JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY, THE
FOURTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD 1826,
AND OF THE COMMONWEALTH THE THIRTY-FIFTH.

FRANKFORT:
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1826.
AT a General Assembly begun and held, for the State of Kentucky, in the town of Frankfort, on Monday the fourth day of December, in the year of our Lord, 1826, and the thirty-fifth 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 and part of Russell, Cyrus Walker and Zachariah Taylor; from the county of Allen, Walter Thomas; from the county of Barren, Robert D. Maupin and John Gorin; from the county of Bath, Harrison Conner; from the county of Bourbon, Henry Timberlake, William Hutchinson and Thomas C. Owings; from the county of Boone, John P. Gaines; from the county of Bracken, John Colglazier; from the county of Breckinridge, Daniel Stephens; from the county of Bullitt, Thomas Q. Wilson; from the county of Butler, James Wand; from the county of Caldwell, James W. Rucker; from the county of Campbell, Leonard Stephens; from the county of Clark, Samuel Hanson and Silas Evans; from the county of Casey, Lindsey Powell; from the county of Christian, John P. Campbell; from the county of Cumberland, George Swope; from the county of Daviess, John S. McFarland; from the county of Estill, Jesse Cobb; from the county of Fayette, Robert J. Breckenridge, James True, and Matthews Flournoy; from the counties of Floyd and Pike, Alexander Lackey; from the county of Fleming, Jesse Sumners and Joseph Secrest; from the county of Franklin, David White and Lewis Sanders; from the counties of Grayson and Edmonson, Iredell Hart; from the county of Greenup, William Conner; from the county of Garrard, George Robertson and John Yantis; from the county of Green, Samuel White and Elias Barbee; from the county of Grant, John Marksberry; from the counties of Hardin and Meade, John L. Helm and William Love; from the county of Harrison, Joseph Patterson; from the county of Henry, Robert Samuel and Elijah F. Nuttall; from the county of Henderson, George Morris; from the county of Hopkins, John Ray; from the counties of Hickman, Graves, Cab
Joway and McCracken, Thomas James; from the county of Hart, Dudley Roundtree; from the counties of Jefferson and Oldham, Thomas Joyes, Charles G. Dorsey and Charles L. Harrison; from the county of Jessamine, Harrison Daniel; from the county of Lincoln, Adam Wilson; from the county of Logan, James V. Walker; from the county of Livingston, Joseph Hughes; from the county of Lewis, Chauncey B. Shepard; from the counties of Lawrence and Morgan, Edward Wells; from the county of Madison, Robert Harris, Daniel Breck and Squire Turner; from the county of Mason, Thomas Nelson and James W. Waddle; from the county of Mercer, John J. Allin, Joseph Haskin and William Wade; from the county of Muhlenburg, Micajah Wells; from the county of Montgomery, Henry Daniel and Aquilla Young; from the county of Monroe, James McMullan; from the county of Nelson, Richard Rudd and Burr Harrison; from the county of Nicholas, Samuel Fulton and Henley Roberts; from the county of Ohio, William M. Davis; from the county of Owen, Cyrus Wingate; from the county of Pendleton, Stephen Mullens; from the county of Pulaski, Charles M. Cunningham and John Griffin; from the county of Rockcastle, William Carson; from the county of Scott, Robert J. Ward and James Tarlton; from the county of Shelby, Alexander Reid, James Ford and Thomas P. Wilson; from the county of Simpson, William Harris; from the county of Trigg, George Street; from the county of Todd, Richard B. New; from the county of Union, William Spalding; from the county of Woodford, William B. Blackburn and Alexander Dunlap; from the county of Warren, Jos. R. Underwood and James R. Skiles; from the county of Wayne, Moses Sallee; and from the county of Washington, William B. Booker, John W. Bainbridge and Richard Forrest; who, constituting a quorum, and having taken the several oaths prescribed by the constitution of the United States and the constitution and laws of this state, repaired to their seats.

Mr. New nominated Mr. George Robertson, as a proper person to fill the office of Speaker to this house, during the present session of the General Assembly; and, Mr. M. Wells nominated Mr. Joseph R. Underwood: and upon taking a vote, it stood thus:

For Mr. George Robertson—Messrs. Bainbridge, Blackburn, Booker, Breck, Breckinridge, Campbell, Carson, Cobb, Colglazier, Conner, (of Greenup,) Cunningham, Dunlap, Evans, Flourney, Ford, Gaines, Griffin, Hanson, Harris, (of Madison,) Helm, Hughes, Hutchinson, James, Love, Marksberry, McFarland, Morris, Mullens, Nelson, New, Owings, Powell, Reid, Rudd, Sallee, Samuel, Shepard, Stevens, (of Breckinridge,) Street, Swope, Taylor, Timberlake, Trae, Waddle, Walker, (of Adair,) Wilson, (of Lincoln,) Wilson, (of Shelby,) Wilson, (of Bullitt,) and Yantis.—49.
For Mr. Joseph R. Underwood—Messrs. Allin, Barbee, Con­

A majority of votes appearing in favor of Mr. George Robertson, he was, thereupon, declared duly elected, and conducted to the chair; from whence he made acknowledgements for the honor conferred, and recommended the observance and preservation of good order and decorum.

Mr. Robert S. Todd, was unanimously elected Clerk of this House, during the present Session, was duly qualified, and took his seat; and Mr. Richard Taylor was unanimously elected Sergeant at Arms.

Mr. Sanders nominated Mr. Roger Devine, as a proper person to fill the office of Door keeper, during the present Session: Mr. Hanson nominated Mr. James Hunter; and Mr. Lackey, nominated Mr. James Wight; and, after taking two several votes, (Mr. Wight having been dropped upon the termination of the first vote, having received the least number of votes,) a majority appearing in favor of Mr. Roger Devine, he was, thereupon, declared duly elected, and directed to give his attendance accordingly.

Mr. Thomas L. Butler, a member returned to serve in this house, from the county of Gallatin; and Mr. John Trimble, a member returned from the county of Harrison, 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.

Ordered, That a committee of propositions and grievances be appointed; and a committee was appointed, consisting of Messrs. Blackburn, Griffin, Helm, Joyes, Colghzier, Wingate, Walker, (of Logan,) Sanders, Butler, Nuttall and Harris, (of Madison,) 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.
Harrison, (of Nelson,) Swope, Wade, Cobb, Dunlap, Stevens, (of Breckenridge,) Summers, Hughes and Mullens; 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, True, Samuel, M'Farland, Wilson, (of Bullitt,) Waddle, Forrest, Stevens, (of Campbell,) and Wilson, (of Lincoln;) 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. Underwood, Walker, (of Adair,) Rudd, Morris, Daniel, (of Montgomery,) Ward, Trinable, Turner, Wilson, (of Shelby,) White, (of Franklin,) and Hackin; 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 is to inspect the Journal of the late session, and draw up a statement of the matters then depending and undecided, and the progress 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. Barbee, Lackey, Taylor, Gorin, Street, Wells, (of Muhlenberg,) Ford, Carson, Reid, Maupin and Marksberry; 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.
Ordered, That a committee of ways and means be appointed; and a committee was appointed, consisting of Messrs. Hanson, Flournoy, Breck, New, Breckenridge, Booker, Skiles, Gaines, Yantis, Campbell and Owings; who are to meet and adjourn from day to day, and take under consideration the revenue laws of this commonwealth, and all matters and things relating to, or connected with the fiscal concerns thereof, and such other as may from time to time be referred to them, reporting their proceedings, with their opinions thereupon, to the house; and the said committee shall have power to send for persons, papers and records for their information.

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. Blackburn carry the said message.

Ordered, That Messrs. Harrison (of Nelson,) Barbee, Haskin and Breck be appointed a committee on the part of this house, to act with such committee as may be appointed on the part of the Senate, to wait on the Governor, and inform him that the General Assembly have convened, and are now ready to receive any communication he may think proper to make; and that Mr. Harrison inform the Senate thereof.

A message from the Senate by Mr. C. Allan:

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 has appointed a committee of two 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 have convened, and are now ready to receive any communication he may think proper to make.

And then he withdrew.

The committee on the part of this house then retired, and after a short time returned, when Mr. Harrison reported that the committee had discharged the duty assigned them, and were informed by the Governor that he would make a communication in writing, by way of message, to each branch of the General Assembly, in their respective chambers, at half past 9 o'clock P. M.

The Speaker laid before the house a report from Joel Scott, keeper of the Penitentiary, exhibiting the pecuniary situation of that Institution, and the number of convicts confined therein, &c. which was received and laid on the table.

Ordered, That the rules of the last, be adopted as those of the present session; and that the public printer forthwith print two hundred copies thereof, for the use of the members of this house.

A message from the Governor by Mr. Pickett 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, viz:

Gentlemen of the Senate,

And of the House of Representatives.

The annual assemblage of the Representatives of the people, clothed with their power, and ready to do their will, is a scene highly grateful to the considerate admirer of free institutions. In this feature of modern liberal governments, he sees the efficient means by which the turbulence and instability of unmixed democracy are avoided on the one hand, and the oppression of unbridled despotism on the other. Through this medium, he sees the machine of government moved by those on whom it operates, and all its parts nicely kept in their proper places, and made to perform their proper functions. His feelings of joy and gratitude are greatly enhanced, by the reflection that the complete success of the scheme of government adopted in his own country, has induced the new republics of the South to copy it as a model, and that it is ameliorating the iron despotism of the eastern hemisphere. Who, when he reflects on the prosperity of his own country, and the blessings which its example is diffusing over the world, can fail, on this auspicious occasion, to raise his heart, in thankfulness to the Supreme Author of all-good. Who can restrain the good man, when he views the genius that is inspired, the activity that is stimulated, the virtues that are induced, the wealth and prosperity that are promoted, the light that is diffused, and the nations that are liberated by our glorious institutions, and their example, from acknowledging that benevolent power which pointed our fathers to the path of political wisdom, and has, thus far, enabled their children to follow it. May His all-powerful hand still direct us, our children and our children's children, in that illuminated and delightful path, till time shall be no more.

I congratulate you, gentlemen, on your arrival at the scene of your future labors, in safety and health. I congratulate you on the general health, which, during the last season, has pervaded our state, and on the abundant crops which have blessed the labors of our husbandmen. Famine is known to our citizens only in the tales of distress which reach them from other lands. Pauperism never appears among us, but as the companion of vice; and even want in its mildest forms, is almost an entire stranger. Happy was the hour, when our forefathers left the land of their nativity, to seek them homes in the American wilds; left that land where the descendants of their brothers and friends are now suffering all the privations which a bad government can induce, and sinking nature sustain. In the contrast of situations,
we shall find ample cause to rejoice at their choice, and be satisfied and joyful under those slight evils and inconveniences which our impatience sometimes magnified into public embarrassment and private distress.

The constitution makes it the imperative duty of the executive, to give to the assembled representatives of the people information of the state of the Commonwealth, and suggest such measures as he may think the public interest requires. Although I doubt not, that in your knowledge and wisdom, you will better ascertain the public wants, and prescribe the appropriate remedies, I shall not shrink on this or any other occasion, from the performance of a duty, which is required of me by the people and their constitution.

The peculiar situation of our judiciary will doubtless command your earliest attention. It is through you alone, that the voice of the people can be heard, either in making laws, or in construing the constitution. It is for each of you, here to express the will of the people, in your several counties and districts, as it has been expressed to you. If it be their will that the existing law, establishing the Court of Appeals, shall be repealed, let it be done. If it be their will that another court shall be established, either by a new law, or a revival of the old laws, let it be done. I am confident the existing judges of that court will present no obstacle to your carrying into full effect, the will of your constituents, and I pledge myself none shall be presented by the executive. They will be relieved from a situation which it was a sacrifice of their private interests to hold, and the executive will ever be ready to fill any offices in that court, which your acts may create, according to the constitution.

Here, gentlemen, suffer me to offer you my heart-felt congratulations, that in the conflict of jurisdictions, between the two sets of men claiming to be judges of the Court of Appeals, no tumult or violence has arisen in the country, which has rendered necessary the interposition of the executive arm; of which there was so much ground of apprehension. That a contest of this kind, in which the vital powers of government are involved in the issue, should be carried on without open resistance to the authority of either party, especially as their decisions involved the property of multitudes, speaks volumes of praise of the intelligence and orderly disposition of our fellow-citizens. I need not tell you how great is my satisfaction, that I have not been called upon by any open resistance to the laws, to perform that most painful duty imposed by the constitution, of causing them to be executed by an exertion of executive power.

In my message at the commencement of the last session of the General Assembly, I called the attention of the representatives
of the people to several subjects, which I deemed of vital importance to the state. It was with regret that I saw them disperse, without adopting any efficient measures to promote the great interests of the state, and secure the invaded rights of its citizens. I shall call your attention to most of the same subjects, earnestly hoping, that while you vindicate the sovereignty of the state from every species of violation, you will also do something for the great interests of education and internal improvements. Entertaining the opinions that I do, I should be wanting in my duty to you, to myself, and to my country, did I not again and again warn the General Assembly of the encroachments of the Federal authorities upon the sovereignty of our state, and the rights of our citizens, through the medium of the judiciary. No efficient measure has been adopted in Congress, to give us justice and relief, in relation to our occupant laws. Our limitation laws, in respect to actions for land, have in part been set aside, and in part so construed, as almost entirely to destroy the limitation. By a construction of the compact with Virginia, which would never have been anticipated or thought of, by the parties to it, and especially by Kentucky, many of our peaceful and industrious citizens, after expending the labor of thirty or forty years, upon lands which they have honestly purchased, are made liable to be driven from their homes, by obsolete and dormant claims, held by citizens of other states or foreign powers. And if the construction adopted by the court be correct, their case is totally remediless. Every act of their Government, which would relieve them from danger, and give them compensation for their lost labor, is pronounced to be unconstitutional and void! Is there any other people, state, or nation, in the world, which cannot relieve itself from such oppression? Is it possible that the people of Kentucky ever intended to surrender the privilege of shielding themselves from oppression, and regulating their own limitation laws according to their interests and will? If they did, Kentucky is not an independent state; is not, as a member of the union, entitled to equal rights and powers with her sister states. She cannot do that which Virginia can do—for that Virginia can constitutionally amend the twenty years limitation law, or adopt a seven years limitation, as Kentucky has done, no man pretends to doubt. If we are then to be disrobed, by construction, of those powers which are essential to sovereignty, and the protection of our citizens, it would have been better that we had still remained a portion of the parent state; and it might now be made a question, whether the individual interests of our people would not be promoted, by surrendering our independence, becoming again a portion of Virginia, and thus ridding ourselves of a compact, which the tyrant, construction, is using to defeat the most essential objects of free government.
I have heretofore called the attention of the Legislature to the rules of the Federal Court, which, all agree, constitute a direct act of legislation; and I was happy to find that among the representatives of the people of Kentucky, neither the rules themselves, nor the principle on which they are founded, could find scarcely a single advocate. The appeal of the House of Representatives of this state to Congress, was heard in that body, and neither there, was this exercise of federal authority through the judges, viewed in any other light than as an usurpation. Yet the judges have not retracted. The rules still exist, and constitute the law by which the marshal levies executions, and disposes of the property and persons of debtors. Thus, your powers, as representatives of the people, chosen by them to determine by law, in what manner the property and persons of your fellow-citizens, who are so unfortunate or fraudulent, as to be unable or unwilling to pay their debts, shall be disposed of, are directly usurped, and Kentucky is called upon to submit to a legislative power, independent of her representatives, either in the General Assembly or in the Congress of the United States.

It is to be hoped that neither the present, nor any future legislature, will cease their complaints and remonstrances, until these encroachments of federal power are relinquished, and the rights of the people and the legislature of Kentucky, are fully admitted and confirmed. Let us redouble our exertions and appeals, as well to our sister states as to Congress; for every state is interested in maintaining the just and constitutional rights of each member of the confederacy, and will not be deaf to the complaints of Kentucky.

Nor can I forbear calling your attention to the power possessed, and the influence exerted by the Branch Banks of the United States in this state. A corporation embracing the means, and commanding the talents which are under the control of these institutions, will ever be dangerous to a republic, and any other government. Much greater when it exists, as I verily believe the Bank of the United States does, in a palpable violation of the constitution, and can maintain itself only by the constant exertions of its influence upon public sentiment. It thus ascertains its power from its constant exercise, and it will indeed be remarkable, if it do not in the end, control the Government, and triumph over the people. But I will not enter into a discussion of the unconstitutionality, the influence or the dangers of this Bank. On all these subjects, you are doubtless as well informed as the Executive, and I call your attention to them, merely to perform my constitutional duty, and to assure you, that I will cheerfully concur in efficient measures, to subject the Branches to the power of our government, destroy their influence, or expel them from the state.
Economy in public expenditures is an object of primary importance. The only just rule in relation to salaries, is to give just so much as will insure a faithful performance of the public service, and no more. The appreciation of our currency has, in some instances, increased the value of the salaries of public officers, beyond that just compensation. Influenced by these considerations, I last year recommended the reduction of the salaries of the Judges of the Court of Appeals, and now repeat the recommendation. In the same message, I also recommended a slight amendment in our militia laws, requiring the military correspondence of the state to be carried on by the Adjutant General. An act of Congress, intended, doubtless, to lighten the burden of this portion of the public service upon the states, exempts the correspondence of that officer from the charge of postage. A slight amendment of the existing laws, would enable this state to avail itself of the beneficent dispositions of Congress, and save from seven to nine hundred dollars per year. It is hoped, that time will be found by the present General Assembly, to relieve the public Treasury of this unnecessary charge.

The execution laws of the state demand a thorough revision. They have been rendered so very complicated and uncertain, by the frequent interposition of the legislature, and the decisions of courts, that the ministerial officers know not how to act, and the whole community, including the profession of law, are involved in perplexity and doubt. Surely a portion of your time cannot be more usefully employed, than in digesting a system, short and comprehensive, which shall be efficient for the purpose intended, and at the same time intelligible to the whole community. As a general principle, that remedy is best which most speedily effects the cure of an evil. The failure of men to fulfil their contracts, is a serious evil in any community; and the system of laws which shall compel the most speedy fulfilment, without oppression and cruelty, will generally be found most conducive to the public prosperity. There are times amidst public calamities and distress, when the laws must necessarily be silent; but it is hoped and believed, that those times will be few in our republic. Let me, therefore, recommend to you to discard all prejudices in favor of prevailing, or ancient systems, and guided by the light of experience, introduce such improvements and amendments, as will insure speedy justice, without unnecessary expense or inconvenience to either of the parties. It is submitted to you, whether the commissions and costs, attendant on the long established system of three months reprieve, are not ruinous, even to the interest, of the debtor; and whether a suitable and proper stay of execution, after judgment, cannot be devised, without subjecting him to so enormous an usury. If you shall succeed in making the law so plain, that the people and the ministerial officers may es-
escape the snare with which they are now on every side beset; and if you can secure speedy justice to the creditor, and at the same time diminish the costs and perplexities which now await the debtor, you will deserve the thanks of your country.

In your revision of the laws and regulations of the courts of justice, permit me to call your attention to the Circuit Courts. To me, the system which vests in a single judge the absolute power of determining questions, which involve the property and lives of his fellow citizens, especially, when the unhappy prisoner who may suffer wrong from his caprice or corruption, has no appeal from his decisions, has always seemed to me anti-republican and inconsistent with every other feature of our free institutions. It does not seem to me republican or safe, that the life of a citizen, as is now often the case, should depend on the will or opinion of one man. I cannot but think, that our lives and liberties would be more safe, by associating with the gentleman of legal attainments, now on the bench, two plain and honest citizens, who should check, by their natural sense of right, the bias of the lawyer judge, to decide, rather in obedience to the technicalities of the law and foreign precedents, than the real truth and justice of the case. Precedent is a tyrant, and lawyers his slaves. Whether their master command them to do right or wrong, they generally dare not question his authority. His word is law; and the judge is esteemed neither learned nor wise, who disregards his mandates. Two associates for the lawyer judge, taken from the most intelligent of our farmers and mechanics, would be less disposed to obey this despot, and would often do justice in contempt of his authority.

I deem the present mode of raising a revenue to defray county expenses, unequal, impolitic and unjust. The personal service which the state requires, upon juries, in militia musters and in the field, are sufficient to pay the state for personal protection. Our county establishments are chiefly for the enhancement and protection of property. A very small portion of the litigation carried on in court houses, concerns the persons of the litigants, and few are confined in our jails for outrages upon personal rights. Is it, therefore, just, to require of him who has no property to protect, to pay for the protection of property? Is it right to compel him who has little property, to pay for this object just as much as him who has much? It appears to me that the mere stating of the proposition, is sufficient to refute it. The system of poll taxes was derived from our parent state, where none but freeholders have a right to vote. It was natural that the representatives of such voters, should seek to throw a large portion of the public expenditure on their own shoulders and those of their constituents, upon a class of men, who had no means of counteracting their power and avoiding their injustice. But that the same system should
have so long prevailed in Kentucky, whose government is the offspring of universal suffrage, is to be accounted for, only on the ground, that people are more disposed to submit to ancient systems, than to inquire into principles and defects. I beg you to turn your attention to this subject, and I am sure, that your minds must come to the same conclusion that mine has, and that you will substitute for the present unequal system, an advalorem tax, founded on the valuation of the state commissioners.

The subject of the state Treasury demands your careful investigation. By the funds provided and appropriated in former years, it is believed the accounts of the Treasury will be nearly balanced, and all deficits paid up, by the first day of next January. But in consequence of the policy pursued in relation to the Commonwealth's Bank, and the acts of last session, directing the valuation of property, to be made in specie, and changing the mode of valuation, the supplies are much diminished, and in a short period, will place the Treasury further in arrears than ever. The taxes payable the present year are $104,896 20 cts. The valuations on which these were assessed, were made in paper, when it was at a discount of about fifty per cent. The valuations of the present year, if made with equal fidelity, being in specie, will not produce much more than half that sum, or about $67,000. But as the commissioners received no compensation for their services; and as it is made the duty of the people to call on them, and give in their own valuations, it cannot be expected that the duty will be performed with the same accuracy and fidelity. This fact is, indeed, already confirmed by the books that are returned to the Auditor's office. From this cause there will doubtless be a further reduction, of the amount of revenue, which may be estimated at $7,000. The whole amount which the valuation of this year will produce, cannot be estimated at a higher sum than $60,000. The profits of the Bank of the Commonwealth, are also constantly diminishing, in consequence of the curtailments of its discounts. Comparing the past with the future, it is not probable that they will amount, in the ensuing year, to more than $34,000. Thus, these two sources of means, for the maintenance of the government, will not yield more than $34,000, being $59,537 46 cts less than the income of the state for the present year. The public expenditures under existing laws, may be estimated at $143,283 74 cts, making a deficit in the Treasury of about $59,283 74. That there must be a large deficit, unless this legislature takes the necessary steps to arrest it, there can be no doubt.

I have thought it my duty to lay before you these facts and estimates, that you may investigate the subject, and arrest the impending evil. It is the special duty of the representatives of the people, to watch over the fiscal concerns of the people, and
see that just enough is exacted from them, in the shape of taxes, to pay the necessary expenses of government, and no more.—With them I leave this important subject, earnestly hoping, that they will not draw on the capital of the state, the stock in the Bank of Kentucky, the school fund, or the public lands for the ordinary expenses of government; but that those funds may be held sacred, for the purposes of education and internal improvements.

If we duly appreciate the liberty we enjoy; we shall take the necessary steps to perpetuate its blessings. No country can long enjoy a freedom worth possessing, without a general diffusion of intelligence among the people. Few of us would relish the liberty of martial Sparta, of tumultuous Athens, or of conquering Rome. In the first, the intelligence of the people only extended to military exercises; in the second, a few orators, like shifting winds, drove the ocean of an ignorant multitude, hither and thither; and in the last, arms and conquest were long the only study. But the scene is changed. The wisest men in the ancient Republics scarcely excelled in knowledge, the farmers and mechanics of our happy country; and the greater stability given to democracies by the representative principle, only requires the aid of general intelligence, to make free governments perpetual. The true patriot, who sometimes mourns over popular delusions, will seek to remedy the evil; not by depriving the people of their rights, but by increasing their intelligence, and thus placing them out of the reach of deception. He will not seek to pull down the wise to a level with the simple; but to elevate the simple to the level of the wise. With these views, he will strive to promote, by all proper means, every grade of seminaries of learning. But in promoting colleges and universities, where, comparatively few, and those generally the children of the rich, are enabled to raise themselves above the general level, and form a kind of aristocracy in society, he will not fail, with even superior zeal, to promote common schools; which shall enable the children of the poor, the democracy of the country, to understand their rights and counteract the tendency, which superior intelligence, as well as superior wealth, have, to usurp and accumulate superior power.

