, and more effectually to secure the bona fide occupants of lands within this commonwealth, approved January 7, 1824.

Ordered, That a message be sent to the Senate informing that body that this house having finished the legislative business before it, is now ready to close the present session of the General Assembly by an adjournment without day; but is nevertheless disposed to remain in session until it shall suit the views and convenience of the Senate; to adjourn also, that Messrs. Davis, G. Robertson, Kennedy and Caldwell be appointed a committee on the part of this house, to meet such committee as may be appointed on the part of the Senate to wait on the Governor and inform him of the intended adjournment of the General Assembly, and to know whether he has any further communication to make.

A message from the Senate by Mr. Crutcher:

Mr. Speaker—I am directed by the Senate to inform this house, that the Senate having finished its legislative business, is now ready to close the present session by an adjournment without day; and that the Senate has appointed a committee on its part to co-operate with the committee appointed by this house, to wait on the Governor and inform him of the intended adjournment of the General Assembly, and to know whether he has any further communication to make.

The committee on the part of this house then retired, and after a short time returned, when Mr. Daviess reported, that the joint committee had performed the duty assigned them, and
were informed by the Governor, that having from time to time during the session, communicated his views to both houses of the General Assembly, he had now, no further communications to make.

The Speaker having retired; Mr. Kennedy was invited to take the chair, when the following resolution, presented by Mr. G. Robertson, was read, and unanimously adopted.

Resolved, by the House of Representatives, That Robert J. Ward is entitled to the thanks of this house, for the impartial, independent and conciliatory manner in which he has discharged the duties of Speaker during the present session.

The Speaker again took the chair; and having pronounced an appropriate congratulatory and valedictory address, adjourned the house without day.