This state has done much for a university and for county seminaries, but nothing for common schools. Public aid has been liberally extended to those institutions, which are chiefly accessible to the children of the rich, while the children of the poor have been left to seek education, only through the means and exertions of their parents. It may be a matter of doubt, whether the state has received any adequate return, for her liberality to the higher seminaries. Our University, though still respectable, has ceased to unite the confidence and affections of the people;
and a great portion of the funds bestowed on our county seminaries, neglected by their Trustees, have become the prey of speculators. Yet I am far from wishing or recommending, an abandonment of these institutions. Let them rather be made parts of a general system of education, and as such, subjected to a strict superintendence by a man or men, who shall have an interest sufficient, to induce them to devote the most rigid attention to a concern so important. Several years ago, the Legislature appointed commissioners, who obtained from other states, much useful and interesting information, in relation to common schools, and submitted a system for the commonwealth of Kentucky. One half the profits of the Bank of the Commonwealth were set apart, as a fund for their support; but no other step was taken. Since that period, nothing has been done in furtherance of this important object. Indeed the Legislature has been induced, by the exigencies of the Treasury, to devote the whole profits of the Bank of the Commonwealth, and even the interest of the school fund, to the support of government; so that they have rather retrograded, than advanced, in relation to this essential concern. In the mean time, other states have been perfecting their systems, and their laudable example is extending itself throughout the Union. Ohio has adopted a system, and the last Legislature of Maryland, devised and submitted one to the people, who, at their next election were required to vote either in favor of or against it. The result was, that it was approved by a large majority, and will now be put into immediate operation. Cannot something efficient be done in Kentucky? Must we be the last in promoting common education, and commencing internal improvements?

It must be a subject of perpetual regret to every patriotic mind, that the state did not, with her own resources, undertake the construction of the canal at Louisville. It would have been an imperishable fund; a source of revenue as lasting as the Ohio river itself, which would have enabled the government to accomplish the most extensive and useful plans, without increasing the burdens of the people. Let us profit by past neglect, and seize on those objects of internal improvements, which yet remain, and are calculated to be useful to the citizens, and profitable to the government. A turnpike road from Maysville to Louisville, through the most important intervening towns, would much augment the wealth of the country, by facilitating the carriage of goods and produce, and would afford to the government a considerable annual revenue. Or if it be desired, to have a road as direct as possible, from an eligible landing place above to Louisville below, with branches to the more considerable towns, it might commence at Augusta, in Bracken county, run through Cynthia, Georgetown, and Frankfort, and so on to Louisville. The
starting point, and course of the road, will, however, be subjects properly to be decided by you. In addition to this road, there should also be one, commencing either at Frankfort or Louisville, and extending through the southern part of the state, in the direction of Nashville. Other roads, branching from these, or extending from important points on the Ohio river, will be required, and may be constructed, as the country increases in wealth and population. The beginning should be made at that point, where the road will be most useful and most profitable, and thence the system will be extended at the will and according to the wants of the people.

The subjects of common schools and internal improvements may be made auxiliary to each other. Let the school fund now in the Bank of the Commonwealth, the proceeds of the sales of vacant lands, the stock in the two Banks belonging to the state, and all other funds which can be raised by other means, than taxes on the people, be vested in the turnpike roads, and the net profits arising from tolls on those roads, be for ever sacredly devoted to the interests of education.

It is also submitted, whether it would not be just and expedient to repeal the charters of the county seminaries, in all those counties, except new counties, where they have not been or shall not be put in operation before a limited time, and add their property to the general fund for the promotion of education. Such a step would either bring those institutions into efficient operation, or make their now useless funds beneficial to the community. There are other minor sources, from which the school fund may be augmented, which will readily suggest themselves to your intelligence. Confident I am, that by a plan similar to the one I have suggested, under a strict and faithful superintendence; both the improvement of our state and of the minds of our people, may be affected in a few years, to a degree equal to that of any other section of the Union.

It is gratifying to me, Gentlemen, to have it in my power to inform you, that the Penitentiary, under the superintendence of Mr. Scott, has realized the most sanguine expectations of those who were favorable to a change of system in that institution. Instead of being a burden upon the Treasury, as it generally had been before its late reorganization, we may reasonably calculate that its proceeds will, hereafter, form a respectable item in the public revenue.

From the Louisville Hospital, the Deaf and Dumb Asylum, and the Lunatic Asylum, I have received no reports, and cannot speak of their condition. I do not doubt, that at an early day of your session, they will submit to you, reports of their operations during the last year, and an expose of their present situation.
Permit me, Gentlemen, to call your attention to a subject, which I deem of the greatest importance to our common country. The Constitution of the United States was not deemed perfect by those who formed it. The great and good Franklin signed it with tears, and there was scarcely one in that assemblage of wise men, who approved of all its features, or thought it unsuceptible of amendment. They put their names to it and the people adopted it, because it was the best which could then be had, relying on future experience to suggest alterations and amendments. At the fourth election of President and Vice President, a scene occurred which convinced the people that an important change in the manner of voting for those officers, was essential to the peace of the country and the safety of the Union. An amendment was consequently adopted. Various other changes and improvements have been made in the original system, and they must continue to be made, so long as the affairs and opinions of men are subject to vicissitude and change.

Twice only, since the origin of our Government, has the election of a President devolved on the House of Representatives. From neither of those instances, can an argument be drawn in support of that mode of election. The terrible results which were threatened in the former instance, and the suspicions and heart burnings which have been caused by the latter, even admitting that the suffrage of every member was given with the utmost purity of motive, are sufficient to make the friends of order, of peace, and of the perpetuity of our institutions, desire a change in the mode of election. In point of principle, without regard to past results, it cannot be wise, to expose our representatives and statesmen to strong temptation. When the aspirant to the Presidency, finds he can attain to the summit of his ambition, by procuring office or emolument, and when the representative can ensure to himself honors and riches, by giving a single vote, a strong temptation is certainly offered to both parties, to divide between them the offices of government, without regard to the interests of the people. We have no right to suppose that man is made of more inflexible stuff in America, than in Europe, and we shall commit a fatal error, in acting on the supposition, that he is here incorruptible. If corruption shall at any time seize the head of our Government, we may expect soon to discover it in all its members, attended with symptoms of a speedy dissolution. Believing that it is easier to keep men from temptation, than to deliver them from evil, and that the surest way to preserve the purity of our Government, is to close the avenues of corruption, I earnestly recommend to you, to take measures calculated to procure such an amendment of the Constitution, as will take the election of President and Vice President, in all cases, out of the hands of the people's represen-
In endeavouring to satisfy my mind, in what set of men the ultimate as well as the primary vote for President and Vice President, can be most properly vested, I can discover none more safe than the people themselves. Whatever may be the means of influence which powerful candidates may possess, over the members of Congress, and the electors of President and Vice President, under the present system, they can never corrupt the great body of the people. By suffering them to vote directly for those officers, in the first instance; and in case there is no choice, referring it back to them to determine between the two highest, the country would forever avoid the agitations which preceded the election of Mr. Jefferson, and the suspicions and recriminations which have followed that of Mr. Adams. Surely the additional trouble this would give the people, would weigh as nothing with them, compared with the purity and perpetuity of our free institutions. Nor need the essential compromisers of the Constitution, be in the least disturbed, or the elections be less federal in their character, than they are in the first instance, at present. A majority of those voting in each state may be made to count as many votes in the election, as that state now has electors; thus securing to the small states the same relative strength, in the first instance, that they have now. And surely none of those states can desire to maintain the advantage, which their representatives now have in an election by Congress, unless it be desirable to secure to their prominent men, the means of disposing of their votes to the best advantage, and occasionally giving a President to the nation, who is obnoxious to the great majority of the people.

Believing that serious evils threaten our institutions and our liberties, from the present system; and that the people may be safely trusted with the all important privilege of selecting their own Chief Magistrate, I cannot but feel some solicitude, that Kentucky, always foremost in the promotion of liberal principles, shall be the first to step forward in favor of this amendment; which, more than any other measure, will tend to the peace of our country and the stability of our happy form of government. So essential do I deem a change, that I would not persist in supporting the plan I have suggested, but shall be willing to concur in any other, calculated to produce the same general result, which may be devised by your superior wisdom.

It is submitted to you, whether the honor of the state and the convenience of public business, do not require the erection of public buildings for the accommodation of the Legislature and the Court of Appeals. Now, one branch of the Legislature is dependant on a corporation, for the house which protects them; the other on a religious society, and the Court of Appeals is placed in a situation, equally unpleasant, It is not for me to decide,
whether the necessary building or buildings shall be erected at Frankfort or elsewhere; but honor, convenience, and even justice to the people of this town, require that their erection somewhere should be no longer delayed.

Whatever information may be received during the session, calculated to aid in your legislative labors, will be promptly submitted to you; and rest assured, Gentlemen, that nothing shall be wanting on my part, to bring your labors to a happy and speedy close.

JOSEPH DESHA.

December 4, 1826.

Ordered, That the Public Printer forthwith print 1500 copies of said message, for the use of the members of this house.

Leave was given to bring in the following bills.

On the motion of Mr. Bainbridge—1. A bill concerning the Court of Appeals, and
On the motion of Mr. Booker—2. A bill for the benefit of Thomas Cull, late Sheriff of Washington county.

Messrs. Bainbridge, Hanson, Rudd, B. Harrison and Booker, were appointed a committee to prepare and bring in the first; and Messrs. Booker, Bainbridge and Forrest, the second.

And then the House adjourned.

TUESDAY, DECEMBER 5, 1826.

On motion, Ordered, That the Clerk of this House be permitted to avail himself of the assistance of Mr. Harry I. Bodley, in the discharge of the duties of his office, during the present Session.

Mr. James Farmer, a member returned to serve in this House from the counties of Harlan, Knox and Laurel; and Mr. Baker E. Watkins, a member returned from the county of Whitley, severally appeared, produced certificates of their election, and of their having taken the oaths prescribed by the constitution of the United States and the constitution and laws of this state, and took their seats.

On motion,

Ordered, That Messrs. Bainbridge, Allin, Timberlake, Shepard, Tarlton and Powell, be a committee of enrollments on the part of this house; and that Mr. Bainbridge inform the Senate thereof, and request the appointment of a committee on their part.

1. Mr. Underwood presented the petition of John Ennis, praying a divorce from his wife Sally Ennis.

2. Also, the petition of Polly Linsey, praying a divorce from her husband William Linsey.
3. Mr. D. White presented the memorial of the county court of Spencer county, in relation to the boundary line of Spencer and Shelby counties, and praying that the line formerly run between said counties, by order of the county courts of said counties, may be established.

4. Mr. Gaines presented the petition of Polly George, praying a divorce from her husband, William George.

5. Mr. Joyes presented the petition of the inhabitants residing in Preston's enlargement, praying to be added to the town of Louisville.

6. Mr. Skyles presented the petition of Thomas L. Stephens, praying for leave to build a dam across Big Barren river.

7. Also, the petition of Thomas Hill, praying for leave to build a dam across Barren river, about three miles above the mouth of Drake's creek.

8. Mr. Stevens, (of Breckenridge,) presented the petition of sundry citizens of Ohio county, praying to be attached to the county of Breckenridge.

9. Mr. Lackey presented the petition of Moses Mead and others, praying to be released as securities of John Hackworth, the contractor for opening 18 miles of the state road from Prestonburgh to the Virginia line, and for a further appropriation of money to complete that part of said road contracted to be done by said Hackworth.

10. Mr. Underwood presented the petition of John and Elizabeth White, praying that a law may pass changing the names of Nancy and Elizabeth Murphy, orphan children of Hoza and Sally Murphy.

11. Mr. Joyes presented the petition of sundry citizens of Oldham county, praying that a law may pass authorizing the citizens of said county to vote for the selection of their seat of justice.

12. Mr. Underwood presented the petition of the members of the Providence Baptist Church, praying to be incorporated, and that powers may be granted the Trustees thereof to receive and hold a title for so much land as may be necessary for a meeting house.

13. Mr. Skyles presented the petition of the heirs of Abner Evans, deceased, praying for the passage of a law authorizing the sale of their real estate.

14. Mr. Nuttall presented the remonstrance of sundry citizens of Oldham county, against the removal of the seat of justice of said county, or the passage of any law to authorize the citizens of said county to vote for a removal thereof.

15. The Speaker laid before the house the memorial of the clergy and elders of the Synod of the Presbyterian Church of Kentucky, representing that a variety of property belonging to
their society, as the funds of the late Kentucky Academy, and now in the possession of the Trustees of the Transylvania University, was taken from their possession and control by the act of the Legislature, passed in the session of 1817-18, by which the Trustees were removed from office, contrary to their consent and the stipulations contained in the charter of union between the Kentucky Academy and the Transylvania Seminary, and praying that said property, or its value, may be paid over to the Trustees of the Centre College of Kentucky, at Danville.

Which petitions, remonstrance and memorials were severally received, read and referred; the 1st, 2nd, 4th and 12th to the committee of religion; the 3rd, 5th, 8th, 11th and 14th, to the committee of propositions and grievances; the 6th and 7th to a select committee of Messrs. Skyles, Underwood, Maupin, Wm. Harris and Thomas; the 9th and 13th to the committee for courts of justice; the 10th to a select committee of Messrs. Underwood, Skyles and Campbell; and the 15th to the committee of claims.

Leave was given to bring in the following bills:

On the motion of Mr. Breck—1. A bill further to regulate the Bank of the Commonwealth.

On the motion of Mr. D. White—2. A bill for the benefit of William Jackson, Asahel Carl, Samuel Carroll and George Kelly.

On the motion of Mr. Dorsey—3. A bill to authorize the county court of Jefferson, to appoint commissioners to take in the list of her taxable property for the present year, and to lay her levy.

On the motion of Mr. C. Walker—4. A bill for the benefit of Edmund M. Waggener and John Croghan.

On the motion of Mr. Nuttall—5. A bill to amend the criminal laws of this commonwealth.

On the motion of Mr. Wingate—6. A bill to grant a special term of the Owen circuit court.

On the motion of Mr. Joyes—7. A bill to establish the warehouse heretofore existing in Louisville, on lot No. 31, called Todd's warehouse, on lot No. 72, belonging to the heirs of James A. Pierce, deceased.

On the motion of Mr. New—8. A bill to authorize the Register of the land office to receive a certain plat and certificate, and to make an alteration in the patent to correspond with the plat and certificate.

On the motion of Mr. James—9. A bill to establish a judicial district west of the Tennessee river.

On the motion of Mr. Wilson, (of Bullitt)—10. A bill to amend the laws of this commonwealth concerning bail in civil cases.

On the motion of Mr. Booker—11. A bill to amend, revise and bring into one act the several execution laws of this commonwealth.

On the motion of Mr. Spalding—13. A bill for the benefit of Frances Alvey.

On the motion of Mr. Morris—14. A bill to amend the penal laws of this commonwealth.

On the motion of Mr. M'Millan—15. A bill giving further time to return plats and certificates of survey to the Register's office.

On the motion of Mr. Underwood—16. A bill to authorize the editors of the Spirit of the Times to insert certain advertisements.

On the motion of Mr. Rudd—17. A bill for the benefit of the Judge of the 13th judicial district.

On the motion of Mr. Harrison Daniel—18. An act to change the mode of taking in lists of taxable property.

On the motion of Mr. Underwood—19. A bill to regulate the duties of the freighters of produce.

On the motion of Mr. Hanson—20. A bill to regulate the granting of injunctions and other restraining orders in chancery suits, and for other purposes.

Messrs. Breck, Flournoy, White, (of Franklin,) and Turner, were appointed a committee to prepare and bring in the first; Messrs. D. White, Sanders and Dunlap, the second; Messrs. Dorsey, Joyce and Wilson, (of Shelby,) the third; Messrs. C. Walker, Taylor and Swope, the fourth; Messrs. Nuttall, Flournoy and Henry Daniel, the fifth; Messrs. Wingate, Nuttall and Sanders, the sixth; Messrs. Joyce, C. L. Harrison and Dorsey, the seventh; Messrs. New, Walker, (of Logan,) and Owings, the eighth; the committee for courts of justice, the ninth and fourteenth; Messrs. Wilson, (of Bullitt,) Wilson, (of Shelby,) and Owings, the tenth; Messrs. Booker, Flournoy, Hanson, Breckinridge, Turner and Underwood, the eleventh; Messrs. Lackey, Wells, (of Morgan,) and Henry Daniel, the twelfth; Messrs. Spalding, M'Farland, Haskins, H. Conner, and Ford, the thirteenth; Messrs. M'Millen, Underwood and Morris, the fifteenth; Messrs. Underwood, Skyles and W. Harris, the sixteenth; Messrs. Rudd, Wilson, (of Bullitt,) Helm, Love and Hart, the seventeenth; Messrs. Harrison Daniel, B. Harrison and Booker, the eighteenth; Messrs. Underwood, Yantis and Evans, the nineteenth; and Messrs. Hanson, C. Walker and Turner, the twentieth.

Mr. Summers moved for leave to bring in a bill to take the sense of the people of this Commonwealth, as to the expediency and propriety of calling a Convention, and the question being taken thereon, it was decided in the affirmative. The yeas and nays being required thereon by Messrs. Summers and Mullins, were as follows, viz:

YEAS—Messrs. Allin, Barbee, Campbell, H. Conner, Cunningham, Harrison Daniel, Henry Daniel, Davis, Dorsey, Fulton, Gaines, Gorin, Griffin, B. Harrison, C. L. Harrison, Haskin,


Ordered, That Messrs. Summers, Trimble and Joyes, be appointed a committee to prepare and bring in said bill.

On motion, Ordered, that Messrs. Amos Kendall and James G. Dana, be permitted to take seats within the Representative Chamber, for the purpose of reporting the proceedings and debates of the House.

Mr. Nuttall moved the following resolution, viz:

Resolved, That that part of the Governor's message which relates to the amendment of the Constitution of the United States of America, so as to permit the citizens thereof to vote directly for the President and Vice President, be referred to a select committee.

Which being twice read, was adopted, and Messrs. Nuttall, Daniel, (of Montgomery,) Flournoy, Cunningham, Trimble, Helm and Stephens, (of Campbell,) appointed a committee pursuant thereto.

Mr. Breckenridge moved the following resolution, viz:

Resolved, That the committee of religion be instructed to report unfavorably to every petition for divorce, where the case presented is provided for by law.

Which being twice read, was laid on the table.

Mr. Joyes moved the following resolution, viz:

Resolved, That that part of the Governor's message which relates to public schools, be referred to a select committee, and that they be requested to report their views on that subject, in order to enable this house to adopt some plan which may be calculated to promote that highly desirable object, if found practicable.

Which being twice read, was adopted; and Messrs. Joyes, Breckenridge, Flournoy, Ward and Skiles, appointed a committee pursuant thereto.

Mr. Shepard moved the following resolution, viz:

Resolved, That that part of the Governor's message which re-
lates to internal improvements; he referred to a select committee, and that they be requested to report their views on that subject.

Which being twice read, was adopted; and Messrs. Shepard, Timberlake, Colglazier, Tarlton, Waddell, Patterson, Evans, Farmer and Roberts, appointed a committee pursuant thereto.

Mr. New moved the following resolution, viz:

Resolved, That so much of the Governor’s message as relate to the Transylvania University be referred to a select committee.

Which being twice read, was adopted; and Messrs. New Breck, Booker, Davis, Love, Owings, Hart, Haskin and Ray appointed a committee pursuant thereto.

Mr. White, (of Franklin,) moved the following resolution, viz:

Resolved, That a standing committee on internal improvements be appointed of —— who shall be vested with similar powers of other standing committees of this house.

Which being twice read, was adopted; and Messrs. White, (of Franklin,) Flournoy, Breckenridge, Gaines, Butler, Nelson, Yantis, Ward, Danlap, Daniel, (of Jessamine,) and Hutchinson, were thereupon appointed a committee pursuant to said resolution.

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

By Mr. Bainbridge—1. A bill concerning the Court of Appeals.

By Mr. Booker—2. A bill for the benefit of Thomas Cull, late Sheriff of Washington county. By Mr. Underwood—3. A bill to authorize the Editor of the Spirit of the Times to insert certain advertisements. And by Mr. Sanders—4. A bill for the benefit of William Jackson, Asahel Carl, Samuel Carrol and George Kelly.

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 300 copies of the first bill, for the use of the members of the House. And thereupon the rule of the House, constitutional provision, and second and third readings of the third bill, having been dispensed with, (the same having been amended at the Clerk’s table,) and the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be, “an act to authorize the editors of certain newspapers to insert certain advertisements.”

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

And then the House adjourned.
1. Mr. Breck presented the petition of Thomas McJilton, praying for compensation for his services as Brigade Inspector of the 18th brigade 2nd division of Kentucky militia, for the year 1822.

2. Mr. Tarlton presented the petition of Silas Crag, preferring charges against Thomas L. Butler, a member returned to serve in this house from the County of Gallatin, and praying his removal from office.

3. Mr. Mullins presented the petition of David and John Trimble, praying that a law may pass authorizing them to erect a mill dam across Licking River, about forty miles from its mouth, at the horse shoe bend, in the County of Pendleton.

4. Mr. Carson presented the petition of the County Court of Rockcastle, praying that a law may pass authorizing them to make sale of a part of the public square in the town of Mount Vernon.

5. Mr. Breck presented the petition of the administrators and guardian for the heirs of James Grubbs, deceased, praying that a law may pass authorizing them to convey to James Blackwell five and a half acres of land, part of the tract of the decedent, in pursuance of an agreement made between said Blackwell and said decedent in his lifetime.

6. Mr. Wilson, (of Bullitt,) presented the petition of sundry citizens of Bullitt County, praying that the Pine tavern election precinct, in said county, may be abolished.

7. Mr. Roberts presented the petition of Thomas Boyd, praying a divorce from his wife, Catharine Boyd.

8. Mr. D. White presented the petition of James Bartlett, praying a divorce from his wife Catharine Bartlett.

9. And the petition of William F. Haslett, praying a divorce from his wife, Ann Haslett.

10. Mr. Coiglazier presented the petitions of the Trustees of Augusta College, of the Trustees of the town of Augusta, of the County Court of Bracken, and of the Kentucky Annual Conference of the Methodist Church, praying that a law may pass authorizing the Trustees of said Augusta College to purchase the ferry at Augusta, across the Ohio River, for the use and benefit of said College; that the professors and students of said College may be exempted from attending militia musters, and working on roads, and that an appropriation may be made to said College, for the purpose of purchasing a philosophical and chemical apparatus.

11. Mr. Bainbridge presented the petition of sundry citizens of Washington County, praying that an additional constable be allowed for the said county.

12. Mr. Forrest presented the petition of the widow and heirs
of Marcus Graham, deceased, praying that a law may pass, authorizing the sale of 200 acres of land in the County of Adair, the property of the said Marcus Graham.

13. Mr. Nelson presented the petition of a committee of the citizens of Maysville, praying for a turnpike road to be constructed from Maysville to Lexington.

14. Mr. New presented the petition of sundry citizens of Todd County, praying for the establishment of an election precinct at Trenton, in said county.

15. And a remonstrance from sundry citizens of said county, remonstrating against the establishment of said election precinct.

16. Mr. Secrest presented the petition of sundry citizens of Fleming County, praying for the establishment of an election precinct at Capt. James Markswell's, on Fox Creek, in said county.

17. Mr. Mullins presented the petition of Belitha Hook, praying for compensation for keeping Nancy C. Hook, a lunatic.

18. Mr. B. Harrison presented the petition of William Chevewith, praying that a law may pass, authorizing the sale of a tract of land in Nelson County, containing sixty acres, the property of Nelly Love, and that he may be allowed out of the proceeds of said sale, a sum due him for her maintenance and support.

19. And also presented the petition of Vachel Hobbs, praying a divorce from his wife, Amelia Hobbs.

20. Mr. Trimble presented the petition of sundry citizens of Leesburg, in Harrison County, praying that an additional constable may be allowed in said county.

21. Mr. Forrest presented the petition of the administrators of Henry Knoll, deceased, praying that a law may pass authorizing the sale of a tract of land owned by said decedent in the County of Washington, and let out the proceeds upon interest, for the benefit of the heirs of said Henry Knoll, deceased.

22. Mr. Nelson presented the petition of the stockholders of the Bank of Limestone, praying that a law may pass, authorizing them to appoint an agent to wind up the concerns of said institution.

Which petitions were severally received, read and referred. The 1st to the committee of claims; the 2nd was laid upon the table; the 3d and 6th were referred to the committee of propositions and grievances; the 4th to a select committee of Messrs. Carson, Yantis and Turner; the 5th, 12th, 13th and 21st to the committee for courts of justice; the 7th, 8th, 9th and 19th to the committee of religion; the 10th to a select committee of Messrs. Colglazier, Nelson and Butler; the 11th to a select committee of Messrs. Bainbridge, Forrest and Allin; the 13th to the committee on internal improvements; the 14th and 15th to the committee of privileges and elections; the 16th to a select com-
committee of Messrs. Secrest, Summers and Henry Daniel; the 17th to a select committee of Messrs. Mullins, L. Stephens, Booker and Wade; the 20th a select committee of Messrs. Trimble, Patterson and Mullins; and the 22d to a select committee of Messrs. Nelson, Shepard and Waddle.

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

By Mr. Breckenridge—1. A bill to amend and reduce into one the several laws relating to the Lunatic Asylum.

By Mr. Cobb—2. A bill concerning the town of Irvine, in Estill county.

By Mr. Nelson—3. A bill further to regulate the fees of the several clerks of this Commonwealth, and for other purposes.

By Mr. Stephens, (of Breckenridge)—4. A bill better regulating conveyances and securing the rights to lands in this Commonwealth.

By Mr. James—5. A bill further to regulate the sales of the vacant lands south west of the Tennessee River:

And by Mr. Turner—6. A bill to repeal the law requiring property taken under execution to sell for three fourths of its value and for other purposes.

Messrs. Breckenridge, Flournoy, B. Harrison, True and New were appointed a committee to prepare and bring in the first; Messrs. Cobb, Breck and R. Harris the second; Messrs. Nelson, Breck and Breckenridge the third; Messrs. Stephens, (of Breckenridge) Rudd, C. Walker and Wilson (of Bullitt) the fourth; Messrs. James, Underwood, New, Rucker, Hughes, Morris and Campbell the fifth; and Messrs. Turner, Booker and Blackburn the sixth.

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

By Mr. Underwood, from the committee for courts of justice, as unfinished business of the last session—1. A bill regulating the granting of injunctions.

By Mr. Booker—2. A bill further to reduce and amend the execution laws of this Commonwealth.

By Mr. Underwood—3. A bill to change the names of Nancy and Elizabeth Murphy.

By Mr. Joyes—4. A bill to re-establish Todds Warehouse in Louisville.

By Mr. Rudd—5. A bill for the benefit of the Judge of the 13th judicial district.

And, by Mr. Dorsey—6. A bill to repeal in part, the law of last session, altering the mode of taking in lists of taxable property.
Which were severally received and read the first and ordered to be read a second time.

Ordered, That the Public Printer forthwith print one hundred and fifty 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 reading of the first, third, fourth, and sixth bills, having been dispensed with, the first was committed to a select committee, of Messrs. Hanson, C. Walker, and Turner; the sixth to a select committee of Messrs. Jovyes, Dorsey, Daniel, (of Jessamine,) Wilson, (of Shelby,) and McFarland; and the third and fourth were ordered to be engrossed and read a second time.

And thereupon, the rule of the house, constitutional provision and third readings of the third and fourth 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. Underwood carry the said bills to the Senate and request their concurrence.

Mr. White, (of Franklin,) moved the following resolutions.

Resolved, That so much of the Governor’s Message as relates to internal improvements, be referred to the committee on internal improvements.

Resolved, That so much of the Governor’s message as relates to the Judiciary, be referred to the committee on courts of Justice.

Resolved, That so much of the Governor’s message as relates to the rebuilding of the Capitol, be referred to a select committee—with leave to report by bill or otherwise.

Which being twice read were adopted: and Messrs. White, (of Franklin,) Breckenridge, Rudd, Booker, Harrison, (of Jefferson,) Sallee, and L. Stephens, appointed a committee pursuant to the last resolution.

Mr. Turner read and laid on the table the following resolutions.

Whereas, the power of Congress to make Internal Improvements is questioned by some, which renders it proper that there should be an expression of public sentiment on the subject; Therefore,

1. Be it resolved by the Senate, and the House of Representatives of the state of Kentucky, That the Congress of the United States, does possess the power under the Federal Constitution to make Internal Improvements.

2. Resolved, That a large majority of the citizens of this commonwealth, hold and entertain the opinion, that Congress does possess such power, and should on proper occasions exercise it.

3. Resolved, That the citizens of Kentucky and of the western country, are deeply interested in the exercise of this power.
4. Resolved, That our Senators and Representatives in Congress, be instructed that such is the opinion of this General Assembly.

Mr. Underwood read and laid on the table the following resolutions.

1. 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 examine the situation of the Bank of the Commonwealth of Kentucky, and to report its situation to the Senate and House of Representatives.

2. Resolved further, That said committee be, and they are hereby instructed, in conjunction with the officers of said Bank, to cancel by burning, the total amount of notes in said Bank which have been withdrawn from circulation, and which have been paid into the said Bank either by individuals or the Bank of Kentucky, and that said committee, in conjunction with the officers of said Bank of the Commonwealth, proceed with all practicable dispatch, to effectuate the object of this resolution.

3. Resolved further, That said committee and the officers of said Bank keep a correct account of the number and denominations and amounts of the notes which may be cancelled in pursuance of the foregoing resolution.

Mr. Spalding moved the following resolution:

Resolved, That so much of the Governor's message as relates to the mode of raising the revenue to defray county expenses, be referred to the committee of ways and means.

Which being twice read, was adopted.

Mr. Mullens moved to obtain leave to introduce a bill to increase the jurisdiction of magistrates to one hundred dollars.

And the question being taken on granting leave to introduce said bill, it was decided in the negative, and so the said motion was disagreed to—Yea 25, Nays 71.

The yeas and nays being required thereon by Messrs. Mullens and L. Stephens, were as follows, viz:


Nay—Mr. Speaker, Messrs. Allin, Bainbridge, Blackburn, Booker, Breck, Breckenridge, Butler, Campbell, Carson, Cobb, Comer, (of Bath,) Conner, (of Greenup,) Cunningham, Daniel, (of Jessamine,) Daniel, (of Montgomery,) Davis, Dorsey, Dunlap, Evans, Farmer, Floarnoy, Ford, Gaines, Gorin, Griffin, Hanson, Harris, (of Madison,) Harris, (of Simpson,) Harrison, (of Nelson,) Harrison, (of Jefferson,) Hart, Haskin, Helm, Hughes, Hutchinson, Joyes, Lackey, Love, Maupin, M'Farland, Morris,
A message from the Senate by Mr. Daviess:

Mr. Speaker—The Senate have passed a bill, which originated in this house, entitled, an act to authorize the editors of certain newspapers to insert certain advertisements.

And then he withdrew.

The Speaker laid before the house, a letter from the Auditor of Public Accounts, covering his annual report of the situation of that office for the past year, ending on the 10th day of October last, which are in the following words:

STATE OF KENTUCKY

Auditor’s Office, December 6th, 1826.

DEAR SIR—Please lay before the house over which you preside, the documents accompanying this, from No. 1 to 10, inclusive, and oblige

Yours respectfully,


No. 1.

A statement of monies received and paid at the Treasury, for the year ending on and including the 10th day of October, 1826, to wit:

Received of the revenue collectable by Sheriffs, for the year

<table>
<thead>
<tr>
<th>Year</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1820</td>
<td>96 67</td>
</tr>
<tr>
<td>1821</td>
<td>21 95</td>
</tr>
<tr>
<td>1822</td>
<td>90</td>
</tr>
<tr>
<td>1823</td>
<td>149 59</td>
</tr>
<tr>
<td>1824</td>
<td>71,529 43</td>
</tr>
<tr>
<td>1825</td>
<td>1,109 00</td>
</tr>
</tbody>
</table>

For Bank Stock Fund, to wit: On lands granted under the acts of 1815, 1820 and 1825, denominated Land Warrants, 3303 95

Ditto, under the acts of 1795, 1796 and 1800, denominated headright lands, 1102 16

Ditto, under the acts for appropriating the land acquired by the treaty of Tellico, 30 33—4,936 44

For tax on non-residents lands, 2,388 06

For miscellaneous receipts, 66 30

For tax received on Law process, deeds, seals, &c. by Clerks of the Circuit and County Courts, &c. 9,570 59

For fees received by the Register of the Land Office, 1,999 07
For tax on seals received by the Secretary of state, 

For amount received of the keeper and agent of the Kentucky Penitentiary, 

For amount received of the Bank of the Commonwealth of Kentucky as revenue, 

For amount received of the Bank of Kentucky for the distribution of stock, 

For amount received for the sale of lands west of Cumberland River, lying in the state of Tennessee, 

Ditto, East, Ditto, Ditto, 

For amount received for the sale of lands west of Tennessee river, 

For amount received of the Treasurer of the Town of Waidboro, for the sale of lots in said Town, 

Total amount received 

Received from debts receivable, (Specie) 

PAID SAME TIME. 

Warrants paid by the Treasurer, 

Stock subscribed in the Bank of the Commonwealth of Kentucky, 

Total expenditures, 

Amount credited the Treasury by act of Assembly for expenses paid for the entertainment of Gen. La Fayette, 

Amount credited the Treasury and charged to the individual account of Samuel South, former Treasurer, it being a balance due from him, 

Total credits, 

Balance due from the Commonwealth, on the 10th day of October 1825, 

Making a sum of 

From which deduct receipts as above, 

Also, deduct the amount debited the Treasury, for amount overdrawn by Samuel South, former Treasurer, in the Bank of the Commonwealth of Kentucky, which amount has been charged to said South and credited in the Bank account on settlement of its nett profits in July last, 

Making a sum of 

$265,545.59

$244,725.01
Which leaves the Commonwealth in debt on the 10th day of October 1826, 20,320 58
Specie remaining in the Treasury on the 10th day of October 1825, was 500
Amount of Specie received as stated above . 500
Total amount of Specie in the Treasury on the 10th day of October 1826, 1,000
There still remains in the Treasury (Illinois money) to the amount of 20

Note—No report has been made from the Bank of the Commonwealth of Kentucky since the first of July last.

No. 2.
A Statement of Warrants drawn by the Auditor Public Accounts, during twelve months, ending on and including the 10th day of October 1826—showing the amount drawn for each source of expenditure and the amount of Warrants paid and unpaid in the same period, viz:

Executive office, for fuel, stationary, &c. 414 57
For Secretary's office, 521 33
For Land office, 507 16
For Treasurer's office, 260 01—1,703 07
Public Printers— for advertising non-residents lands, 81 22
Jailors—amount paid for guarding criminals in Jail, 1,920
Ditto, for ironing criminals, 15 42
Ditto, for guarding criminals to Jail, 31
Ditto, for dieting criminals in Jail, 350 41
Ditto, for committing criminals to Jail and releasing them, 124 86

Public communications—for postage on letters sent and received by the Governor and Secretary, 636 65
Ditto, by the Auditor Public Accounts, 330 65
Ditto, by the Quarter-Master General, 64 90
Ditto, by the Adjutant General, 419 04—1,501 64

Commissioners of tax—for taking in lists of taxable property for the revenue of 1825, payable in 1826, 6,399 75
Salaries—of the Executive department, 7,744 79
Do. Attorney General, 369 29
Do. Judiciary department, 20,575 73
Do. Keeper of Public Square 50—28,739 81

17743
Contingent expenses—Binding extra acts of Assembly, 27 12

For advertising sale of lands West of Tennessee River (for Register) in the National Intelligencer (Wash. City), 42 90

Repairs of public pumps, 35 25

Advertising proposals to distribute acts and journals November session 1825, 7 50

Carriage on books forwarded to the Gov., 25 37

Frames for Declaration of Independence as per resolution of the Legislature, 20

Repairs of public buildings and yard, 226 60

Stationary furnished the Adjutant Genl., 68

Salary of the crier at the sale of lands, west of Tennessee River, 81

Ditto of the clk. ditto, 31

Ditto of the receiver ditto, 300

Record books for ditto, 55 50

Stationary for ditto, 118 08

Pay of Tipstaff to the general court and court of appeals, 162 37—1,251 19

Military expenditures—Pay of Brigade Inspectors, 277 50

Witness’s attendance, 18 56

Carriage and storage on public arms forwarded to Kentucky, 203 83

Pay of Judge Advocates, 4

Do. Provost Martials, 8

Do. Recorder to gen. court of enquiry, 2 00—518 39

Lunatics, 1,600 44

Idiots, 6,264 74—7,865 18

Decisions of the court of appeals—Pay of Reporter, 674 00

Clerks services—Presses for the use of the clerks offices, 366 50

Record books for do, 3,086 34

Ex-officio services of the circuit court clks. and clerk of general court, 3,204 67

Pay to county court clks. for making out lists of taxable property, 2,607 87—9,265 38

Sheriffs for revenue of 1823, 31 29

Sale of lands, 1 59—32 88

Revenue overpaid
Kentucky Institution for the tuition of the deaf and dumb—for the support of indigent pupils, $3,862.41
Loans to the Penitentiary—balance of appropriations made to the keeper, $3,220.40
Sheriffs for revenue of 1824—for amount of revenue overpaid, 77.08
Money refunded,
For fees of attorney general, clerk of general court &c. (this amount being paid into the Treasury, for the benefit of said officers, it being their fees against public defaulter's amounting to 488.77
For taxes twice paid, 244.54—788.31
Electors—to vote for President and Vice President, 9
Legislature, November session 1825, including the daily attendance and mileage of the members and the pay of witnesses, 14,117.97
Surveyors, for copying entry books, &c., 1,996.93
Lunatic Asylum—for appropriation made November session 1824, 5,000
Legislature November session 1824—pay of witnesses, 262
Public roads—pay of sundry commissioners, 98.25
Drawback on vacant lands—claims improperly paid on and money drawn back for the redemption of headright claims, 277.04

$100,014.12

Appropriations, November session 1825,—erection of monuments over the bodies of Governors Madison and Greenup, and Thomas Dollerhide, Senator, $280
Counsel for Commonwealth, 50
Pay of clerks of Senate and House of Representatives, 1,263.56
Binding Acts and Journals, 729
Quarrying stone for Penitentiary, 162
Agent of Penitentiary for house rent, 100
Clerk of penitentiary for services rendered, 200
Sergeant at Arms of Senate and House of Representatives, 276
Fuel for ditto 491.87
Sundries furnished ditto 360.64
Door keepers and attendance on ditto 224.43
Assistant clerks of ditto 22
Repairs of public buildings, 125 25
Guarding ditto 12
General Lafayette’s portrait, 1,500
Public Printers, 3,443 70
Commissioners of the Penitentiary, 75
Balance of General Lafayette’s expenses, 858 25
Surveyors, 1,500
Adjutant and Quarter Master Generals for office rent, 100
Lunatic Asylum, 7,000
Trustees of town of Frankfort, 3,000—$21,583 70
Sheriffs comparing polls—for electors, 27 90
for congressmen, 3 80
for senate, 32 88—64 55
Commissioners of navigation—pay of commissioners of Salt river for services rendered in 1818 and 1819, 45 45
Distributing Acts and Journals, November session 1825, 230 00
Purchasers of non-resident’s lands—amount paid, purchasers for redemptions, 62
Slaves executed, 50—376 07

$122,143 47

Criminal prosecutions—constable’s guarding criminals to jail, 84 69
Sheriffs guarding criminals to the Penitentiary, 1,303 77
Executing process for contempt, 361 43
Guards, 2,141 31
Sheriffs guarding criminals to jail, 211 32
Sheriffs executing condemned persons, 26 05
Sheriffs apprehending criminals, 247
Sheriffs summoning venire’s, 506 93
Sheriffs summoning witnesses, 595 64
Constables apprehending criminals, 1,436
Constables summoning witnesses, 339 80
Witnoses attendance, 4,002 29
Constables for whipping negroes, 67 72
Veniremen attendance, 9,674 25—20,998 20

Total amount of warrants issued, $143,141 67
Amount of warrants unpaid, 10th October 1825, 142 07
Making a sum of $143,333 74
From which deduct the amount of warrants, paid du-
A Statement of balances due to Government, on the 10th day of October, 1826. 

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1793</td>
<td>$104.06</td>
</tr>
<tr>
<td>1794</td>
<td>138.61</td>
</tr>
<tr>
<td>1795</td>
<td>180.38</td>
</tr>
<tr>
<td>1796</td>
<td>101.36</td>
</tr>
<tr>
<td>1797</td>
<td>217.25</td>
</tr>
<tr>
<td>1798</td>
<td>172.25</td>
</tr>
<tr>
<td>1799</td>
<td>31.99</td>
</tr>
<tr>
<td>1800</td>
<td>1662.21</td>
</tr>
<tr>
<td>1801</td>
<td>613.26</td>
</tr>
<tr>
<td>1802</td>
<td>279.43</td>
</tr>
<tr>
<td>1803</td>
<td>43.53</td>
</tr>
<tr>
<td>1804</td>
<td>52.44</td>
</tr>
<tr>
<td>1805</td>
<td>10.26</td>
</tr>
<tr>
<td>1806</td>
<td>764.54</td>
</tr>
<tr>
<td>1807</td>
<td>942.86</td>
</tr>
<tr>
<td>1808</td>
<td>579.18</td>
</tr>
<tr>
<td>1809</td>
<td>2044.02</td>
</tr>
<tr>
<td>1810</td>
<td>246.67</td>
</tr>
<tr>
<td>1811</td>
<td>1561.55</td>
</tr>
<tr>
<td>1812</td>
<td>1917.48</td>
</tr>
</tbody>
</table>

Total due from Sheriffs: $13,283.37
Debts receivable: 8,797.04
Commissioners of navigation: 1.77
Tax on bank stock, (Independent Banks): 1,105.06
Clerks, for taxes: 8,367.40
Loans to the Penitentiary: 65,530.17

Total amount of debts due Government, on the 10th day of October, 1826: $97,104.81

The amount of stock owned by the State in the Bank of Kentucky, on the 10th day of October, 1826: $335,020
Ditto, Ditto, in the Bank of the Commonwealth of Kentucky, same date: 423,218.65

Total amount of stock: $758,238.65
No. 4.
A Statement of balances due from Government on the 10th day of October, 1826, and for which the Treasury is bound on the same day, under the existing laws, for the payment, to wit:

- Sheriff, for revenue of 1813, $8.32
- Attorneys, for 1819, $86.96
- Purchasers of non-residents' lands, $236.49
- Warrants unpaid, $2,928.54
- Town of Columbus, $1,533.10
- Attorneys, $1,544.32
- Salaries, $3,621.40
- Treasurer town of Waidborough, $0.05

Total debts due from government on the 10th day of October, 1826, $9,859.18

No. 5.
A Statement shewing the debits and credits of the revenue of 1824, due from Sheriffs, during the year ending on, and including the 10th day of October, 1826, viz.

<table>
<thead>
<tr>
<th>DEBITS</th>
<th>Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance on the books, 10th October, 1825, $85,011.15</td>
<td>Amount paid Treasurer, $71,929.43</td>
</tr>
<tr>
<td>Additional lists, 79 84</td>
<td>Delinquents, exonerations, forfeited lands, and errors corrected, 3,299.82</td>
</tr>
<tr>
<td>Warrants issued for accounts overpaid, 77 03</td>
<td>*Commissions for collecting, 6,301.87</td>
</tr>
<tr>
<td>Costs, 33 11</td>
<td>Wolves killed, 1,752.50</td>
</tr>
</tbody>
</table>

Total debits, $85,201.10
Total credits, $83,283.62
Balance due government, on the 10th day of October 1826, as per Statement No. 3, $1,917.48

No. 6.
A Statement shewing the debits and credits of Clerks Accounts, for collection of law process, deeds, seals, &c. for the year ending on, and including the 10th day of October, 1826, viz.

<table>
<thead>
<tr>
<th>DEBITS</th>
<th>Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance due 10th day of October, 1825, $3,962.57</td>
<td>Amount paid Treasurer, $9,570.59</td>
</tr>
<tr>
<td>Accounts rendered, 14,413.50</td>
<td>Costs, 302.14</td>
</tr>
</tbody>
</table>

Total debits, $18,678.21
Total credits, $18,678.21
Commissions for collecting  720.22

Total credits,  $10,290.81

Balance due government, on the 10th day of October, 1826, as per Statement, No. 3,  $8,387.40

No. 7.

A Statement shewing the probable amount of expenditures of the government, for the year ending on and including the 10th day of October, 1827, to wit:

For the annual salaries of the officers of the executive and judiciary departments, attorney general and attorneys for the commonwealth,  $40,000

Ex-officio services of clerks, copying lists of taxable property, &c.  10,000

Legislature, December session, 1826, and all expenses incident thereto, (supposing the Legislature to sit seven weeks,)  30,000

Military expenditures,  600

Public communications,  2,000

Sheriffs, comparing polls,  1,000

Criminal prosecutions,  20,000

The execution of slaves,  3,000

Printing and binding Acts and Journals of December session, 1826,  3,000

Jailors, attending circuit courts, &c.  8,500

Contingent expenses,  3,000

Executive offices, for fuel, stationary, &c.  2,000

Money refunded, taxes twice paid, &c.  700

Purchasers of non-residents' lands,  230

Lunatic Asylum,  7,000

Surveyors, for copying entries, &c.  500

Distributing Acts and Journals, Dec. session, 1826,  400

Kentucky Institution for the tuition of the Deaf and Dumb, for the support of indigent pupils,  2,500

Decisions of the Court of Appeals,  3,000

Public printers, for advertising non-residents' lands,  100

Drawback on vacant lands,  200

Sheriffs, for revenue overpaid,  200

Public roads,  100

Total amount expected to be expended,  $138,030

No. 8.

A Statement of the amount of monies which is expected to be paid into the Treasury in the year to end on and including the 10th day of October, 1827, subject to the expenses of government, to wit:

The gross amount of revenue collectable by sheriffs for the year 1826, and made payable on the first Monday in December next, is  $104,896.20
The loss on the collection of the revenue by sheriffs this year, including commissions for collecting insolvents, compensation for killing wolves, and sundry other credits which are allowed the sheriffs, is presumed will be about 13 per cent. amounting to $16,380.31.

Leaving $86,015.89.

Of which said revenue was paid previous to the 10th of October, 1826, $81,100.

The delinquents on the part of the sheriffs this year, will be about 2,000—3,100.

Which leaves a sum that may be expected with some certainty to be collected and paid into the Treasury, during the ensuing year, of $82,915.89.

From clerks for taxes on law process, deeds, seals, &c. including also the amount expected to be received from the Secretary of State and Register of the land-office, will be about $13,000.60.

For miscellaneous receipts, $3,000.

For taxes on non-residents lands, $40,000.00.

From Bank of the Commonwealth of Kentucky, $6,000.

From the sale of lands west of Tennessee River, $10,000.

For the sale of lands east and west of Cumberland River, in the state of Tennessee, $1,000.

Of the balances stated to be due Government as in statement No. 3, will be collected of the revenue due from Sheriffs, about $1,500.

Ditto as due from clerks, will be collected about $2,000.

Ditto as due from Penitentiary, $1,000.

Ditto as due from debts receivable, $1,669.20.

Of the other balances, nothing can be expected with any degree of certainty to be collected.

Total amount expected to be received, $162,135.09.

Balance due from Government as per statement No. 1, in Commonwealth money, $20,820.58.

Ditto, ditto, No. 4, $9,858.18.

Amount of statement No. 7, $138,030.00.

Making $168,709.76.

From which deduct the amount expected to be received as stated above, $162,135.09.

Leaving a balance due from the Government on the 10th day of October 1827, of $6,574.67.
A statement exhibiting the amount of revenue receivable by the clerks and sheriffs of each county, during the year ending on and including the 10th day of October 1826, and the amount of expenditures of each county, same time, also showing the difference between the revenue and expenditures, to-wit:

<table>
<thead>
<tr>
<th>Counties</th>
<th>Expenditures</th>
<th>Revenue</th>
<th>Net Revenue</th>
<th>Expenses exceeding the Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>D.  C.</td>
<td>D.  C.</td>
<td>D.  C.</td>
<td>D.  C.</td>
</tr>
<tr>
<td>Adair</td>
<td>771 19</td>
<td>1164 58</td>
<td>333 39</td>
<td></td>
</tr>
<tr>
<td>Allen</td>
<td>469 63</td>
<td>574 46</td>
<td>104 80</td>
<td></td>
</tr>
<tr>
<td>Bourbon</td>
<td>1095 32</td>
<td>4303 34</td>
<td>3203 02</td>
<td></td>
</tr>
<tr>
<td>Bath</td>
<td>930 75</td>
<td>1264 17</td>
<td>333 42</td>
<td></td>
</tr>
<tr>
<td>Barren</td>
<td>539 48</td>
<td>1745 07</td>
<td>1295 69</td>
<td></td>
</tr>
<tr>
<td>Bullitt</td>
<td>506 33</td>
<td>730 41</td>
<td>244 08</td>
<td></td>
</tr>
<tr>
<td>Breckinridge</td>
<td>639 33</td>
<td>948 43</td>
<td>300 10</td>
<td></td>
</tr>
<tr>
<td>Boone</td>
<td>432 58</td>
<td>1019 50</td>
<td>500 22</td>
<td></td>
</tr>
<tr>
<td>Brecken</td>
<td>496 15</td>
<td>631 60</td>
<td>135 45</td>
<td></td>
</tr>
<tr>
<td>Butler</td>
<td>332 91</td>
<td>313 65</td>
<td>19 05</td>
<td></td>
</tr>
<tr>
<td>Clay</td>
<td>343 40</td>
<td>325 45</td>
<td>17 95</td>
<td></td>
</tr>
<tr>
<td>Caldwell</td>
<td>1551 87</td>
<td>1039 64</td>
<td>462 23</td>
<td></td>
</tr>
<tr>
<td>Clarke</td>
<td>794 75</td>
<td>2531 12</td>
<td>1536 37</td>
<td></td>
</tr>
<tr>
<td>Campbell</td>
<td>479 27</td>
<td>789 54</td>
<td>310 27</td>
<td></td>
</tr>
<tr>
<td>Christian</td>
<td>388 74</td>
<td>2486 98</td>
<td>1648 24</td>
<td></td>
</tr>
<tr>
<td>Cumberland</td>
<td>699 39</td>
<td>937 79</td>
<td>338 49</td>
<td></td>
</tr>
<tr>
<td>Casey</td>
<td>425 46</td>
<td>362 52</td>
<td>62 94</td>
<td></td>
</tr>
<tr>
<td>Calloway</td>
<td>726 14</td>
<td>148 19</td>
<td>577 95</td>
<td></td>
</tr>
<tr>
<td>Daviess</td>
<td>333 20</td>
<td>454 23</td>
<td>121 13</td>
<td></td>
</tr>
<tr>
<td>Estill</td>
<td>416 75</td>
<td>340 83</td>
<td>75 95</td>
<td></td>
</tr>
<tr>
<td>Edmondson</td>
<td>180 88</td>
<td>19 50</td>
<td>161 38</td>
<td></td>
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<td>Counties</td>
<td>Expenditures</td>
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<td>Net Revenue</td>
<td>Expenses exceeding the Revenue</td>
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<td>594 06</td>
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<td>Pulaski</td>
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<td>760 72</td>
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<td>3075 17</td>
<td>2368 79</td>
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<tr>
<td>Warren</td>
<td>1220 96</td>
<td>1970 09</td>
<td>749 13</td>
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</table>
Dec. 6.]  HOUSE OF REPRESENTATIVES.  43

<table>
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<tr>
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</thead>
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<td>D. C.</td>
<td>D. C.</td>
<td>D. C.</td>
</tr>
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<td>2559 84</td>
<td>1229 71</td>
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<td>Whitley</td>
<td>1450 48</td>
<td>200 89</td>
<td>1249 59</td>
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| Total        | 64,165 17     | 101,105 41 | 47,218 12 | 10,242 26 |

Revenue, - - - $101,141 03
Expenditures, - - - 64,165 17
Net Revenue, - - - $36,975 86

No. 10.
A Statement, exhibiting a list of balances due on headright claims, from each county, (as originally granted,) on the 10th day of October, 1826, to wit:

<table>
<thead>
<tr>
<th>Court granted by.</th>
<th>Claims partially paid on.</th>
<th>Claims on which nothing has been paid.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>D. C.</td>
<td>D. C.</td>
</tr>
<tr>
<td>Commissioners of 1796,</td>
<td>551 58</td>
<td>328</td>
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<tr>
<td>Do. 1798,</td>
<td>9479 29</td>
<td>13019 90</td>
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<tr>
<td>Adair County Court,</td>
<td>1849 49</td>
<td>4719 67</td>
</tr>
<tr>
<td>Barren do.</td>
<td>2123 73</td>
<td>5463 46</td>
</tr>
<tr>
<td>Bourbon do.</td>
<td>23 20</td>
<td>96</td>
</tr>
<tr>
<td>Christian do.</td>
<td>12357 10</td>
<td>30555</td>
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<tr>
<td>Clay do.</td>
<td>149 12</td>
<td>225</td>
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<tr>
<td>Cumberland do.</td>
<td>1949 90</td>
<td>6415</td>
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<tr>
<td>Casey do.</td>
<td>9 60</td>
<td>41</td>
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<tr>
<td>Franklin do.</td>
<td>31 18</td>
<td>61</td>
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<tr>
<td>Floyd do.</td>
<td>132 28</td>
<td>3567</td>
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<tr>
<td>Green do.</td>
<td>859 80</td>
<td>5579 50</td>
</tr>
<tr>
<td>Hardin do.</td>
<td>40 91</td>
<td>267 50</td>
</tr>
<tr>
<td>Henry do.</td>
<td>2</td>
<td>31</td>
</tr>
<tr>
<td>Henderson do.</td>
<td>3313 22</td>
<td>10524</td>
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<tr>
<td>Jefferson do.</td>
<td>09</td>
<td>10</td>
</tr>
<tr>
<td>Jessamine do.</td>
<td>50</td>
<td>59</td>
</tr>
<tr>
<td>Knox do.</td>
<td>3681 41</td>
<td>3000 50</td>
</tr>
<tr>
<td>Lincoln do.</td>
<td>1660 96</td>
<td>2340 38</td>
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<tr>
<td>Logan do.</td>
<td>3187 03</td>
<td>49874 50</td>
</tr>
<tr>
<td>Livingston do.</td>
<td>8936 66</td>
<td>23090</td>
</tr>
<tr>
<td>Court granted by</td>
<td>Claims partially paid on</td>
<td>Claims on which nothing has been paid</td>
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<tr>
<td>Muhlenberg County Court</td>
<td>3604 53</td>
<td>6247 30</td>
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<tr>
<td>Mason</td>
<td>36 38</td>
<td>38</td>
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<tr>
<td>Montgomery</td>
<td>8 18</td>
<td></td>
</tr>
<tr>
<td>Mercer</td>
<td>305 75</td>
<td>777 50</td>
</tr>
<tr>
<td>Madison</td>
<td>2 20</td>
<td>136 50</td>
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<td>7 50</td>
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<tr>
<td>Ohio</td>
<td>39 50</td>
<td>145</td>
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<td>Pulaski</td>
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<tr>
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<tr>
<td>Washington</td>
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<td></td>
<td></td>
<td>72,082 70</td>
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<td>194,566 30</td>
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</table>

Claims partially paid on 72,082 70
Claims on which nothing has been paid, 194,566 30

Total amount due, $72,082 70
All of which is respectfully submitted.

PORTER CLAY, Auditor Public Accounts.

The Speaker laid before the house a letter from the Treasurer of this Commonwealth, enclosing his annual report of the monies received and paid at the treasury from the 16th day of December, 1825, until the 10th day of October, 1826, inclusive, which are in the following words:

STATE OF KENTUCKY,
Treasurer’s Office, December 6th, 1826.

Sir—You will please lay before the honorable house over which you preside, the enclosed statement, which commences with my appointment as Treasurer, and gives a concise view of the situation of the Treasury, from the 16th of December 1825, to the 10th of October 1826, inclusive.

Respectfully Yours,

JAMES DAVIDSON, Tr.

HON. GEO. ROBERTSON, Speaker of the House of Representatives.

No. 1.

A statement of Monies received at the Treasury, from the 16th day of December 1825, to the 10th day of October 1826, inclusive.

BANK STOCK FUND.

Amount received on Headright Lands 672 53
Dec. 6.] HOUSE OF REPRESENTATIVES. 45

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Vacant Lands,</td>
<td>2,463 85</td>
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<tr>
<td>Tellico Lands,</td>
<td>30 33—3,166 71</td>
</tr>
<tr>
<td>Lands West of Cumberland River,</td>
<td>1,196 50</td>
</tr>
<tr>
<td>Lands East of Cumberland River,</td>
<td>61——1,257 50</td>
</tr>
<tr>
<td>Sheriffs,</td>
<td>36,754 43</td>
</tr>
<tr>
<td>Clerks,</td>
<td>6,121 65</td>
</tr>
<tr>
<td>Penitentiary,</td>
<td>3,799 61</td>
</tr>
<tr>
<td>Non Resident Lands,</td>
<td>1,570 57</td>
</tr>
<tr>
<td>Miscellaneous Receipts,</td>
<td>60 98</td>
</tr>
<tr>
<td>Register of the Land Office,</td>
<td>1,999 07</td>
</tr>
<tr>
<td>Secretary of State,</td>
<td>32 30</td>
</tr>
<tr>
<td>Treasurer of the Town of Waidboro,</td>
<td>740 59</td>
</tr>
<tr>
<td>Lands West of the Tennessee River,</td>
<td>21,699 86</td>
</tr>
<tr>
<td>Received of the Bank of the Commonwealth as revenue,</td>
<td>31,971 86</td>
</tr>
<tr>
<td>Distribution of Stock in Bank of Kentucky up to the 31st of July 1826,</td>
<td>59,670 00</td>
</tr>
</tbody>
</table>

Total Amount Received, $183,945 07

Received of Debts receivable (Specie,) 500

No. 2.

A statement exhibiting the Amount of Monies, paid for Warrants drawn on the Treasury, from the 16th day of December 1825, to the 10th day of October 1826, inclusive.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drawbacks on Vacant Lands,</td>
<td>52 10</td>
</tr>
<tr>
<td>Penitentiary for loans,</td>
<td>1031 90</td>
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<tr>
<td>Salaries of the Executive and Judiciary departments,</td>
<td>21,615 33</td>
</tr>
<tr>
<td>Legislature November Session 1825,</td>
<td>11,757 20</td>
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<tr>
<td>Appropriations same time,</td>
<td>21,653 70</td>
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<tr>
<td>Public Printer,</td>
<td>84 22</td>
</tr>
<tr>
<td>Support of lunatics,</td>
<td>5,469 12</td>
</tr>
<tr>
<td>Criminal prosecutions,</td>
<td>13,375 51</td>
</tr>
<tr>
<td>Commissioners of tax,</td>
<td>1,756 20</td>
</tr>
<tr>
<td>Jailors for attending on circuit courts,</td>
<td>5,939 01</td>
</tr>
<tr>
<td>Clerks, for record books, &amp;c.</td>
<td>5,803 14</td>
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<tr>
<td>Sheriffs for comparing polls,</td>
<td>60 70</td>
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<tr>
<td>Executive offices,</td>
<td>1,315 62</td>
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<tr>
<td>Contingent expenses,</td>
<td>799 11</td>
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<td>Public roads,</td>
<td>25 50</td>
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<td>Electors,</td>
<td>9</td>
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<td>Military expenditures,</td>
<td>173 54</td>
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<td>Distributing acts of Assembly,</td>
<td>280</td>
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<tr>
<td>Slaves executed,</td>
<td>50</td>
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<tr>
<td>Lunatic Asylum,</td>
<td>2,500</td>
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<td>Surveyors, for copying entries, &amp;c.</td>
<td>19 62</td>
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</table>
JOURNAL OF THE

Deaf and Dumb Asylum,
Money refunded,
Purchasers of non-residents lands,
Reporter court of appeals,
Public communications,
Attornies for the Commonwealth,

<table>
<thead>
<tr>
<th>Total amount of Warrants paid</th>
<th>$100,915.65</th>
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<tbody>
<tr>
<td>Amount of stock subscribed in the Bank of the Commonwealth during same time</td>
<td>$88,860.00</td>
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<tr>
<td>Total expenditures</td>
<td>$189,765.65</td>
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<tr>
<td>From which take the amount of receipts as in statement No. 1</td>
<td>168,945.07</td>
</tr>
<tr>
<td>Balance due from Government on 10th Oct. 1826</td>
<td>$20,920.58</td>
</tr>
<tr>
<td>Balance remaining in the Treasury on the 10th Oct. 1825, (in specie,)</td>
<td>500.00</td>
</tr>
<tr>
<td>Received as above</td>
<td>500.00</td>
</tr>
<tr>
<td>Total in Treasury on the 10th day of October, 1826, (in specie,)</td>
<td>1000.00</td>
</tr>
<tr>
<td>There still remains in the Treasury, same time, in Illinois money</td>
<td>20.00</td>
</tr>
</tbody>
</table>

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

JAMES DAVIDSON, Tr.

The house proceeded to consider the resolution offered on yesterday by Mr. Breckenridge, giving instructions to the committee of religion on petitions for divorces; and the question being taken on adopting the said resolution it was decided in the affirmative.

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


NAYS—Messrs. Allin, Barbee, H. Conner, Cunningham, Harrison Daniel, Henry Daniel, Davis, Dorsey, Forrest, Fulton, Gorin, Griffin, B. Harrison, C. L. Harrison, Helm, James, Joyes,
Dec. 7.] HOUSE OF REPRESENTATIVES. 47


The following bills were severally read a second time:

1. A bill concerning the Court of Appeals.—2. A bill for the benefit of Thomas Cull, late sheriff of Washington county.—3. A bill for the benefit of William Jackson, Asahel Carl, Samuel Carroll and George Kelly.

The first was laid on the table; the second was ordered to be engrossed and read a third time to-morrow; and the third was referred to the committee of claims.

And then the house adjourned.

THURSDAY, DECEMBER 7, 1826.

1. Mr. Tarlton presented the petition of sundry citizens of Scott county, praying for the establishment of an election precinct in said county, and that the elections therein, be held at the town of Herndonville.

2. Also, the petition of sundry citizens of Scott county, praying for the establishment of an election precinct in the northern part of said county, and that the elections therein, be held at the house of Garrett Wall.

3. Also, the petition of sundry citizens of said county, praying that a law may pass to authorize an additional justice of the peace, to be commissioned for said county.

4. Mr. Turner presented the petition of Hugh Brown, praying that a law may pass, authorizing the sale of the interest of Fanny Hoy, a lunatic, in certain lands in this Commonwealth, belonging to the estate of William Hoy, deceased, and that the proceeds thereof may be paid over to him, for the maintenance and support of said Fanny Hoy.

5. Mr. Forrest presented the petition of sundry citizens of Washington county, praying that a new county may be formed out of the south end of said county.

6. Mr. Joyes presented the petition of Daniel M. Heard, praying that a law may pass authorizing the sale of 666 and 2-3 acres of land in Union county, the property of the heirs of Henry I. Peyton, deceased, and appropriating the proceeds of said sale, for the benefit of the said heirs.

7. Mr. Sanders presented the petition of L. B. Bartle, praying compensation for his services and expenses, in arresting Thomas Gaultier a fugitive from justice.

3. Mr. D. White presented the petition of John Cochran, praying a divorce from his wife Kitty Cochran.
9. Mr. McMillan presented the petition of William Whitworth, praying a divorce from his wife Patsey Whitworth.
10. Mr. Helm presented the petition of Robert Phelps, praying a divorce from his wife Betsey Phelps.
11. Mr. Farmer presented the petition of sundry citizens of Knox county, in relation to the old state road and the Barboursville road.
12. Mr. Underwood presented the petition of John Rhodes, sen., praying that a law may pass permitting a mill dam, which he has built across Green river in the county of Edmondson, to remain, and for permission to construct a lock at said dam.
13. Mr. Dorsey presented the petition of Margaret Waters, praying for the passage of a law authorizing her to make sale of a negro boy, the property of her deceased husband.
14. Mr. James presented the petition of sundry citizens of the territory west of the Tennessee river, praying that the minimum price of the vacant lands in that section of the country, may be reduced to twenty-five cents per acre, and that they may be permitted to pay for the same by instalments.
15. Mr. D. White presented the petition of sundry citizens of Franklin, Mercer, and Washington counties, praying the formation of a new county out of parts of each of the said counties.

Which petitions were severally received, read and referred:
The first and second to a select committee of Messrs. Tarlton, Ward, Patterson, Secrest, Summers and Henry Daniel; the third to a select committee of Messrs. Tarlton, Patterson and Ward; the fourth, sixth, and thirteenth to the committee for Courts of Justice; the fifth, twelfth, and fifteenth to the committee of propositions and grievances; the seventh to the committee of claims; the eighth, ninth, and tenth to the committee of religion; the eleventh to a select committee of Messrs. Farmer, Carson, Yantis, and Turner; and the fourteenth to a select committee of Messrs. James, Underwood, New, Rucker, Hughes, Morris and Campbell.

Mr. Blackburn from the committee of propositions and grievances, made the following report:
The committee of propositions and grievances have, according to order, had under their consideration the petition of the citizens of Oldham county, praying that a law may pass, authorizing them to vote for the place at which to locate their permanent seat of justice, and have come to the following opinion thereupon,
Resolved, That said petition is reasonable.
Which being twice read was concurred in.
Ordered, That said committee prepare and bring in a bill in pursuance to the said resolution.

Mr. Underwood from the committee for courts of justice made the following report, viz.
Dec. 7.] HOUSE OF REPRESENTATIVES.

The committee on courts of justice have, according to order, had under consideration the petition of the heirs of Abner Evans, deceased, praying for the passage of a law authorizing the sale of a tract of land, and have come to the following resolution thereon, to wit:

Resolved, That said petition be rejected.

Said committee have also had under consideration the petition of Moses Mead and others, securities of John Harkworth, deceased, praying for an appropriation to build bridges, &c., on the road leading from Mountsterling to the Virginia state line, or an exoneration from their liability as securities for said Harkworth, the contractor to build the same, and have come to the following resolution thereupon, to wit:

Resolved, That said petition be rejected.

Which being severally twice read, the first resolution was concurred in, and the second laid upon the table.

A message from the Senate by Mr. Woods:

Mr. Speaker—The Senate have passed "a resolution for appointing joint committees to examine the several public offices, the Penitentiary, the Bank of the Commonwealth of Kentucky, and the Bank of Kentucky," in which they request the concurrence of this house,

And then he withdrew.

Mr. Cunningham, from the committee of claims to whom was referred, "a bill for the benefit of William Jackson, Asahel Carroll, Samuel Carroll, and George Kelly," reported the same with an amendment, which being read was concurred in, and the bill as amended ordered to be engrossed, and read a third time tomorrow.

And also made the following report, viz.

The committee of claims have, according to order, had under consideration the petition of Thomas M'Jilton to them referred, praying the passage of a law allowing him compensation for services rendered as Brigade Inspector of the 16th brigade Kentucky militia, during the year 1822, and have come to the following resolution thereupon, viz.

Resolved, That the said petition be rejected.

Which being read was laid on the table.

Mr. Underwood from the committee for courts of justice, made the following report, viz.

The committee of courts of justice have, according to the order of the house, had under consideration the petition of the agent of the officers and soldiers of the Virginia state line, asserting their right and praying to be permitted to locate upon the vacant lands of this state, below or south of the Tennessee river, certain warrants granted and issued by the state of Virginia.
for their military services, and beg leave to report as the result of their investigation the following resolution, to wit:

_Be it resolved by the House of Representatives_, That it is just and expedient to provide by law for a judicial examination and decision upon the validity of those claims founded on warrants expressly issued for services performed in the state line of Virginia, and which were issued prior to the first day of May, 1792, and if adjudged valid, that they ought to be satisfied out of such land below the Tennessee river as shall not have been before entered or settled upon.

_Be it further resolved_, That this state is under no obligations and ought not to provide for the satisfaction of any military warrants issued by Virginia either prior or subsequent to the first day of May, 1792, other than those embraced by the preceding resolution.

Which being twice read was laid upon the table.

_Ordained_, That the Public Printer forthwith print one hundred and fifty copies of the foregoing resolutions, 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. Underwood from the committee for courts of justice, as unfinished business of the last session, 1.—A bill to repeal parts of an act, approved January 7th, 1824, entitled, "An act to revive and amend the champerty and maintenance laws, and more effectually to secure the bona fide occupants of land within this Commonwealth;" 2.—A bill to alter the law allowing pay for slaves executed; 3.—An act for the benefit of James Rouse.

By M. Turner—4. A bill to repeal the laws requiring property taken under execution to sell for three-fourths of its value, and for other purposes.

By Mr. Summers—5. A bill to take the sense of the people of this Commonwealth on the expediency and propriety of calling a convention.

By Mr. Spalding—6. A bill for the benefit of Francis Alvey, Agnes Toombs, Francis Shicles and Tirshatha Barnes.

By Mr. Trimble—7. A bill to authorize the county court to appoint a constable in the town of Leesburgh, in Harrison county.

And by Mr. C. Walker—8. A bill for the benefit of Edmund M. Waggener and John Croghan.

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

The yeas and nays being required on reading the fifth bill a second time, by Messrs. Breck and Summers, were as follows:

_Yeas_—Messrs. Allin, Barbee, Campbell, Colglazier, H. Conner, Cunningham, Harrison Daniel, Henry Daniel, Davis, Dor-
Dec. 7.  HOUSE OF REPRESENTATIVES.


And thereupon the rule of the house, constitutional provision and second reading of the 1st, 2d, 3d, 4th, 6th and 7th bills having been dispensed with, the 1st and 2d were re-committed to the committee for courts of justice; the 3d was committed to a select committee of Messrs. Morris, Breckenridge and Tarlton; the 4th to a committee of Messrs. Turner, Booker and Blackburn; the 6th to a select committee of Messrs. Breckenridge, Flournoy, B. Harrison, True and New; and the 7th to a select committee of Messrs. Lackey, Trimble and Turner.

Ordered, That the petition of Silas Craig, laid on the table on yesterday, be referred to a select committee of Messrs. Yantis, Blackburn, Flournoy, Booker, Trimble, Cunningham, Morris, True, Samuel, Wilson (of Shelby, Skiles, Thomas, White (of Green,) Harris (of Simpson,) and Conner of Bath, giving to said committee power to send for persons, papers and records for their information.

The house then took up for consideration "A bill concerning the Court of Appeals," which was again read as follows, viz:

"Whereas, the constitution of Kentucky established a Supreme Court, to be styled the Court of Appeals, the Judges whereof are to hold their offices during good behaviour, and be removed from office by address or impeachment, as prescribed in said constitution: And whereas, the General Assembly by an act, entitled "An act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals," approved December 24th, 1824, commonly called "the re-organizing act," attempted to abolish said Court of Appeals, then consisting of a Chief Justice and two associate Judges, and to vacate the offices of the Judges of said court, and to establish another Court of Appeals, composed of a Chief Justice and three associate Judges: And whereas, the Governor, in virtue of the provisions of said re-organizing act, nominated and by and with the advice and consent of the Senate, appointed certain persons Judges of the Court of
Appeals, pretended to be established by said re-organizing act: And whereas, at the time of the passage of said re-organizing act, and of the appointment of said persons to the offices of Judges, thereby attempted to be created, John Boyle, William Owsley and Benjamin Mills had been duly appointed and commissioned as Judges of the Court of Appeals, and their said offices had not been vacated, by death, resignation or removal therefrom, by address, impeachment or otherwise: And whereas, the people, who are the sovereign and ultimate expounders of the constitution, at the general annual elections in the years 1825 and 1826, for Senators and Representatives in the General Assembly, rightfully declared that the said re-organizing act was unconstitutional, and therefore null and void, so far as said act affected or pretended to abolish the Court of Appeals, establish a new Court of Appeals, or vacate by an act of legislation, the offices so held by said Boyle, Owsley and Mills as Judges of the Court of Appeals, thereby recognizing the said Boyle, Owsley and Mills as the only constitutional Judges of said Court of Appeals: And whereas, some of the provisions of said re-organizing act are deemed constitutional but inexpedient and impolitic—Therefore, Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said act, entitled, "An act to repeal the law organizing the Court of Appeals, and to re-organize a Court of Appeals," approved December 24th, 1824, except the thirty-second section thereof—And also, the act, entitled "An act to regulate the salaries of the Judges of the Court of Appeals, and for other purposes," approved January 5th, 1825, shall be and the same are hereby repealed—And 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 for amending said two acts, or either of them, and for regulating the Court of Appeals, and concerning the Court of Appeals, and for giving or allowing any salary or compensation to the Chief Justice of Kentucky, or any Judge or Justice of the Court of Appeals, and for increasing any salary or compensation to the Chief Justice, or any Judge or Justice of the Court of Appeals, and all other acts or parts of acts, repealed by the aforesaid re-organizing act, shall be, and the same are hereby revived and continued in force."

The first section of said bill was then amended by attaching thereto the following words: "to have in all respects the same effect and operation as if said re-organizing act had not passed. Provided, however, that so much of the several acts and parts of acts hereby revived as provides that there shall be a Chief Justice of Kentucky, shall be excepted out of the operation of this section, and that the senior Judge for the time being, shall take
precedence in said court and perform the duties of President thereof.”

It was then moved and seconded to attach to said bill as a second section, the following, viz:

“§ 2. And whereas, John Boyle has resigned the office of Chief Justice of Kentucky, Be it therefore further enacted, That the Governor of the Commonwealth of Kentucky shall nominate, and by and with the advice and consent of the Senate, appoint an additional Judge of the said court, who, together with the present Judges thereof, to wit, William Owlsley and Benjamin Mills, shall constitute the Judges of the Court of Appeals of Kentucky.”

And the question being taken on agreeing to the said amendment, it was decided in the affirmative. The yeas and nays being required thereon by Messrs. Sanders and Hanson, were as follows:


NAYS—Messrs. Allin, Barbee, Booker, Conner (of Bath,) Daniel (of Jessamine,) Daniel (of Montgomery,) Davis, Dorsey, Forrest, Fulton, Gorin, Griffin, Harrison (of Nelson,) Harrison (of Jefferson,) Haskin, Joyes, Lackey, Marksberry, Maupin, McMullan, Mullen, Nuttall, Patterson, Ray, Roberts, Roundtree, Rucker, Samuel, Sanders, Secrest, Spalding, Stephens (of Campbell,) Summers, Tarlton, Thomas, Trimble, Wade, Wand, Wells (of Morgan,) White (of Franklin,) White (of Green,) Wingate and Young—43.

It was then moved and seconded to amend the first section of said bill by striking out therefrom the words printed in italics, and to insert in lieu thereof the following words: “And every law which was repealed, or changed, or intended to be repealed by said recited acts, is hereby revived, re-enacted and declared to be in full force.”

And the question being taken thereon, it was decided in the affirmative. The yeas and nays being required thereon by Messrs. Stephens and Underwood, were as follows, viz.

YEAS—Mr. Speaker, Messrs. Bainbridge, Blackburn, Breck, Breckenridge, Butler, Campbell, Carson, Cobb, Colglazier, Conner (of Greenup,) Cunningham, Dunlap, Evans, Farmer, Flourney, Ford, Gaines, Hanson, Harris (of Madison,) Hart, Helm,
Hughes, Hutchinson, James, Love, M'Farland, Morris, Nelson, New, Owings, Powell, Reid, Rudd, Sallee, Shepard, Skiles, Stephens (of Breckenridge), Street, Swope, Taylor, Timberlake, True, Turner, Underwood, Waddell, Walker (of Adair), Walker (of Logan), Watkins, Wells (of Muhlenburg), Wilson (of Lincoln), Wilson (of Shelby), Wilson (of Gallit), and Yantis—54.

Nays—Messrs. Allin, Barbee, Booker, Conner (of Bath), Daniel (of Jessamine), Daniel (of Montgomery), Davis, Dorsey, Forrest, Fulton, Corin, Griffin, Harrison (of Nelson), Harrison (of Jefferson), Haskin, Joyes, Lackey, Marksberry, Maupin, M'Millan, Mullens, Nuttall, Patterson, Ray, Roberts, Roundtree, Rucker, Samuel, Sanders, Secrest, Spalding, Stephens (of Campbell), Summers, Tarlton, Thomas, Trimble, Wade, Wand, Wells (of Morgan), White (of Franklin), White (of Green), Wingate and Young—43.

It was then moved by Mr. Underwood and the motion seconded, to substitute the following in lieu of the original preamble, viz.

"Whereas, the Court of Appeals of Kentucky was created by the constitution, and the Judges thereof continue in office during good behaviour, and cannot be removed therefrom by the legislative department of the government, except by impeachment or address, in the manner prescribed by the constitution: And whereas, the General Assembly attempted to abolish the constitutional Court of Appeals, and to erect a Legislative Supreme Court on its ruins, by two acts of Assembly, one entitled, "An act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals," approved December 24th, 1824; and the other entitled "An act to regulate the salaries of the Judges of the Court of Appeals and for other purposes," approved January 6th, 1825: And whereas, the citizen voters of this Commonwealth, at two successive elections, have decided that so much of the above recited acts as purports to abolish and repeal the Court of Appeals, existing at the passage of the said act, approved December 24th, 1824, and to erect and establish a Supreme Court, to be styled the Court of Appeals, in the room and place of the said Court of Appeals so created by the constitution, and to remove from office those persons who had been constitutionally commissioned Judges of the Court of Appeals, previous to said 24th of December, 1824, and who at that time were in office, is unconstitutional and void; and that the persons in office as Judges of the Court of Appeals at the time of the passage of the said first recited act, did, by virtue of the constitution, remain and continue in office and were, and those of said Judges who have not since voluntarily vacated their commissions, still are the sole and exclusive Judges of the Court of Appeals, the said recited acts and the commissions subsequently issued to others as Judges
of the Court of Appeals, to the contrary notwithstanding: in which
decisions of the voters, who of necessity are the ultimate arbiters
to decide constitutional questions, which involve the existence of
the judicial department of the government, this General Assembly
does solemnly concur: And whereas, said acts contain provisions
deemed impolitic though constitutional, but for which a re-
peal of said acts would be unnecessary—Therefore,"

And the question being taken on agreeing to said proposition,
it was decided in the negative.

The yeas and nays being required thereon by Messrs. Fulton
and Underwood, were as follows, viz.

YEAS—Mr. Speaker, Messrs. Blackburn, Butler, Campbell,
Carson, Cobb, Colglasier, Conner (of Greenup,) Cunningham,
Dunlap, Farmer, Flournoy, Ford, Gaines, Harris (of Madison,)
Hart, Helm, Hughes, Hutchinson, James, Love, M'Tarland,
Morris, Nelson, New, Powell, Reid, Sallee, Shepard, Skiles, Ste-
phens (of Breckenridge,) Street, Swope, Taylor, Timberlake,
True, Turner, Underwood, Walker (of Adair,) Walker (of Log-
an,) Watkins, Wells (of Muhlenburg,) Wilson (of Lincoln,) Wil-
son (of Shelby,) Wilson (of Bullitt) and Yanfis—46.

Nays—Messrs. Allin, Bainbridge, Barbee, Booker, Breck,
Breckenridge, Conner (of Bath,) Daniel (of Jessamine,) Daniel
(of Montgomery, Davis, Dorsey, Evans, Forrest, Fulton, Gorin,
Griin, Hanson, Harris (of Simpson,) Harrison (of Nelson,) Har-
rison (of Jefferson,) Haskin, Joyes, Lackey, Marksberry, Maupin,
M'Millan, Mullens, Nuttall, Owings, Patterson, Roberts, Round-
tree, Rucker, Rudd, Samuel, Sanders, Secrest, Spalding, Ste-
phens (of Campbell,) Summers, Tarlton, Thomas, Trimble, Wad-
dell, Wade, Ward, Wells (of Morgan,) White (of Franklin,) White
(of Green,) Wingate and Young—51.

Mr. Booker having moved a further amendment to the preamble,

The house then adjourned.

FRIDAY, DECEMBER 8, 1826.

1. Mr. Breck presented the petition of James Bratton, and
the guardian of his children, praying that a law may pass, au-
thorizing their said guardian to make sale of a tract of land, in
Madison county, containing about fifty acres; and which is held
by Mr. William Kerley, in trust for the use and support of said
children, and their mother; and that the proceeds of said sale,
may be placed in the hands of the said guardian, for the benefit
of his wards.

2. Mr. Tarlton presented the petition of the Justices of the
County Court of Scott county, praying the time for holding said
court may be changed, from the first to the third Monday in each and every month.

3. Mr. Wells presented the petition of Elizabeth Rowland, praying a divorce from her husband, William Rowland.

Which petitions were severally received, read and referred, the first, to the committee for Courts of Justice; the second, to a select committee, composed of Messrs. Tarlton, Breckenridge, and Flournoy, and the third to the committee of religion.

A message from the Senate by Mr. Given.

Mr. Speaker: The Senate have passed a bill which originated in this house entitled "An act, to change the names of Nancy and Elizabeth Murphy," with an amendment, in which they request the concurrence of this house.

And then he withdrew.

Mr. Bainbridge, from the joint committee of enrolments, reported, that said committee had examined an enrolled bill, which originated in this house, entitled "An act, to authorize the Editors of certain newspapers to insert certain advertisements," and found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Bainbridge inform the Senate thereof.

Mr. Turner from the committee, to whom was referred, "A bill to repeal the laws, requiring property taken under execution to sell for three-fourths of its value, and for other purposes," 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 to-morrow.

Mr. Lackey from the committee to whom was referred a bill to authorize the county court to appoint a constable in the town of Leesburgh, in Harrison county, reported the same with an amendment, which being twice read was concurred in.

Ordered, That the said bill be recommitted to a select committee of Messrs. Breck, Lackey, C. Walker, and Bainbridge.

Mr. Breckenridge, from the committee to whom was referred a bill for the benefit of Frances Alvey, Agness Toombs, Francis Shicles, and Tirshatha Barnes, reported the same, with an amendment, which being twice read was concurred in, and the same was recommitted 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. Breck, 1.—A bill further to regulate the Bank of the Commonwealth.

By Mr. D. White, 2.—A bill providing for the erection of the Capitol.

By Mr. McMillan, 3.—A bill giving further time to return plates and certificates of survey to the Register's Office.
By Mr. Carson, 4—A bill to authorize the sale of part of the public square in Mount Vernon, in the county of Rockcastle.

By Mr. Wingate, 5—A bill to authorize a special term of the Owen Circuit Court.

By Mr. Joyes, 6—A bill to change the mode of taking in lists of taxable property.

By Mr. Colglazier, 7—A bill to amend an act, entitled "an act to incorporate the Trustees of the Augusta College."

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 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. Wingate carry the said bill to the Senate and request their concurrence.

Mr. D. White moved the following resolution, to-wit.

Resolved, That the Committee on Courts of Justice, be instructed to enquire into the expediency of amending the several acts regulating the General Court.

Which being twice read was adopted.

Mr. James moved the following resolution, to-wit.

Resolved, That the committee of Ways and Means be instructed to enquire into the expediency and propriety, of reducing the price of the vacant lands, south west of the Tennessee river, for the purpose of increasing the revenue.

Which being twice read was adopted.

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

On the motion of Mr. Lackey, 1—A bill for the benefit of Richard Danison, Surveyor of Pike county.

On the motion of Mr. Gaines, 2—A bill to prohibit Clerks of Courts, from holding the office of Justice of the Peace and for other purposes.

On the motion of Mr. Nuttall, 3—A bill to allow five additional trustees, to the Seminary of New-Castle.

On the motion of Mr. Wilson of Shelby, 4—A bill to compel Sheriffs to give counter security.

On the motion of Mr. Wilson, of Lincoln, 5—A bill for the benefit of William Pearl, a lunatic.

On the motion of Mr. Hart, 6—A bill to authorize the opening of a road from the mouth of Salt river, by the way of Litchfield to Bowling Green.

On the motion of Mr. Trimble, 7—A bill for improving the road leading from Cynthiana to Claysville, in Harrison county, and the road from Claysville to Maysville, in Mason county.
On the motion of Mr. C. Walker, 8—A bill to amend the civil laws of this Commonwealth.

On the motion of Mr. Sanders, 9—A bill to revive the said laws in certain cases.

On the motion of Mr. Rucker, 10—A bill further to regulate the registering of plats, and certificates of surveys, on military land warrants, south west of Tennessee river.

On the motion of Mr. Wingate, 11—A bill to amend the law in relation to the appointment of constables, approved November 21st, 1822.

On the motion of Mr. Breck, 12—A bill to alter and amend the law in relation to administrators and executors.

On the motion of Mr. C. L. Harrison, 13—A bill to restrict the county court of Jefferson, in laying the levy of said county.

On the motion of Mr. Waddle, 14—A bill to regulate the appropriation of fines and forfeitures, in the county of Mason.

And on the motion of Mr. Lackey, 15—A bill for the benefit of the Sheriff of Pike county, for the years 1822 and 1823.

Messrs. Lackey, W. Conner, and Henry Daniel were appointed a committee to prepare and bring in the first; Messrs. Gaines, T. P. Wilson, and Breck, the second; Messrs. Nuttall, Samuel, and Ford, the third; Messrs. T. P. Wilson, Owings, and Skiles, the fourth; Messrs. Wilson, (of Lincoln,) Carson, and Yantis, the fifth; Messrs. Hart, Helm, Underwood, Skiles, Love and D. Stephens, the sixth; Messrs. Trimble, Patterson, Waddell, and Nelson, the seventh; Messrs. C. Walker, Turner, and Rudd, the eighth; Messrs. Sanders, New, and Hanson, the ninth; Messrs. Rucker, Hughes, James, and Campbell, the tenth; Messrs. Wingate, D. White, and L. Stephens, the eleventh; Messrs. Breck, Breckenridge, and Cunningham, the twelfth; Messrs. C. L. Harrison, Joyes, and Dorsey, the thirteenth; Messrs. Waddell, Nelson and Fulton, the fourteenth; and Messrs. Lackey, Wells, of Morgan, and H. Conner, the fifteenth.

On motion,

Ordered, That Mr. Hart, be added to the committee for courts of justice.

The message of the Governor, communicated on Wednesday the 6th instant, was taken up, and read as follows, to-wit.

Gentlemen of the Senate,

And of the House of Representatives,

On the 5th day of February, 1825, I made a requisition upon the Governor of the state of Ohio for the apprehension of John Ashburn, James Macalister, Jonathan Dunham, jr; Stephen Gobble and John Green, who at the preceding term of the Campbell circuit court had been indicted for an offence against the penal laws of this Commonwealth, and who, it was
suggested, had fled into, and were then lurking in the state of Ohio. Edward P. Ball, of Campbell county, was appointed agent on the part of this state, to demand and receive the said fugitives from the authorities of Ohio, and to convey them to this state.

It appears from a communication from the Governor of Ohio, an extract of which is transmitted herewith, that four of the aforesaid fugitives were apprehended in pursuance to the requisition, and kept in confinement for six months, when no person appearing to receive them, they were discharged, as prescribed by the act of Congress of the 12th of February, 1793.

That act provides that all costs and expenses attending the apprehension, securing and transmitting of fugitives, shall be paid by the state making the requisition. The expenses in this case, as appears by the letter of the Governor of Ohio, amount to $209.40. The subject is referred to the General Assembly, that it may, by law, make provision for the discharge of the claims.

December 6, 1826.

JOSEPH DESHA.

EXECUTIVE OFFICE,
Columbus, Feb. 9th, 1826.

Sir—In consequence of your requisition of the 5th of February, 1825, for the arrest of John Ashman, James Macallister, Jonathan Dunham, jun. Stephen Gobble and John Green, fugitives from the justice of the laws of Kentucky, warrants for them respectively were issued, directed to the sheriff of the county of Clermont, and put into the hands of Edward P. Ball, the agent appointed by you to receive the said fugitives. The warrants have been returned "John Green not found;" each of the other four arrested and safely kept for six months, and no demand being made by Edward P. Ball, the agent appointed to receive the said persons, after having been notified of the arrest, they have been respectively discharged from custody.

Bill of costs,

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service of writ</td>
<td>$00.35</td>
</tr>
<tr>
<td>Mileage to Columbus</td>
<td>$5.00</td>
</tr>
<tr>
<td>Two guards for three days</td>
<td>$6.00</td>
</tr>
<tr>
<td>Keeping prisoners 164 days at 25 cts. per day</td>
<td>$46.00</td>
</tr>
</tbody>
</table>

Charge for each, $57.35

Four persons, each $57.35—total $229.40

Charge of mileage to Columbus as return of writ, being $6 each, was disallowed, as in fact no travel was made.

Account, $229.40

Deduct, $20

Balance, $209.40
Paid out of the contingent fund, on the 30th Dec. 1829, to R. Tweed, coroner of Clermont county, $209.40 costs as above.

Signed, JER. MORROW.

His excellency Joseph Desha.

Ordered, That the said message be referred to the committee of claims.

The house resumed the consideration of "a bill concerning the Court of Appeals," and the amendment proposed thereto by Mr. Booker, and after some discussion thereon,

The house adjourned.

SATURDAY, DECEMBER 9, 1826.

Mr. Alexander White, a member returned to serve in this house, from the counties of Clay 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.

A message from the Governor by Mr. Loughborough:

Mr. Speaker—The Governor did on yesterday approve and sign an enrolled bill which originated in this house, entitled an act to authorize the Editors of certain newspapers, to insert certain advertisements; and I am directed by the Governor to lay before this house a message in writing,

And then he withdrew.

Ordered, That Mr. Bainbridge inform the Senate thereof.

The house then resumed the consideration of the bill, concerning the Court of Appeals, and the amendment offered thereto by Mr. Booker, and after further discussion thereon,

The house adjourned.

MONDAY, DECEMBER 11, 1826.

1. Mr. Samuel presented the petition of John Hanks, preferring sundry charges against Moses Olds, a justice of the peace for Henry county, and praying his removal from office.

2. Mr. Ray presented the petition of the citizens and owners of lots in the town of Madisonville, praying that a law may pass legalizing the survey of said town as made on the 22d June, 1822.

3. Also, the petition of Gilbert Clarke, administrator of Samuel H. Earle, praying that a law may pass authorizing him to make sale of four tracts of land, belonging to the estate of said Samuel H. Earle, for the purpose of paying the debts of said decedent, and for carrying into grant a number of head-right claims belonging to the estate of said Earle.

4. Mr. Breckenridge presented the petition of Jonathan Rigg, praying that a law may pass allowing him the balance of his claim
against Andrew M'Calla, for materials furnished for the building of the Lunatic Asylum in Lexington.

5. Mr. C. L. Harrison presented the petition of John Todd, praying that a law may pass permitting him to redeem a tract of land and two lots in Louisville, which have been forfeited to the state for the non-payment of the taxes due thereon, the time of redemption having just expired.

6. Mr. Bainbridge presented the petition of the officers of the third brigade of Kentucky militia, praying a revision of the militia law.

7. Mr. Hanson presented the petition of Hay Battaille, praying that a law may pass authorizing the sale of certain slaves, which were conveyed by the petitioner to John Battaille and Reuben T. Taylor, in trust for the use and benefit of the wife and children of said Hay Battaille, and that the proceeds thereof may be applied to the payment of the debts of said petitioner.

Which petitions were severally received, read and referred; the 1st to a select committee of Messrs. Reid, Joyce, Breckenridge, Gorin, Wells of Lawrence, Conner of Greenup, McFarland and Rudd; the 2d, to a select committee of Messrs. Ray, Davis and Yantis; the 3d, 5th and 7th to the committee for courts of justice; the 4th to the committee of claims; and the 6th to a select committee of Messrs. Breckenridge, New, Fulton, Flournoy and Dunlap.

Mr. Helm, 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 the citizens of Washington county, praying for the erection of a new county out of the southern part thereof, and have come to the following resolution thereupon, to wit:

Resolved, That said petition is reasonable.

It was moved and seconded to amend said 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 negative.

The yeas and nays being required thereon by Messrs. Forrest and Bainbridge, were as follows, to wit:


**NAYS—** Messrs. Allin, Barbee, Booker, Butler, Campbell, Carson, Cogglazier, Conner of Bath, Conner of Greenup, Cunningham, Daniel of Montgomery, Davis, Dorsey, Evans, Farmer,

And so the said amendment was rejected.

The resolution was then concurred in.

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

On motion, Ordered, That the committee of privileges and elections be discharged from the further consideration of the petition from the citizens of Todd county, praying for the establishment of an election precinct therein, and from the petitions counter thereto; and that the same be referred to the committee of propositions and grievances.

A message from the Senate by Mr. Green:

Mr. Speaker—The Senate have passed a bill entitled an act for the benefit of the Judge of the 13th judicial district, in which bill they request the concurrence of this house.

And then he withdrew.

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

The committee of religion, according to order have had under consideration sundry petitions, to them referred, and do make the following report, to-wit.

That the petition of John Cochran, praying a divorce from his wife Kitty Cochran, be rejected.

That the petition of Polly George, praying a divorce from her husband William George, be rejected.

That the petition of William Whitworth, praying a divorce from his wife Patsey Whitworth, be rejected.

That the petition of William F. Haslett, praying a divorce from his wife Ann Haslett, be rejected.

Which being twice read was concurred in.

Mr. Yantis, from the select committee appointed to investigate certain charges against Thomas L. Butler, the member from Gallatin county, made the following report:

The select committee, to whom was referred the petition of Silas Craig, preferring sundry charges against Thomas L. Butler, an acting member of this house, and praying his removal from office, have had the same under consideration, and beg leave to report, that after a full investigation of the charges and proof,
though they believe there has been some errors and inaccuracies committed by the said Butler, in the discharge of his official duty, whilst acting as Sheriff of Gallatin county; yet they are clearly of opinion, there is nothing to warrant the charge or imputation of either fraud or corruption—Therefore,

Resolved, That the said petition be rejected,

JOHN YANTIS, C. C.

Which being twice read, was unanimously concurred in.

Mr. Helm, from the committee of propositions and grievances, reported a bill to authorize the citizens of the county of Oldham to select by vote a permanent seat of justice; 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. Nuttall, Joyes, Wilson of Shelby, B. Harrison, C. L. Harrison and Dorsey.

The Speaker laid before the house, a letter from the President of the Bank of the Commonwealth, enclosing his report, and that of the Cashier of said bank, exhibiting the situation of the affairs of said bank and branches; which are in the following words:

BANK OF THE COMMONWEALTH OF KENTUCKY,
FRANKFORT, DECEMBER 9th, 1826.

Sir—I have the honor to transmit herewith, a Report of the situation of this Bank, which please lay before the house over which you preside.

Very respectfully, your obedient servant,
O. G. WAGGENER, President.

HON. GEORGE ROBERTSON, Speaker, House of Representatives.
FRANKFORT, DECEMBER 9th, 1826.

To the members of the Senate,
and of the House of Representatives,

Since the last session of the General Assembly, John J. Marshall, Esq. who was then elected president of the Bank of the Commonwealth of Kentucky, has resigned: The Board of Directors have appointed me as his successor.

I have the honor, herewith to transmit to the General Assembly, a Report of the Cashier of the said Bank, exhibiting a condensed view of the situation of the institution on the 1st of October, 1826. Also, lists of the debtors, so far as they have been forwarded by the branches, with remarks as to the good, bad, and doubtful debts.

In the administration of the affairs of this institution, the Directory conceive they have little more to do, than to conform to the laws and rules prescribed to them, by the Legislature. They are, nevertheless, sensible that there is still a trust confided to
them of a nature sufficiently extensive and important, to require their utmost watchfulness and vigilance, by which alone, can the concerns of the Bank be conducted to that successful result, which its friends have anxiously anticipated, and the welfare of the country demands.

Among the most important objects appertaining to their duties the Directory have regarded that which relates to the security of debts, as requiring most attention. How far they have been successful in this particular, your honorable body will have an opportunity of judging from the lists of debtors, which accompany this report. Other lists which are not yet received, will, it is expected in due time be laid before you.

In order to be informed, as fully as practicable, of the concerns and situation of the whole institution, I undertook, at the request of the Board, during the summer and autumn, to visit the branches in person.—I endeavoured, in performing this duty, particularly to ascertain the extent of the losses, and doubtful debts, which were then supposed to exist, according to the knowledge of the officers of the branches. From the information then obtained, and from such as has since been furnished by the branches, the whole extent of the debts deemed desperate, or bad, are estimated at $11,800, and such as are doubtful, at $15,900. This account, however, must be taken with some allowance for the want of that minute and accurate information, which the officers, and even the Directors themselves, in every instance, are not supposed to possess, in relation to every individual, who may be debtor to the Bank. It is, however, sufficiently accurate for the general purpose of furnishing an idea of the extent of the losses which the institution may reasonably calculate on sustaining, during its progress towards its close: Although, in the constant changes in the fortunes and circumstances of men, occasional losses to the Bank are to be expected; yet, from the large proportion of the debt already collected thereby, so much lessening the amount due in each individual case, it cannot be reasonably apprehended that losses will occur in a greater proportion than is already ascertained to have taken place. The regular curtailment of the debts of individuals, adopted by the Bank at the commencement of its operations, and since enjoined by law, has been uniformly persevered in. On the part of the debtors, however, that promptness and punctuality, with which they heretofore met this requisition, seems for a few months past, to have very sensibly declined. The amount of debts sued on, as reported to the last session, was $281,399 94. It is now reported at $333,238 05. To this, may be added, a large amount of notes due, only a short time before the 1st of October, which not being sued on are not embraced in the Report, and will constitute, together with the
notes in suit an aggregate of delinquent debtors, in amount exceeding one-fourth of the whole amount of debt due from individuals to the Bank.

Whether this increase of delinquency has been occasioned by the gradual withdrawal of the notes of this Bank from circulation, or whether it is owing to the depression lately experienced in the prices of labor, and the products of our soil, in foreign markets, is a question which perhaps, if necessary to be decided, belongs more properly to your honorable body. If the Directory, however, be allowed to offer any remarks upon it, they would not hesitate to attribute to the latter cause, the existence of those difficulties. Taking it for granted that specie has again resumed its office as a medium of exchange, and that the dealing and commerce of the country, is now generally regulated by that standard; the notes of this Bank, therefore, must have become an article of sale and purchase in the market, and as long as they continue to be of the same value, the facility or difficulty with which they are acquired, will be regulated entirely by the facility, or difficulty with which specie is obtained through the medium of commerce, and intercourse with foreign markets. The paper of this Bank, during the last winter and spring, rose in value to seventy-five cents in the dollar, and continued to pass at that rate until eight or ten weeks past. During this time the depression in foreign markets, in the prices of produce had not begun very sensibly to be felt. The disappointment in disposing of the crops then on hand, for the usual prices, had not been entirely realized, and the debtors to the Bank continued with their usual punctuality, to meet their calls and discounts.—As soon, however, as these effects began to be felt in the community, they were felt by the Bank in the increasing delinquency of its debtors. The paper about this time, from a momentary cause, depreciated as low as sixty-two and sixty-six cents in the dollar; yet the debtors found themselves unable to obtain it, even at this rate, with the same facility they had previously done, when it was at seventy-five cents in the dollar. The scarcity of the paper could not have produced these effects, because the fact of its diminished value proves that there was more of it in the market than could be readily disposed of for specie, otherwise, it would never have depreciated. Had the usual prices of labor and the products of the soil continued, the debtor would have found less difficulty in meeting the demands of the Bank in this latter period, when the paper had been in a considerable degree lessened by the usual course of curtailment, than in the former, when the general amount in circulation was greater; because, the same amount in specie would have purchased a greater quantity of paper in the latter, than in the former. These remarks are designed to shew that it is the value and
not the quantity of the paper, which operates upon the ability of
the debtor to meet the demands of the Bank; but that the quan-
tity of the paper in circulation, in a general way, does not ma-
terially operate upon and regulate its value, the Directory do not
mean to contend.

The notes in circulation on the 1st day of October, amounted
to $1,111,531 12, having been reduced since the report made
at the last session §324,708 51; of this sum there was paid into
the Bank, as stock, by the Treasurer for money received on the
sales of land west of the Tennessee River, and other vacant
lands, $29,180, and as a part of the states portion of the stock in
the Bank of Kentucky, $59,670. The residue is the amount paid
in as calls on the debts due the Bank.

The means set apart to redeem these notes consist of the debts
due from individuals, amounting to 1,627,008 68. Real estate
of the value of $32,397 87, and stock in the Bank of Ken­
tucky, nominally worth $358,020, but is only worth, at this time,
in the market, $238,680; amounting in all, to the sum of
$1,993,086 58; affording an excess over and above the amount
of notes to be redeemed of $786,555 43. The amount of notes
under discount has been reduced since the last report, §293,531
67, making a reduction of something like twelve per cent. for
the present year, on the amount under discount at the time of
the passage of the law, requiring a curtailment at that rate.

The net profits of the Bank for the present year, amount to
$48,641 26, which sum has in obedience to the law of the last
session, been carried to the credit of the Treasurer, and which,
together with other payments made by that department since the
commencement of the present session, left a balance in its fa­
vor on this day, of $5,550 77. The profits have considerably
diminished when compared with the report made at the last ses­
sion, being now less by $23,713 05. This diminution besides
being the natural consequence of the curtailment of the debt up­
on which discounts are received, is accounted for in the unusual
amount of notes lying over at the date of the Report, and upon
a great portion of which, for some time back, no interest has
been received. The expenses of the present year, amount to
§28,081 09 being $7,656 28 less than the expenses of the last
year.

In relation to the law of the last session, depriving the bran­
ches of their Clerks, there are two considerations of an opposite
character, having weight with this Board, which they are desi­
rour of stating to your honorable body. If they deserve your
consideration you will determine which shall preponderate. The
one is its operation in lessening the expenses, and the other its
effects in weakening the security of the institution. To provide
for the first by removing every unnecessary cause of expendi-
tute, surely demands the superintending care of the Legislature; but to guard against the latter by affording the means of a direct and sure accountability of its immediate officers, and agents, requires still more imperiously their care and attention.

It will occur to every man, having the least experience in the accounts and books of a Bank, or in any other department which is the depository of money, that the accounts should be kept by a person other than the one who is to be the accountable individual. By what other means is the correctness of the account to be tested, or the extent of the responsibility of the accounting officer to be ascertained? Is it any evidence, because an individual, who is in the daily receipt of money, and keeping his own accounts, reports that at a particular time he had received a particular sum, that, therefore, he had not received a greater sum. There are sundry items constituting a Bank Report, any of which may be augmented, or diminished at pleasure, so as to produce a true balance, and thus to cover any defalcation which may exist. It would be impossible, in such a case, without a minute examination of the books and accounts, comparing one with another, and scarcely then, in every instance, that a fraud of this kind could be detected. Checks of some kind have always been considered necessary in the administration of fiscal concerns and to dispense with them altogether in relation to our branches, seems to be confiding too much to the integrity of men and regarding too little the frailty of human nature. The men who are in the exercise of these responsible stations at the branches, as much as any other, deserve the confidence which this law has reposed. The most remote suspicion in their integrity, has had nothing to do in causing these remarks. They have been made, because they were thought due to the nature of the subject. The business of the branches, as they are at present organized, does not afford constant employment for two officers at each. To obviate this objection two or more of the branches may with but little increased inconvenience to the debtors be thrown together, and thereby the restoration of the Clerks will be at a less expense than at present is incurred, in keeping up the whole number of branches without them.

Pursuant to a resolution of the last Legislature the Board of Directors, in the month of February last, did cancel and burn notes of this Bank, to the amount of $300,010 25; making the whole amount destroyed in this way, $873,065 50.

There are now in the vaults of the Bank, notes amounting to something short of one million of dollars, collected by calls and paid in as stock, which can be of no value to the institution, unless a re-issue should again be contemplated. There is some little hazard, at all times, in keeping this amount of notes on hand.
Would it not be prudent to direct the destruction of them in the manner heretofore adopted?

At the Bowling Green branch, while on my tour around to the Branches, I found the books, accounts, and papers, in the utmost state of confusion. The Cashier, Mr. Morehead, had been previously confined for a considerable time in a state of ill health, and has since died. To this circumstance, and likewise, to the complicated character of Bank Accounts, which deprived Mr. Morehead the opportunity of employing a person who understood them, may be attributed the disordered condition in which the books were found. On my return home the Board thought it expedient that Mr. Pendleton, our Clerk, should attend there and assist in digesting the accounts, and if practicable, restore them to order. Mr. Pendleton attended, and after devoting several weeks to the business, assisted by the Cashier, who had been appointed to succeed Mr. Morehead, they were not able to arrive at the true state of the accounts, so as to produce a balance. In the course of the investigation it was discovered, that many entries had been omitted, which should have stood as credits on the Books, in favor of the Cashier, amounting to upwards of twenty thousand dollars; after correcting these, there still remained a balance of $5000. The present Cashier is still engaged in investigating the subject, believing that there is yet an error or omission, which may have caused this balance. The representatives of Mr. Morehead, have pledged themselves, not to give the Bank any trouble on the subject, but will pay up the amount, as soon as it is ascertained that it cannot be traced to any error on the Books.

Suits have been instituted in the Federal Court against this bank, upon its notes, for about fourteen thousand dollars. It is a subject worthy of the deliberations of your honorable body what should be the course pursued by the Bank, to avoid the serious consequences which judgments and executions against it, in its present condition, would occasion.

O. G. WAGGENER, President.

The house resumed the consideration of “a bill concerning the Court of Appeals” and the amendment offered thereto by Mr. Booker; the said amendment was then read as follows, viz.—add to the preamble

And whereas, it becomes necessary to distinguish such portions of the said act as are constitutional, from those held to be unconstitutional, in consequence of the uncertainty in which the rights and interests of individuals will otherwise remain involved—

1st. This General Assembly do declare it as their opinion, that any General Assembly of Kentucky has the constitutional power to repeal any or all laws, passed by previous General Assemblies, relative to the Court of Appeals or the salaries of the
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**Cr.**

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- 363,238 05
- 32,397 87
- 233,305 92
- 12,617 17
- 18,326 35
- 240 00
- 1,669 25

States and Specie, 12,182 35
U. S. Note, 1,100,219 89
U. S. Note, 1,114,311 49

3,520,690 44

EDMUND H. TAYLOR, Cashier.
A STATEMENT
Of the Situation of the Bank of the Commonwealth of Kentucky, on the 1st day of October, 1826.

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RECAPITULATION.

Dr. By Notes Withdrawn, (Boxed up and Sealed, 423,215.63)

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<td>Legislative Depositors, Boxed up and Sealed.</td>
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<tr>
<th>Notes Withdrawn, (Boxed up and Sealed, 423,215.63)</th>
<th>423,215.63</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes in Suit.</td>
<td>140,917.44</td>
</tr>
<tr>
<td>Real Estate.</td>
<td>29,011.24</td>
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<tr>
<td>Amount due from other Banks.</td>
<td>155,328.85</td>
</tr>
<tr>
<td>General Expenses, (Since 1st July last)</td>
<td>44,297.26</td>
</tr>
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<td>Amount due from Treasurer.</td>
<td>279,476.26</td>
</tr>
<tr>
<td>Cash, viz.—Eastern Notes.</td>
<td>3,520,680.14</td>
</tr>
<tr>
<td>Notes on Bank of Kentucky</td>
<td>1,669.25</td>
</tr>
<tr>
<td>Notes on Bank of the United States and Specie</td>
<td>12,192.53</td>
</tr>
<tr>
<td>Notes on Bank of Commonwealth and Branches</td>
<td>1,114,311.49</td>
</tr>
<tr>
<td>A. Morehead, late Cashier</td>
<td>5,000</td>
</tr>
</tbody>
</table>

EDMUND H. TAYLOR, Cashier.
judges, as contained in the 1st section of said act: Provided, that the acts passed by them repealing former acts do not violate any principle of the constitution.

2d. That the General Assembly has the constitutional power to establish the Court of Appeals, as exhibited in the acts of 1792, 1796 and of 1824: Provided, that the constitution has established no Court of Appeals and none then existed.

3d. That the General Assembly has the constitutional power to direct the Governor to nominate a chief justice, a second, third and fourth justice of the Court of Appeals, as provided in the third section of said act: Provided, that the act so directing him do not violate the constitution: And provided also, there are not then in commission a chief justice, and a second, third and fourth judge.

4th. That the General Assembly have the constitutional power to declare the duties of the chief justice of the Court of Appeals, and of each and all the associate justices, as exhibited in the 4th section of said act: Provided, that the chief justice and associate justices who are to discharge such duties, are then constitutionally in office.

5th. That the General Assembly have the constitutional power to prescribe the oath which shall be taken by the judges of the Court of Appeals, as provided in the 5th section of said act: Provided, such be in accordance with the constitution.

6th. That the General Assembly have the constitutional power to declare, in what manner the clerk of the Court of Appeals shall be appointed and prescribe his duties, as exhibited in the 6th and 8th sections of said act: Provided, such duties be performed by a clerk constitutionally appointed.

7th. That the General Assembly have the constitutional power to direct that one of the judges of the Court of Appeals shall inspect the papers of the clerk’s office, as contained in the 7th section of said act: Provided, he be a judge constitutionally in office.

8th. That the General Assembly have the constitutional power to give authority to the Court of Appeals to administer oaths, punish contempts, to establish rules of proceeding, to direct forms of process and to issue writs, as exhibited in the 9th section of said act: Provided, the said court be a constitutional Court of Appeals.

9th. That the General Assembly have the constitutional power to direct how executions shall issue from the Court of Appeals, as exercised in the 10th section of said act: Provided, the court of Appeals from which they are to issue, be the constitutional Court of Appeals.

10th. That the General Assembly have the constitutional power to regulate the mode in which commissions to take depositions shall issue from the Court of Appeals, as directed in the
11th section of said act: Provided, they are to issue from a constitutional Court of Appeals.

11th. That the General Assembly have the constitutional power to direct whether suitors may appear personally or by counsel, in the Court of Appeals, as provided in the 12th section of said act: Provided, it be a constitutional court.

12th. That the General Assembly have the constitutional power to declare when the Court of Appeals shall be held as exhibited in the 13th section of said act: Provided, it be the constitutional court.

13th. That the General Assembly have the constitutional power to prescribe the number of judges of the Court of Appeals which shall be necessary to form a court, and the number which must concur in making a decision, whether on statute or constitutional law, as provided in the 14th section of said act: Provided, it be the constitutional court.

14th. That the General Assembly have the constitutional power to declare, regulate and limit the jurisdiction of the Court of Appeals, as exercised in the 15th and 16th sections of said act: Provided, the court be the constitutional court, and the limitations be in strict accordance with the jurisdiction of said court as established by the constitution.

15th. That the General Assembly have the constitutional power to define writs of error and appeals, to regulate the security to be taken in appeals and writs of error, to regulate the granting of supercedes, to provide in what time and manner records shall be filed, to declare that writs of error and appeals shall be granted on demand, to limit the times of bringing writs of error, to provide that appeals and writs of error may be amended, and to prescribe rules in appeals and writs of error, as exercised in the 17th, 18th, 19th, 20th, 21st, 22d, 23d and 24th sections of said act: Provided, that the court in which such writs and matters are to be sued out and prosecuted, and to which they relate, be the constitutional Court of Appeals.

16th. That the General Assembly have the constitutional power to declare the extent of the jurisdiction of the Court of Appeals, as contained in the 25th section of said act: Provided, said court be a constitutional court, and the laws in relation to its jurisdiction, be strictly in accordance with the constitution.

17th. That the General Assembly have the constitutional power to authorize deeds, powers of attorney and other writings to be recorded in the clerk's office of the Court of Appeals, as exercised in the 26th section of said act: Provided, it be in the office of the clerk of the constitutional Court of Appeals.

18th. That the General Assembly have the constitutional power to direct that suits, orders, process and proceedings shall be transferred, as exhibited in the 27th section of said act: Provided,
they be prosecuted and issued out of the constitutional Court of Appeals.

19th. That the General Assembly have the constitutional power to revive all acts or parts of acts which have been previously repealed, as exercised in the 28th section of said act: Provided, the acts and parts of acts so revived be constitutional.

20th. That the General Assembly have the constitutional power to declare how vacancies in the Court of Appeals shall be filled, as exercised in the 29th section of said act: Provided, such vacancies be constitutionally created, in a constitutional court.

21st. That the General Assembly have the constitutional power to declare that the judges of the Court of Appeals shall be conservators of the peace, as in the 30th section of said act: Provided, said judges be constitutionally in commission.

22d. That the General Assembly have power to direct in whose custody the papers, records and documents of the Court of Appeals shall be placed, as done in the 31st section of said act: Provided, they remain under the authority of the judges constitutionally in office, subject to their control.

23d. That the General Assembly have the constitutional power to repeal and re-enact pre-existing laws, as exhibited in the 32d section of said act: Provided, the constitution is not violated thereby.

24th. That the General Assembly have the constitutional power to authorize the Court of Appeals to appoint a tipstaff and crier, and fix on their compensation, as done in the 33d section of said act: Provided, it be the constitutional court.

25th. That the General Assembly have the constitutional power to regulate the duties of the Clerks of inferior Courts in relation to the Court of Appeals, as exercised in the 34th section of said act, provided it be the constitutional court.

26th. That the General Assembly have the constitutional power to repeal conflicting acts of assembly, and declare when the act under consideration shall take effect, as exhibited in the 35th and 36th sections of said act, Provided, the constitution is not violated thereby.

It was then moved and seconded to postpone the further consideration of said amendment indefinitely.

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

The yeas and nays being required thereon, by Messrs. Booker and Wade, were as follows:

YEAS—Mr. Speaker, Messrs. Bainbridge, Blackburn, Breck, Breckenridge, Butler, Campbell, Carson, Cobb, Colglazier, Conner, (of Greenup) Cunningham, Dunlap, Evans, Farmer, Ford, Gaines, Hanson, Harris, (of Madison) Harris, (of Simpson,) Hart, Helm, Hughs, Hutchinson, James, Love, McFarland, Morris,

NAYS—Messrs. Allin, Barbee, Booker, Conner, of Bath, Daniel, (of Montgomery,) Davis, Dorsey, Forrest, Fulton, Gorin, Griffin, Harrison (of Nelson,) Harrison (of Jefferson,) Haskin, Joyes, Lackey, Marksberry, McMillan, Mullens, Nuttall, Patterson, Roberts, Roundtree, Rucker, Samuel, Sanders, Secrest, Spalding, Stephens (of Campbell,) Summers, Tarlton, Thomas, Wade, Wand, Wells (of Morgan,) White (of Franklin,) White (of Green,) Wingate and Young—39.

Mr. Wingate then moved to amend said bill by attaching thereto, the following proviso.

Provided, however, that nothing in this act, shall be so construed as to authorize John Boyle, William Owsley, and Benjamin Mills, or either of them to draw from the public Treasury, any compensation or salary for their services as judges, from the 24th of December, 1824, until after the passage of this act.

The said motion having been seconded, and the question being taken thereon, it was decided in the negative.

The yeas and nays having been taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wingate and Summers, were as follows, viz.


An amendment having been moved by Mr. Harrison of Nelson, in lieu of the bill as amended, and the same having been read, The house then adjourned.
1. Mr. Maupin presented the petition of sundry citizens of Barren county, praying that a law may pass to declare Little Barren river a navigable stream, from the mouth thereof up to Abner Hamilton's mill.

2. Mr. Lackey presented the petition of sundry citizens of Pike county, praying the removal from office, by address, of Richard Damron, the surveyor of Pike county. And the Speaker laid before the house sundry depositions and notices, deposited with the clerk of this house, taken to be used on the trial of the said Damron.

3. Mr. Booker presented the petition of the trustees of the Washington Academy, praying that a law may pass authorizing them to make sale of the lands belonging to the said academy.

4. Mr. Shepard presented the petition of sundry citizens of Lewis county, praying that a law may pass authorizing persons at whose houses elections are held, in the precincts in this state, and who are not licensed tavern keepers, to retailspirituous liquors and furnish diet to individuals during the election, at the same rates as those established by the several county courts.

5. Mr. Carson presented the petition of Matilda Waters, praying a divorce from her husband, Thomas Waters.

6. Mr. Rudd presented the petition of James W. Denny and P. S. Loughborough, praying that a law may pass authorizing the Secretary of State to purchase 250 or 300 copies of a digest of the decisions of the Court of Appeals of Kentucky, which the petitioners propose publishing.

7. Mr. Daniel, of Jessamine, presented the petition of Samuel Wilson, guardian for his infant children, praying that a law may pass authorizing the sale of three hundred and fifty acres of land in Jessamine county, the property of said heirs, and to dispose of the proceeds of said sale for the benefit of said heirs.

8. And Mr. Joyes presented the petition of the Louisville Insurance Company and sundry citizens of Louisville, praying that certain regulations may be enacted with regard to insurance companies incorporated by other states, having agencies to effect insurance on steam boats, &c. within this state.

Which petitions were severally received, read and referred: the 1st to a select committee of Messrs. Maupin, Gorin, Rucker and Underwood; the 2d to a select committee of Messrs. Breck, Wingate, McMillan, Wand, Wilson of Bullitt, Swope and Waddell; the 3d to a select committee of Messrs. Booker, Bainbridge and Rudd; the 4th to the committee of propositions and grievances; the 5th to the committee of religion; the 6th and 8th to the committee for courts of justice; and the 7th to a select commit-
On motion, 

Ordered, That leave be given to withdraw the papers filed in the prosecution against Thomas L. Butler, the member from Callatin county.

Mr. Blackburn, 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, That the petition of a part of the citizens of Todd county, praying for the establishment of an election precinct at Trenton, in said county, be rejected.

Resolved, That the petition of John Rodes, praying for the establishment of a mill on Green river under certain restrictions, is reasonable.

Resolved, That the petition of the citizens of Prestonsburgh, praying that a part of Preston's enlargement may be incorporated with and made part of the town of Louisville, is reasonable.

Which being twice read, (the second resolution having been amended, by striking out the words is reasonable, and inserting in lieu thereof the words be rejected,) was concurred in.

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

Mr. Underwood, from the committee for courts of justice, made the following report:

The committee on courts of justice have, according to order, had under consideration the petition of John Todd, and have come to the following resolution thereon, to wit:

Resolved, That the said petition is reasonable.

Which, being twice read, was re-committed to a select committee of Messrs. Rudd, Joyes, Breck and Morris.

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

By Mr. Blackburn, from the committee of propositions and grievances, 1—A bill to establish a new county out of the county of Washington.

By Mr. Underwood, from the committee for courts of justice, 2—A bill further to regulate the General Court.

3—A bill for the benefit of Emily Bratton, and others.

4—A bill for the benefit of the heirs of James Grubbs, deceased.

5—A bill to authorize the erection of a bridge, across the falls of Ohio.

6—A bill to amend the penal laws of this Commonwealth.
By Mr. Tarlton, 7—A bill to allow three additional terms to the county court of Scott county, and to change the time of holding the same.

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 third, fourth, fifth and seventh bills having been dispensed with, the third fourth and seventh bills were severally ordered to be engrossed and read a third time; and the fifth was re-committed to a select committee of Messrs. Joyes, C. L. Harrison and Dorsey.

And thereupon, the rule of the house, constitutional provision and third reading of the third, fourth, and seventh 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. Tarlton carry the said bills to the Senate, and request their concurrence.

Mr. Underwood, from the committee for courts of justice, to whom was referred, a bill for the benefit of Francis Alvey, Agness Toombs, Frances Shicles, and Tirshada Barnes; reported the same with an amendment, in lieu of the original bill, which being twice read, was concurred in.

Ordered, That the said bill as amended, be recommitted to a select committee of Messrs. Rudd, Underwood, True, L. Stephens, Campbell and Lackey.

Mr. Underwood from the same committee, to whom was referred a bill to alter the law, allowing pay for slaves executed, reported the same with an amendment.

Ordered, That the said bill, with the amendment, be committed to a committee of the whole house.

The house resumed the consideration of a bill, concerning the Court of Appeals, and the amendment offered thereto by Mr. Harrison, on yesterday; and after some further discussion thereon,

The house adjourned.

WEDNESDAY, DECEMBER 13, 1826.

Mr. Hanson presented the petition of Silas W. Robbins, praying, that the necessary costs and expenses incurred by him, in his defence, to a prosecution instituted at the session of 1824, for his removal from office, as a Circuit Judge of this Commonwealth, may be refunded to him.

Mr. Hughes presented the petition of sundry citizens of Livingston county, praying that a law pass, to authorize the estab-
lishment of an Hospital, in the town of Smithland, at the mouth of the Cumberland river.

Mr. Samuel presented the petition of James M. Bartlett, praying a divorce from his wife, Mariam, late Mariam Duvall.

Which petitions were severally received, read, and referred; the first, to the committee of claims; the second, to the committee of propositions and grievances; and, the third, to the committee of religion.

On motion,

Ordered, That the committee to whom was referred the report of the committee for courts of justice, on the petition of John Todd, be discharged from the further consideration thereof, and that said report be laid on the table.

On motion,

Ordered, That the committee, to whom was referred, so much of the Governor's message as relates to the Transylvania University, be discharged from a further consideration of said duty.

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

Resolved, by the General Assembly of the Commonwealth of Kentucky, That a joint committee of two from the Senate, and four from the House of Representatives, be appointed to examine the situation of Transylvania University, and the Lunatic Asylum, at Lexington.

And, Thereupon, the rule of the house having been dispensed with, the said resolution was taken up, twice read and adopted.

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

A resolution from the Senate, for appointing joint committees, to examine the several public offices: The Penitentiary, the Bank of the Commonwealth of Kentucky, and the Bank of Kentucky, was taken up, twice read and concurred in, in the following words:

In Senate, December 6th, 1826.

Resolved, by the Senate and House of Representatives, That a committee of three from the Senate, and six from the House of Representatives, be appointed to examine and report the condition of the Treasurer's office; three from the Senate and six from the House of Representatives, to examine and report the condition of the Auditor's office; three from the Senate and six from the House of Representatives, to examine and report the condition of the Register's office; four from the Senate and eight from the House of Representatives, to examine and report the condition of the Penitentiary; four from the Senate and eight from the House of Representatives, to examine and report the condition of the Bank of the Commonwealth of Kentucky; and four from the Senate and eight from the House of Representatives, to examine and report the condition of the Bank of
Kentucky; whose duty it shall be, to count all the specie and paper in the vaults of said bank, distinguishing particularly, the kind, and amount of each kind of paper; and the said committees shall have power to send for persons, papers and records, for their information; and that said committees be instructed to discharge their duties speedily, with a view to an early adjournment of the Legislature.

Extract, &c.

ATTEST,
J. STONESTREET, C. S.

Whereupon, Messrs. Walker, (of Adair,) Evans, Allin, Hart, Maupin, and Carson, were appointed a committee, on the part of this house to examine the Treasurer’s office; Messrs. Flournoy, True, Timberlake, Tarlton, Summers, and Marksberry, to examine the Auditor’s office; Messrs. Griffin, Love, Walker, (of Logan,) Wells, (of Muhlenburg) Wingate and Farmer, to examine the Register’s office; Messrs. Breckenridge, Campbell, Daniel, (of Montgomery,) Dunlap, Gorin, Hughes, Watkins, and Wade, to examine the Penitentiary; Messrs. Booker, Taylor, Lackey, Gaines, Nelson, Haskin, D. White, and D. Stephens, to examine the Bank of the Commonwealth; and Messrs. Morris, Yantis, Bainbridge, L. Stephens, White, (of Clay,) Forrest, Spalding, and Harris, (of Madison,) to examine and report the condition of the Bank of Kentucky.

Ordered, That Mr. Yantis inform the Senate thereof.

Mr. Roberts moved that the house take up for consideration, A bill for taking the sense of the people of this Commonwealth, as to the expediency and propriety of calling a Convention; and the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Roberts and Fulton, were as follows, viz.


NAYS—Mr. Speaker, Messrs. Bainbridge, Blackburn, Brock, Breckenridge, Butler, Campbell, Carson, Cobb, Conner, of Greenup, Cunningham, Dunlap, Evans, Flournoy, Ford, Hanson, Harris, of Madison, Hart, Helm, Hutchinson, James, Love, M’Farland, Morris, New, Owings, Powell, Reid, Rudd, Sallee, Samuel, Sanders, Stephens, of Breckenridge, Street, Swope, Tarlton, Taylor, Timberlake, True, Turner, Walker, of Adair, Wadkins, Wells, of Muhlenburg, White, of Clay, White, of Franklin, Wilson, of Lincoln, Wilson, of Bullitt, Wingate and Yantis—49.

A message from the Senate, by Mr. Allan, (of Clark.)
Mr. Speaker: The Senate have passed a bill, entitled an act, to remove the unconstitutional obstructions, which have been thrown in the way of the Court of Appeals, in which bill they request the concurrence of this house: And they disagree to a resolution from this house, for appointing a joint committee to examine the Transylvania University, and the Lunatic Asylum, at Lexington.

And then he withdrew.

The house resumed the consideration of a bill concerning the "Court of Appeals," and the amendment offered by Mr. Harrison, in lieu thereof: The said amendment was again read, as follows, viz.

Whereas, the act entitled, "An act to repeal the law organizing the Court of Appeals, and to re-organize a Court of Appeals," approved 24th December, 1824, has produced great dissatisfaction among the good people of this Commonwealth—Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled, "An act to repeal the law organizing the Court of Appeals, and to re-organize a Court of Appeals," approved the 24th December, 1824, except the 32d section thereof; and also, the act entitled, "An act to regulate the salaries of the judges of the Court of Appeals, and for other purposes," approved 6th January, 1825, shall be and the same are hereby repealed; and every law which was repealed, or changed, or intended to be repealed by said recited acts, is hereby revived, except so much of any act or parts of acts so revived as allowed any salary or compensation to the Chief Justice or any Judge of the Court of Appeals.

§ 2. Be it further enacted, That the judges of the Court of Appeals shall, in future, receive for their services an annual salary of dollars, each payable quarter yearly at the treasury of this commonwealth, out of such currency as is or shall be by law receivable in payment of the revenue.

And the question being taken, on adopting the same, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Gorin and Summers, were as follows, viz.


NAYS—Mr. Speaker, Messrs. Bainbridge, Blackburn, Breck,
Breckenridge, Butler, Campbell, Carson, Cobb, Colglazier, Conner (of Greenup), Cunningham, Dunlap, Evans, Farmer, Flourney, Ford, Gaines, Hanson, Harris (of Madison), Harris (of Simpson), Hart, Helm, Hughes, Hutchinson, James, Love, M'Farland, Morris, Nelson, New, Owings, Powell, Reid, Rudd, Sallee, Shepard, Skiles, Stephens (of Breckenridge), Street, Swope, Taylor, Timberlake, True, Turner, Underwood, Waddell, Walker (of Adair), Walker (of Logan), Watkins, Wells (of Muhlenburgh), White (of Clay), Wilson (of Lincoln), Wilson (of Shelby), Wilson (of Bullitt), and Yantis--56.

The said bill, with the amendments, was then laid on the table.

The Speaker laid before the house, a letter from the chairman of the Board of Trustees of the Institution at Danville, for the tuition of the Deaf and Dumb, enclosing the annual report of the Trustees thereof, which are in the following words:

DANVILLE, December, 11, 1826.

Sir: I have the honor to present to you, and through you to the honorable body over which you preside, the Annual Report of the Trustees of the Kentucky Institution, for the instruction of the Deaf and Dumb.

I am Sir, very respectfully,
Your obedient servant,

D. G. COWAN, Chairman,
Of the Committee of Superintendence.

HON. GEORGE ROBERTSON, Speaker, House of Representatives.

To the honorable, the General Assembly of the Commonwealth of Kentucky.

The trustees of the Kentucky Institution for teaching the Deaf and Dumb respectfully report, that the progress made by the pupils in the last year, has been entirely satisfactory, and that both as respects their education, and their personal comfort, due attention has been paid, and we may add, that we have good reason to believe, that their moral and religious instruction is attended to as a pleasing duty. The pupils have enjoyed good health, and appear pleased with their situation.

The donation granted by the last General Assembly, to provide this institution with suitable buildings, &c. has been received, and invested in the purchase of ten acres of ground, on which is a commodious dwelling house, and other convenient out houses, and also a school house. The improvements are all of brick, are new, and were purchased for $5,000 in our currency; which it is believed is a much less sum than it would cost to have such buildings erected.

In our last report, we informed you of our application to the Congress of the United States for a donation to this institution.
We have now the pleasure to advise you, that a donation of a township of land was, at the last session of Congress, granted to the Kentucky Institution for teaching the Deaf and Dumb. The friends of this institution are under many obligations to the Kentucky delegation, but more particularly to Maj. T. P. Moore, for his unremitting exertions and final success, in obtaining this grant.

So soon as we were apprised of the donation, the board of trustees appointed the Rev. Samuel K. Nelson, (who had before rendered services to this institution,) to repair to Florida, where it was believed the grant could be most profitably located. For the manner in which he has executed the trust confided to him, we beg leave to refer to a copy of his report to the board, which is herewith transmitted. We are not able, at this time, to form a probable estimate of the value of this donation, but in any event it will be a valuable acquisition.

The board beg leave to renew the request contained in their last report, that the time of continuance of indigent pupils may be extended by law to four years. Our own experience, as well as the example of older institutions, confirm us in the belief that that period is sufficiently short, with the best exertions of the teachers, to give the deaf and dumb pupils such a knowledge of our language, as will enable him to converse understandingly about the ordinary affairs of life. Without this, of what avail will any education be to him? So sensible were the trustees that those pupils who had completed their three years, (the time allowed by law,) were not sufficiently instructed, that they advised the superintendent to continue them in school, which he has done at his own cost; hoping the General Assembly will authorize the trustees to make him remuneration therefor; which we now respectfully pray may be done. On the subject of the extension of the time to four years, we beg leave to refer to our last annual report. We would also renew our request, as made in our last annual report, that some provision be made by law, authorizing the trustees to retain indigent pupils during the time allowed by law. When taken away by their parents, as has been the case, in some instances, before they received sufficient instruction, there has, as to them, been a useless expenditure of public money, and the utility of the institution is brought in question by those who have not an opportunity of seeing a well instructed pupil.

A report of the number of pupils in the Asylum, and the time of their continuance therein, and also the secretary's report, shewing the situation of the funds of the institution, are herewith presented.

The trustees conclude, by recommending this benevolent institution to the continued favor and protection of the General As-
I have the honor to report, that in compliance with the instructions received from you at the time of my appointment, I proceeded immediately to Florida, for the purpose of locating the lands granted by the last Congress to the Deaf and Dumb Asylum.

Upon my arrival in the Territory, it was rumoured that Congress had passed a pre-emption law, in favor of a certain description of occupants, but the public prints contained no confirmation of this report, and the fact was altogether uncertain. If such a law existed, I possessed no means of ascertaining its provisions, or of determining what would be its effect upon the location contemplated. The instructions of the Secretary of the Treasury, which were at your request, to have been enclosed to me at Tallahassee, had not been forwarded; the mail was uncertain, and did not arrive oftener than once in two weeks: the first due after my arrival brought me no communications. The intense and increasing heat of the weather, rendered my stay in the country imprudent and unsafe, and besides rendered it obvious that in a few weeks more it would be utterly impracticable to make the necessary examinations.

Under these circumstances, I had no alternative left me, but to return without effecting anything, or to proceed immediately to make my examination in such a manner as would enable me to conform my selections to whatever might be the instructions of the secretary. This I accordingly did, with such assistance as it became necessary for me to procure.

The instructions did not reach me until after all my examinations were completed, and I was on the eve of departure for Kentucky. I believe, however, that although the labor was greatly increased, the interest of the institution was not affected by this delay, as it was anticipated that those given in the case of a similar grant to the Hartford institution would be regarded as a precedent, and that I should be required to locate in tracts of not less than four entire sections, which proved to be the fact.

In case a pre-emption law did exist, I had expected to be informed by the instructions from the Secretary—whether the grant made to the asylum or that to the occupants, would be en-
titled to the preference; that if it belonged to the latter, I should be required to make my selections exclusive of such claims. But when received, they contained no restrictions except the one above mentioned, from which I was induced to believe that the former being the eldest, was regarded as having the preference. Being directed to report my selections to the Secretary of the Treasury himself, instead of the officers of the Land office at Tallahassee, as I had expected, it became necessary, (as I supposed,) that I should return by the way of Washington. While there I was unable to procure any decision on this subject. It has, however, since my return, been virtually decided, and decided against us. After a lengthy negotiation, and a very small alteration in the shape of my selections, the whole have been approved—"except so far as they may hereafter be found to interfere with the claims of occupants." The list of the lands thus approved, together with the instructions and letters of the Secretary, are herewith submitted, as a part of this report.

As to the value of the donation, under existing circumstances, it is impossible to form any correct opinion; the entire location is immensely valuable, but what portion may be left, or what the value of the residue may be, can scarcely be conjectured, until after the time allowed by law for the establishment of occupant claims, shall have expired.

Should Congress permit us to re-locate such portions as may be taken from us, in similar sized tracts, and in either of the territories, the grant would still be valuable; but all the valuable lands of Florida will be sold, before such permission can be procured; and it is thought extremely questionable, whether they can be induced to extend the privilege to either of the other territories. It is believed, however, that much might be effected, by the passage of a law at the approaching session of the Legislature, evincing that the donation was regarded as a national appropriation, and would be so employed as to extend its advantages equally to ourselves and all the sister States who may choose to avail themselves of them.

I have only to add, that I am prepared to account to such committee as you may think proper to appoint, for the manner in which the funds advanced me have been expended, and to receive such further instructions as you may think proper to give in relation to the business of my agency.

All of which is respectfully submitted.

SAMUEL K. NELSON.

Kentucky Asylum for the tuition of the Deaf and Dumb.

Michael G. Youce, and James Barbour, [Treasurer.] James Harlan, Secretary.


Visiting Committee of Ladies—Mrs. Youce, Mrs. Akin, Mrs. Whelan, Mrs. Moore, Mrs. Rochester, Mrs. Henderson, Mrs. Reed, Mrs. Cocke, Mrs. Finlay, Mrs. Caldwell, and Mrs. Bell.

Pupils in the Institution on 3d Nov. 1826.

<table>
<thead>
<tr>
<th>Names</th>
<th>Age</th>
<th>When admitted</th>
<th>Residence</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eveline Sherrill</td>
<td>14</td>
<td>April 27</td>
<td>Green Co. Ky.</td>
<td>Pauper</td>
</tr>
<tr>
<td>Jabez Gaddia</td>
<td>20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wm. Morehead</td>
<td>15</td>
<td>May 30</td>
<td>Lincoln Co. K.</td>
<td></td>
</tr>
<tr>
<td>Edith Lewellin</td>
<td>16</td>
<td>July 1</td>
<td>Shelby</td>
<td></td>
</tr>
<tr>
<td>Moses Lewellin</td>
<td>19</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>William Grisson</td>
<td>21</td>
<td>July 9</td>
<td>Adair</td>
<td></td>
</tr>
<tr>
<td>Barney McMabon</td>
<td>13</td>
<td>July 23</td>
<td>Jefferson</td>
<td></td>
</tr>
<tr>
<td>John Hoke</td>
<td>24</td>
<td>Oct. 27</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Narcissa Fowler</td>
<td>18</td>
<td>Nov. 19</td>
<td>Livingston</td>
<td></td>
</tr>
<tr>
<td>Nancy McClesky</td>
<td>24</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seburn Goins</td>
<td>15</td>
<td>Feb. 6</td>
<td>Frankfort</td>
<td>Pays all charges</td>
</tr>
<tr>
<td>Jacob Sagasen</td>
<td>22</td>
<td>Sept. 6</td>
<td>Jessamine</td>
<td>Pauper</td>
</tr>
<tr>
<td>Beverly Parker</td>
<td>30</td>
<td>Sept. 7</td>
<td>Fayette</td>
<td></td>
</tr>
<tr>
<td>Martin Reed</td>
<td>13</td>
<td>Sept. 11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Isaac Jones</td>
<td>21</td>
<td>Oct. 3</td>
<td>Nelson</td>
<td></td>
</tr>
<tr>
<td>Thomas Gatewood</td>
<td>21</td>
<td>Oct. 11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Matilda Grissom</td>
<td>14</td>
<td>Oct. 30</td>
<td>Adair</td>
<td></td>
</tr>
<tr>
<td>1824</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jacob Barbour</td>
<td>14</td>
<td>July 2</td>
<td>Spencer</td>
<td></td>
</tr>
<tr>
<td>Mary Robertson</td>
<td>14</td>
<td>July 3</td>
<td>Tennessee</td>
<td>Pays all charges</td>
</tr>
<tr>
<td>Kitty A. Pyle</td>
<td>19</td>
<td>July 20</td>
<td>Adair Co. Ky.</td>
<td>Pauper</td>
</tr>
<tr>
<td>Anthony L. Story</td>
<td>22</td>
<td>July 25</td>
<td>Alabama</td>
<td>Pays all charges</td>
</tr>
<tr>
<td>James Story</td>
<td>19</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sally Pyle</td>
<td>16</td>
<td>Aug. 29</td>
<td>Adair Co. Ky.</td>
<td>Pauper</td>
</tr>
<tr>
<td>Eliza Atwater</td>
<td>17</td>
<td>Oct. 1</td>
<td>Illinois</td>
<td>Pays all charges</td>
</tr>
<tr>
<td>1825</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>John White</td>
<td>15</td>
<td>May 26</td>
<td>Jessam. Co. K.</td>
<td>Pauper</td>
</tr>
<tr>
<td>Waller Rodes</td>
<td>10</td>
<td>June 12</td>
<td>Scott</td>
<td>Pays all charges</td>
</tr>
<tr>
<td>Margaret Bryan</td>
<td>33</td>
<td>June 21</td>
<td>Franklin</td>
<td></td>
</tr>
<tr>
<td>Deborah Phillips</td>
<td>15</td>
<td>Aug. 7</td>
<td>Madison</td>
<td>Pauper</td>
</tr>
<tr>
<td>Whole number of pupils</td>
<td></td>
<td></td>
<td></td>
<td>28</td>
</tr>
</tbody>
</table>
Names of the pupils who have at different times left the institution—Lucy Barbee, Martha Railey, John Withers, Thomas Hoagland, Samuel Strickler, (since dead,) Enoch Wright, Laurry Hall, Billy Holloway, Angelina Baker, Rebecca Machen, Patsey Terrill, Alexander Thompson, Abram Williams, and John Goggin, (since dead.)

The following Statement will show the situation of the Funds of the Institution.

1825.

<table>
<thead>
<tr>
<th>DEBTOR</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Nov. 3.—To balance on hand (see last report)</td>
<td>$1,759.78</td>
</tr>
<tr>
<td>Cash, appropriation of last session</td>
<td>3,000.00</td>
</tr>
<tr>
<td>Amount received from Treasury for support of indigent pupils this year</td>
<td>2,496.46</td>
</tr>
<tr>
<td>Cash received for tuition fees this year</td>
<td>157.60</td>
</tr>
<tr>
<td>Do. received from the Synod of Kentucky, it being the amount received by Centre College from the Commonwealth’s Bank</td>
<td>2,530.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CREDITOR</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>By Cash paid in part for house, and 10 acres of ground purchased</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>Cash paid for post and railing same</td>
<td>126.50</td>
</tr>
<tr>
<td>Do. for digging well and fixing pump</td>
<td>103.34</td>
</tr>
<tr>
<td>Do. Brick work on houses</td>
<td>34.50</td>
</tr>
<tr>
<td>Do. Stone do. on lot</td>
<td>23.75</td>
</tr>
<tr>
<td>Do. Sponge, &amp;c.</td>
<td>50.00</td>
</tr>
<tr>
<td>Printer’s bills for publishing notices, &amp;c.</td>
<td>4.00</td>
</tr>
<tr>
<td>Cash paid Wood for black board at Frankfort last session</td>
<td>9.50</td>
</tr>
<tr>
<td>Do. for sundries</td>
<td>4.88</td>
</tr>
<tr>
<td>Do. for black boards and glazing windows</td>
<td>11.30</td>
</tr>
<tr>
<td>Postages</td>
<td>3.37</td>
</tr>
<tr>
<td>Cash paid carpenter’s bill for fitting up school room</td>
<td>275.17</td>
</tr>
<tr>
<td>Fuel for same last winter</td>
<td>35.00</td>
</tr>
<tr>
<td>Cash paid Mr. Kerr, for boarding indigent pupils this year</td>
<td>1,657.90</td>
</tr>
<tr>
<td>His salary, same time</td>
<td>400.00</td>
</tr>
<tr>
<td>Cash for Mr. Jacobs’ boarding the present year</td>
<td>95.21</td>
</tr>
<tr>
<td>Salary same time, equal to</td>
<td>667.67</td>
</tr>
<tr>
<td>This amount allowed Mrs. Kerr, for extra services, in mending, &amp;c. for the indigent pupils from 27th Sept. till 24th April, 1826</td>
<td>56.98</td>
</tr>
</tbody>
</table>
Dec. 13. | HOUSE OF REPRESENTATIVES.

Do. for expenses of Mutes to Frankfort last winter, 22 75
Do. paid for plastering school room, &c. 177 50

$6,715 33 1-2

Balance on hand, 3,248 51
By $800 specie advanced Mr. Nelson, going to Florida, equal to 1,066 67

$2,181 34
Balance on hand, 970 00
Donations to Institution to aid in erecting buildings, not yet collected,

Errors Excepted. $3,151 34

J. HARLAN, Secretary.

A bill from the Senate entitled "An act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals," was read the first time and ordered to be read a second time.

The yeas and nays being required on reading the said bill a second time, by Messrs. Nuttall and M'Millan, were as follows, viz.

AYES—Mr. Speaker, Messrs. Bainbridge, Blackburn, Breck, Breckenridge, Butler, Campbell, Carson, Cobb, Colglazier, Conner, of Greenup, Cunningham, Dunlap, Evans, Farmer, Flournoy, Ford, Gaines, Hanson, Harris, of Madison, Harris, of Simpson, Hart, Helm, Hughes, Hutchinson, James, Love, M'Farland, Morris, Nelson, New, Owings, Powell, Reid, Rudd, Sallee, Shepard, Skiles, Stephens, of Breckenridge, Street, Swope, Taylor, Timberlake, True, Turner, Underwood, Waddell, Walker, of Adair, Walker, of Logan, Watkins, Wells, of Muhlenburgh, White of Clay, Wilson, of Lincoln, Wilson, of Shelby, Wilson, of Bullitt, and Yantis—56.


And then the house adjourned.
1. Mr. Blackburn presented the petition of Charles Kennedy, praying that a law may pass authorizing him to erect a mill dam across a part of the Kentucky river, opposite to Finn's island and on the north side thereof.

2. Mr. Owings presented the petition of Thomas Brand, praying compensation for a slave who was arrested by process of law and escaped while in confinement.

3. Mr. Marksberry presented the petition of John Smith, administrator of James C. Smith, deceased, praying that a law may pass authorizing him to execute a conveyance for three hundred acres of land in Harrison county, which was sold by the decedent, in his life time, and for which conveyance he executed his bond to the purchasers. And also to make sale of a lot in Georgetown, the property of the said decedent, for the purpose of paying the debts of the estate.

4. Mr. D. White presented the petition of sundry citizens of Henry county, praying that a part of said county may be added to the county of Franklin.

5. Mr. James presented the petition of Nicholas Keating and Hawkins Gregory, praying compensation for apprehending John Entrekin, charged with murder in Carrol county, Tennessee, and lodging him in the Calloway county jail, in this state.

6. Mr. Haskin presented the petition of Callom H. Bailey, praying that a law may pass authorizing him to rebuild a mill on the Kentucky river at Todd's ferry, being the same once owned by David Sutton, and to execute bond in the Mercer county court upon the same conditions that said Sutton was authorized to do.

7. Mr. Breckenridge presented the petition of sundry citizens of the county of Fayette, praying for the establishment of a turnpike road from Maysville to Lexington.

8. Mr. T. P. Wilson presented the remonstrance of sundry citizens of this state, residing in the territory in dispute between the counties of Shelby and Spencer, against the petition of the citizens of Spencer county praying for the establishment of the line already run and marked between the counties.

9. Mr. Nelson presented sundry resolutions, printed documents and petitions in relation to the establishment of a turnpike road from Maysville to Lexington.

10. Mr. Marksberry presented the petition of sundry citizens of Harrison county, praying that a part of said county may be attached to and compose a part of the county of Grant.

11. Mr. Campbell presented the petition of the county court of Christian county, praying the passage of a law legalizing the proceedings of the said county court from the year 1800 to the,
Dee. 14. ] HOUSE OF REPRESENTATIVES.

year 1807, and authorizing their clerk to make out a record of certain entries, certificates and relinquishments from the minute and memorandum book of said court.

12. Also, the petition of sundry citizens of Christian county, praying that a law may pass to patent a tract of 120 acres of land in Christian county, on the waters of Tradewater, without further expense, to William H. Wood, infant heir of Lemuel A. Wood.

13. Mr. Marksberry presented the petition of sundry citizens of Williamstown and Grant county, praying that a law may pass to establish said town according to the metes and bounds contained in the old plat of the town of Williamstown, and to appoint trustees therein.

14. Mr. Campbell presented the petition of sundry citizens of Christian county, praying that an additional justice of the peace may be allowed for said county, to reside in the bounds of Captain Daniel Henry's company.

15. And another petition of sundry citizens of Christian county, praying that an additional justice of the peace for said county, may be commissioned, to reside in the bounds of Captain John Thompson's company.

Which petitions were severally received, read and referred; the 1st, 2d, 4th, 6th, 8th, 10th, 14th and 15th, to the committee of propositions and grievances; the 3d, 11th, 12th, and 13th, to the committee for courts of justice: the 5th, to the committee of claims; and the 7th and 9th, (with documents accompanying the 9th,) to the committee on Internal Improvements.

Mr. Underwood from the committee for courts of justice made the following report, viz.

The committee on courts of justice, have had under consideration, various subjects to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of William Chenowith be rejected.

Resolved, That the petition of Benjamin Mattingly and Catherine Knott, administrator and administratrix of Henry Knott, deceased, be rejected.

Resolved, That the petition of Catherine Graham and others, be rejected.

Resolved, That the petition of James W. Deeny and P. S. Loughborough, is reasonable, and that the committee on courts of justice be, and they are hereby instructed to report a bill, providing for taking copies of the Digest of the decisions of the Court of Appeals, which they purpose publishing.

Which being twice read, was concurred in.

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

The committee of religion have had under consideration, sund
dry petitions to them referred, and have come to resolutions thereon, to-wit.

1. Resolved, That the petition of Robert Phelps, praying a divorce from his wife Betsy Phelps, be rejected.
2. Resolved, That the petition of James Bartlett, praying a divorce from his wife Catherine Bartlett, be rejected.
3. Resolved, That the petition of Vachel Hobbs, praying a divorce from his wife Amelia Hobbs, be rejected.
4. Resolved, That the petition of Thomas Boyd, praying a divorce from his wife Catherine Boyd, be rejected.
5. Resolved, That the petition of Elizabeth Rowland, praying a divorce from her husband, Wm. Rowland, be rejected.
6. Resolved, That the petition of the Providence Baptist Church praying to be incorporated for certain purposes, be rejected.

Which being twice read, (and the 4th resolution amended by striking out the words, "be rejected," and inserting in lieu thereof the words, "is reasonable") was concurred in.

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

Mr. Hanson from the committee of ways and means, made the following report:

The committee of ways and means, to which was referred, an inquiry into the expediency, and propriety of reducing the price of the vacant lands, south west of the Tennessee river, for the purpose of increasing the revenue, beg leave to report, the following resolution, to-wit.

Resolved, That it is expedient, and proper to reduce the price of the vacant lands, south west of the Tennessee river.

Which being twice read, was concurred in.

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

Mr. Hanson, from the same committee, also, made the following report.

The committee of ways and means, have had under consideration so much of the Governor's message as relates to the mode of raising a revenue to defray county expenses, and have come to the following resolution thereon, to-wit.

Resolved, That it is not expedient to alter the present mode of raising a revenue, to defray county expenses, and substitute therefor, an ad valorem tax, founded on the valuation of state commissioners.

Which being twice read, was laid on the table.

Mr. Hanson from the select committee, to whom was referred "a bill regulating the granting of injunctions," reported the same with amendments, which being twice read, were concurred in.

Ordered, That the said bill as amended, be committed to a committee of the whole house, for Monday the 19th instant, and
that the Public Printer, forthwith print 150 copies of said bill for the use of the members of this house.

On motion,

Ordered, That the report of the Trustees of the Institution for the tuition of the Deaf and Dumb at Danville, be referred to a select committee, of Messrs. Haskin, Flournoy, Wade, Yantis, Cunningham, William Harris, Allin, Barbee and Davis.

Mr. Rudd, from the select committee, to whom was referred a bill, for the benefit of Francis Alvey, Agness Toombs, Frances Shicles and Tirshatha Barnes, as amended; reported the same with amendments, which being twice read, were concurred in.

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

Mr. Joyes from the select committee to whom was referred, a bill to authorize the citizens of the county of Oldham, to select by vote, a permanent seat of justice, reported the same with an amendment.

Ordered, That the said bill with the amendment be laid on the table.

Mr. Harrison moved the following resolutions:

Resolved, That the committee on courts of justice, be instructed to inquire into the expediency of repealing, or of modifying the fifth section of an act, entitled "An act, to repeal all laws which give the right of replevy to officers and attorneys at law, who officially collect money, and refuse to pay over the same; and for other purposes," approved December 29th, 1823.

Resolved, That the committee on ways and means, be instructed to inquire into the expediency, of providing by law, a tax upon sales of merchandise, at public auction.

Resolved, That so much of the Governor's message, as relates to the removal of the seat of government, be referred to a select committee, with leave to report by bill or otherwise.

Which, being twice read, was adopted, and Messrs. B. Harrison, Breck, Hanson, Underwood, Walker of Adair, Cunningham, Haskin, Bainbridge, C. L. Harrison, True and Maupin appointed a committee pursuant to the last resolution.

On motion,

Ordered, That Messrs. Nelson and Shepard be added to the committee on internal improvements.

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

By Mr. Blackburn, from the committee of propositions and grievances—1. A bill to erect and establish the county of out of part of the counties of Franklin, Washington and Mercer.

By Mr. Booker—2. A bill authorizing the trustees of the Washington academy to sell their lands.
By Mr. Sanders—3. A bill to revive the cases on judgments in actions of tort.

By Mr. Gaines—4. A bill to render certain offices incompatible.

By Mr. Tarlton—5. A bill allowing an additional justice of the peace in the county of Scott.

By Mr. D. Stephens—6. A bill regulating conveyances and better securing the rights to lands in this Commonwealth.

By Mr. Nuttall—7. A bill to allow additional trustees to the seminary of New Castle.

By Mr. Breck—8. A bill to alter and amend the laws in relation to administrators and executors.

By Mr. Lackey—9. A bill for the benefit of James Honaker, late sheriff of Pike county.

10—A bill for the benefit of Wiley C. Williams and others.

By Mr. James—11. A bill further to regulate the registering of plats and certificates of surveys on military land warrants, south-west of the Tennessee river.

By Mr. Nelson—12. A bill to authorize the stockholders of the bank of Limestone to elect an agent or commissioner.

And by Mr. Wilson, of Lincoln—13. A bill for the benefit of William Pearl, a lunatic.

Which bills were severally received and read the first time, and (with the exception of the 12th bill, which was laid on the table,) ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second reading of the 1st, 2d, 3d, 5th, 6th, 8th, 9th and 13th bills having been dispensed with; the 1st was committed to a select committee of Messrs. Booker, Haskin, D. White, Sanders, Bainbridge, Forrest, Allin and Wade; the 2d to a select committee of Messrs. Booker, Bainbridge, Forrest and Nuttall; the 3d to a select committee of Messrs. Flournoy, Turner, Blackburn, Sanders, Rudd, Morris and Underwood; the 5th to a select committee of Messrs. Tarlton, Marksherry, Taylor, Dorsey, Trimble, Flournoy, L. Stephens and Davis; the 6th and 8th to the committee for courts of justice; the 9th to a select committee of Messrs. C. Walker, Lackey and Taylor; and the 13th 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 as aforesaid.

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

A Message from the Senate, by Mr. Smith.
Mr. Speaker—The Senate have passed a bill which originated in this house, entitled, An act to allow three additional terms to the county court for Scott county, and to change the time of holding the same, with amendments, in which they request the concurrence of this house.

And then he withdrew.

It was then moved and seconded that this house do now proceed to the consideration of "a bill to take the sense of the people as to the expediency and propriety of calling a convention."

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

The yeas and nays being required thereon, by Messrs. Summers and Maupin, were as follows, viz.


NAYS—Mr. Speaker, Messrs. Bainbridge, Blackburn, Breck, Breckenridge, Butler, Campbell, Carson, Cobb, Colghzier, Conner, of Greenup, Cunningham, Dunlap, Evans, Flannoy, Ford, Forrest, Gaines, Hanson, Harris, of Madison, Hart, Helm, Hughes, Hutchinson, James, Love, Owings, Powell, Reid, Rudd, Sallee, Samuel, Sanders, Stephens, of Breckenridge, Street, Swope, Taylor, Timberlake, True, Walker, of Adair, Watkins, Wells, of Mahanburg, White, of Clay, White, of Franklin, Wilson of Lincoln, Wilson, of Shelby, Wilson, of Bullitt, Wingate, and Yantis—49.

A bill from the Senate, entitled, "An act to remove the unconstitutional obstructions which have been thrown in the way of the court of appeals," was read a second time as follows, viz.

Whereas the Court of Appeals of Kentucky, was created by the constitution of the state, and the judges thereof hold their offices during good behaviour, and cannot be removed therefrom in any other mode, than by impeachment or address. And whereas, the Legislature attempted to abolish the Constitutional Court, and erect one on its ruins, by two acts of Assembly, the one of which was entitled, "An act to repeal the law organizing the Court of Appeals, and to re-organize a Court of Appeals," which was approved on the 24th December, 1824: and the other of which was entitled, "An act to regulate the salaries of the judges of the Court of Appeals, and for other purposes," which was approved on the sixth of January, one thousand eight hundred and twenty-five: And whereas, the above recited acts have
been decided by the good people of this Commonwealth at two successive elections to be dangerous violations of the Constitution, and subversive of the long tried principles upon which experience has demonstrated that the security of life, liberty and property depend; and the present Legislature concurs, most solemnly, with the people in the belief of the unconstitutionality and evil tendency of said acts; and whereas, the judges of the Court of Appeals, in office at the time of the passage of the said recited acts, did by virtue of the Constitution, remain in office, the said recited acts notwithstanding; and John Boyle, then Chief Justice of said court, having since vacated his office, William Owsley, and Benjamin Mills are now, rightful and Constitutional judges of said Court, neither of whom having resigned or been removed by either of the aforesaid modes, Therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said recited acts be, and the same are hereby repealed, and declared null and void; and every law which was repealed or changed or intended to be repealed by said recited acts is hereby revived, re-enacted and declared to be in full force, and to have in all respects, the same effect and operation, as if said recited acts had not passed. Provided, That nothing herein contained shall be construed to vacate the office of Sergeant of the Court of Appeals.

Mr. Booker then moved to amend said bill by attaching there to the following proviso:

Provided, however, That from and after the passage of this act, the judges of the Court of Appeals, shall receive as a salary or compensation for their services, each the sum of $1,200, to be paid quarter yearly at the public Treasury, in such money as is receivable in payment of taxes.

Mr. Wingate then moved to amend said amendment by attaching thereto the following additional proviso, viz.

Provided, however, This amendment shall not apply to John Boyle, William Owsley and Benjamin Mills, or either of them, unless said Boyle, Owsley and Mills should be hereafter appointed and commissioned as judges of the court of appeals.

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. Wingate and Booker, were as follows:

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NAYS—Mr. Speaker, Messrs. Bainbridge, Barbee, Blackburn, Breck, Breckenridge, Butler, Campbell, Carson, Cobb, Colglazier, Conner, of Greenup, Cunningham, Dunlap, Evans, Flournoy, Ford, Gaines, Hanson, Harris, of Madison, Harris, of Simpson, Hart, Helm, Hughes, Hutchinson, James, Love, McFarland, McMillan, Morris, Nelson, Owings, Powell, Reid, Rudd, Sallee, Shepard, Skiles, Stephens, of Breckenridge, Street, Swope, Taylor, Timberlake, True, Turner, Underwood, Waddell, Walker, of Adair, Watkins, Wells, of Muhlenburg, White, of Clay, Wilson, of Lincoln, Wilson, of Shelby, Wilson, of Bullitt, and Yantis—58.

The question was then taken upon the adoption of the amendment proposed by Mr. Booker, which was decided in the negative.

The yeas and nays being required thereon, by Messrs. Booker and Summers, were as follows, viz.


Mr. Stephens then moved to amend said bill by inserting after the word "force," in the 7th line of the first section, the following words: "except so much thereof as might entitle the judges of said court of appeals to receive a salary of fifteen hundred dollars each, per annum, from the 24th day of December, 1824, to the present time; but that the said judges, in lieu of the said salary of fifteen hundred dollars, shall only receive twelve hundred dollars in like money for the period aforesaid."

Mr. D. White then moved to amend said amendment by striking out the latter clause of said amendment, being the words printed in italics.

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. H. Daniel and White, were as follows:


The question was then put upon adopting the said amendment proposed by Mr. Stephens, which was decided in the negative.

The yeas and nays being required thereon, by Messrs. Stephens and Wade, were as follows, viz.


Mr. B. Harrison then moved the following by way of amendment, in lieu of the original bill, viz.

Whereas, the act entitled, "An act to repeal the law organizing the Court of Appeals, and to re-organize a Court of Ap-
peals," approved the 24th of December, 1824, has produced great dissatisfaction among the good people of this Commonwealth. Therefore—

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled, "An act to repeal the law organizing the Court of Appeals, and to re-organize a Court of Appeals," approved the 24th December, 1824, except the 32d section thereof; and also the act entitled, "An act to regulate the salaries of the Judges of the Court of Appeals, and for other purposes," approved 6th of January, 1825, shall be and the same are hereby repealed: and every law which was repealed or intended to be repealed by said recited act is hereby revived, except so much of any act or parts of acts so revived, as allowed any salary or compensation to the Chief Justice or any Judge of the Court of Appeals.

§ 2. Be it further enacted, That the Judges of the Court of Appeals shall in future receive for their services an annual salary of twelve hundred dollars each, payable quarterly yearly, at the treasury of this Commonwealth, out of such money as is or shall be by law receivable in payment of the revenue.

And the question being taken on adopting the said amendment in lieu of the bill, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Harrison and Yantis, were as follows, viz.

YEAS—Messrs. Allin, Barbee, Booker, Conner, of Bath, Daniel, of Montgomery, Davis, Dorsey, Forrest, Fulton, Gorin, Griffin, Harrison, of Nelson, Harrison, of Jefferson, Haskin, Joyes, Lackey, Marksberry, M'Millan, Mullens, Nuttall, Patterson, Ray, Roberts, Roundtree, Rucker, Samuel, Sanders; Secrest, Spalding, Stephens, of Campbell, Summers, Tarlton, Thomas, Trimble, Wade, Wad, Wells, of Morgan, White, of Franklin, White, of Green, Wingate and Young—41.

NAYS—Mr. Speaker, Messrs. Bainbridge, Blackburn, Breck, Breckenridge, Butler, Campbell, Carson, Cobb, Colglazier, Conner, of Greenup, Cunningham, Dunlap, Evans, Farmer, Flourney, Ford, Gaines, Hanson, Harris of Madison, Harris, of Simpson, Hart, Helm, Hughes, Hutchinson, Love, Maupin, M'Farland, Morris, Nelson, Owings, Powell, Reid, Rudd, Sallee, Shepard, Skiles, Stephens, of Breckenridge, Street, Swope, Taylor, Timberlake, True, Turner, Underwood, Waddell, Walker, of Adair, Watkins, Wells, of Muhlenburgh, White, of Clay, Wilson, of Lincoln, Wilson, of Shelby, Wilson, of Bullitt, and Yantis—54.

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. Daniel and Hanson, were as follows, viz.

YEAS—Mr. Speaker, Messrs. Bainbridge, Blackburn, Breck,


And then the house adjourned.

FRIDAY, DECEMBER 15, 1826.

1. Mr. Tarlton presented the petition of sundry citizens of Scott county, praying the establishment of an election precinct in the northeast end of said county.

Mr. Nuttall presented the remonstrance of sundry citizens of Henry county, against the addition of a part of said county to the county of Franklin.

3. Also, the petition of sundry citizens of Henry county, praying the establishment of an election precinct on six mile creek, at Gower Atkins' mill in said county.

4. Mr. Bainbridge presented the petition of the administrator of William Noel, deceased, praying the passage of a law authorizing him to make sale of a certain tract of land containing one hundred acres, the property of said decedent, for the purpose of paying the balance of the purchase money due for said land.

5. Mr. Helm presented the petition of Lewis Rogers, praying to be allowed further time to pay into the treasury certain monies due by his father, William Rogers, late sheriff of Ohio county, and the passage of a law authorizing him to collect all fee bills, muster fines, revenue tax and county levy in his father's hands for collection at the time of his death.

6. Mr. Breckenridge presented the petition of Andrew M'Calla, praying remuneration for money paid by him for the erection of the Lunatic Asylum in Lexington.

7. Mr. Griffin presented the petition of Pamela Lester, praying a divorce from her husband Josiah Lester.

8. Mr. Underwood presented the petition of Walters Elam,
jailer of Simpson county, praying compensation for the keeping of a runaway slave and a reward paid by him for his apprehension.

Which petitions were severally received, read and referred; the 1st, to a select committee of Messrs.

; the 2d and 5th to the committee of propositions and grievances; the 3d to a select committee of Messrs. Nuttall, Samuel and Reid; the 4th to the committee for courts of justice; the 6th and 8th to the committee of claims; and the 7th to the committee on religion.

Mr. Breck, from the committee to whom was referred a bill to authorize the county court to appoint a constable in the town of Leesburgh, in Harrison county, reported the same with amendments; which being twice read were concurred in.

Ordered, That the said bill be re-committed to a select committee of Messrs. Mullens, Breck, Sallee, Farmer and Wilson of Bullitt.

Mr. Morris from the committee to whom was referred a bill for the benefit of James Rouse, 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 to-morrow.

Mr. Booker from the select committee to whom was referred a bill to erect and establish the county of out of parts of the county of Franklin, Washington and Mercer, reported the same with sundry amendments, which being twice read were concurred in and the bill as amended ordered to be engrossed and read a third time to-morrow.

A message from the Governor, by Mr. Loughborough:

Mr. Speaker—I am directed by the Governor to lay before this house a written communication.

And then he withdrew.

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

By Mr. Barbee, from the committee on religion—1. A bill for the divorce of Thomas Boyd and Catharine Ballard.

By Mr. Yantis—2. A bill to legalize the proceedings of the trustees of the town of Madisonville.

By Mr. New—3. A bill for the benefit of John Bellamy and Samuel Johnson.

By Mr. Wingate—4. A bill further to regulate the laying off constable's districts in the several counties in this commonwealth.

By Mr. C. Walker—5. A bill to amend the civil laws of this commonwealth.

By Mr. Hart—6. A bill to authorize the opening of a road from the mouth of Salt river by the way of Litchfield to Bowling Green.
By Mr. Underwood—7. A bill to regulate the duties of the freighters of produce.

By Mr. Secrest—8. A bill establishing an election precinct in Fleming county and for other purposes.

By Mr. Wilson of Bullitt—9. A bill to amend the laws of this commonwealth concerning bail in civil cases.

Which 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 2d, 3d, 6th and 8th bills having been dispensed with, the second bill was ordered to be engrossed and read a third time; the 3d was committed to a select committee of Messrs. New, Yantis and Ray; the 6th to the committee on internal improvements; and the 8th to a select committee of Messrs. Tarlton, Lackey, Secrest and L. Stephens.

And thereupon, the rule of the house, constitutional provision and third reading of the second 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. Yantis carry the said bill to the Senate and request their concurrence.

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

On the motion of Mr. Mullens—1. A bill to establish an inspection of tobacco, hemp and flour in the town of Falmouth, in Pendleton county, and also at the mouth of the Wolfpen branch on main Licking.

On the motion of Mr. Helm—2. A bill for the improvement of the navigation of Rough creek.

On the motion of Mr. Breckenridge—3. A bill to extend the powers of the trustees of the town of Lexington.

On the motion of Mr. Wells of Morgan—4. A bill to legalize the proceedings of circuit and county courts of the county of Morgan in certain cases.

On the motion of Mr. Bainbridge—5. A bill for the benefit of the heirs of John Lanesley.

On the motion of Mr. Colglazier—6. A bill to change the mode of summoning grand and petit jurors and to provide for their compensation, and for other purposes.

And on the motion of Mr. Summers—7. A bill to reduce the salaries of the circuit judges and for other purposes.

Messrs. Mullens, McMillan, Marksberry, Trimble and Colglazier, were appointed a committee to prepare and bring in the 1st; Messrs. Helm, Bainbridge, Rudd, Love, Davis, Hart, D. Stephens, McFarland and Ray; the 2d. Messrs. Breckenridge, Flournoy and True; the 3d; Messrs. Wells of Morgan, Lackey, and W. Conner, the 4th; Messrs. Bainbridge, Yantis and Bock-
er, the 5th; Messrs. Colglazier, Underwood and Rudd, the 6th; and Messrs. Summers, Griffin, Secrest, Daniel of Montgomery, and Trimble, the 7th.

Mr. Nuttall from the select committee to whom was referred so much of the Governor's message as recommends an amendment to the constitution of the United States, made a report, which was received, read and laid on the table.

Mr. Morris moved the following resolution:

Resolved, That the committee on courts of justice be instructed to enquire into the expediency of amending the laws of this commonwealth, in relation to absent defendants.

Which being twice read, was adopted.

A bill from the Senate entitled an act to remove the unconstitutional obstructions which have been thrown in the way of the "Court of Appeals" was read a third time.

Mr. Sanders moved to attach a grossed clause, by way of rider, viz.

Provided, That nothing in this act shall be so construed as to authorize John Boyle, Benjamin Mills, or William Owsey, or either of them, to receive any compensation, by virtue of the revival of the laws by this act, revived from the 24th day of December, 1824, until the passage of this act.

The Speaker declared said amendment out of order, because it conflicted with the provisions of the bill, from which decision of the chair, Mr. Sanders appealed to the house, the question was then put, "Is the decision of the chair correct?" which was decided in the affirmative.

The yeas and nays being taken thereon were as follows, viz:


And then the house adjourned.
SATURDAY, DECEMBER 16, 1826.

The house resumed the consideration of a bill from the Senate, entitled "An act to remove the unconstitutional obstructions which have been thrown in the way of the "Court of Appeals" which was again read a third time.

Mr. Underwood then moved the previous question on the passage of said bill; The question was then put "shall the main question be now put?" which was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Tarlton and Underwood, were as follows, viz.


The question was then put on the passage of said bill, which was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Gorin and Yantis, were as follows, viz.


NAYS—Messrs. Allin, Barbee, Booker, Conner of Bath, Daniel of Jessamine, Daniel of Montgomery, Davis, Dorsey, Forrest, Fulton, Gorin, Griffin, Harrison of Nelson, Harrison of Jefferson,
Haskin, Joyes, Lackey, Marksberry, Maupin, McMillan, Mul- 
1ens, Patterson, Ray, Roberts, Roundtree, Rucker, Samuel, Sand- 
ders, Secrest, Spalding, Stephens of Campbell, Summers, Tarl- 
ton, Thomas, Trimble, Wade, Wand, Wells of Morgan, White of 
Franklin, White of Green, Wingate and Young—42.

The question being then put on adopting the title aforesaid,
as the title to the act, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Henry 
Daniel and Hanson, were as follows:

YEAS—Mr. Speaker, Messrs. Bainbridge, Blackburn, Breck, 
Breckenridge, Butler, Campbell, Carson, Cobb, Colglazier, Con-
ner of Greenup, Cunningham, Dunlap, Evans, Farmer, Flournoy, 
Ford, Gaines, Hanson, Harris of Madison, Harris of Simpson, 
Hart, Helm, Hughes, Hutchinson, James, Love, McFarland, 
Morris, Nelson, New, Owings, Powell, Reid, Rudd, Sallee, She-
pard, Skiles, Stephens of Breckenridge, Street, Swayne, Taylor, 
Timberlake, True, Turner, Underwood, Waddell, Walker of Adair, Walker of Logan, Watkins, Wells of Muhlenburg, White 
of Clay, Wilson of Lincoln Wilson of Shelby Wilson of Bullitt and 
Yantis—55.

NAYS—Messrs. Allin, Barbee, Booker, Conner of Bath Daniel 
of Jessamine, Daniel of Montgomery, Davis, Dorsey, Forrest, Fult-
on, Gorin, Griffin, Harrison of Nelson, Harrison of Jefferson, Hask-
in, Joyes, Lackey, Marksberry, Maupin, McMillan, Mullens, 
Patterson, Ray, Roberts, Roundtree, Rucker, Samuel, Sanders, 
Secrest, Spalding, Stephens of Campbell, Summers, Tarlton, Tho-
mas, Trimble, Wade, Wand, Wells of Morgan, White of Franklin, 
White of Green, Wingate and Young—42.

Ordered, That Mr. Timberlake inform the Senate thereof.

On the motion of Mr. Tarlton, 

Ordered, That leave be given to bring in a bill for the benefit 
of the heirs of James Johnson, deceased; and that Messrs. Tarl-
ton, Flournoy and Underwood, be a committee to prepare and 
bring in the same.

And then the house adjourned.
1. Mr. Yantis presented the petition of James Spellman, administrator with the will annexed, of John Evans, deceased, praying that a law may pass to authorize the sale of a slave the property of the decedent, for the purpose of making distribution to those entitled under the will of said decedent.

2. Mr. Spalding presented the petition of sundry citizens of the counties of Union, Hopkins, Caldwell and Livingston, praying for the formation of a new county out of parts of each of said counties.

3. Mr. Spalding presented the petition of sundry citizens of Union county, praying that a law may pass to authorize the sale of a part of the public square in the town of Morganfield.

4. Also a remonstrance against the foregoing petition, signed by sundry citizens of Union county.

5. Mr. Marksberry presented the petition of sundry citizens of Pendleton county, praying that a part of said county may be attached to and compose a part of the county of Grant.

6. Mr. Mullens presented the remonstrance of sundry citizens of Pendleton county against the foregoing petition.

7. Mr. Street presented the petition of sundry citizens of Trigg county, praying that the place of voting in the election precinct in the western part of said county be changed from the house of John Ferguson to the town of Canton.

8. Also the petition of sundry citizens of Caldwell county, praying to be attached to the county of Trigg.

9. Mr. James presented the petition of Henry Rodes, praying to be divorced from his wife Mary Rodes.

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

11. Mr. Gorin presented the petition of sundry citizens of Warren county, praying to be attached to the county of Barren.

12. Mr. D. White presented the petition of Charles P. Bacon, praying remuneration for money paid by him to persons employed as a guard for the jail in Franklin county, during the confinement therein of Jereboam O. Beauchamp.

13. Mr. Cunningham presented the petition of Sally Reynolds, praying that a law may pass authorizing the patent to issue for one hundred acres of land upon which she resides in the county of Pulaski, without the payment of the state price thereon.

14. Mr. Thomas presented the petition of James Williamson, praying that a law may pass authorizing a patent to issue for two hundred acres of land upon which he resides in the county of Allen, without the payment of the state price and Register's fees thereon.
15. Mr. Lackey presented the petition of Elijah Adkins, who purchased a negro girl in the state of Virginia, praying the passage of a law giving him further time to comply with the requisitions of the act passed February 8, 1815, requiring purchasers of slaves to take a certain oath.

16. Mr. Spalding presented the petition of James R. Hughes, clerk of the circuit and county court of Union county, praying that a law may pass directing a credit to be given by the auditor, in the settlement of his tax account for the present year, for fifty dollars for an allowance made for the support of George Brimmer, a lunatic, for which he has paid the money.

17. Mr. Tarlton presented the petition of John Raiby, praying compensation for apprehending Charles, a negro man, who was charged with murder and made his escape from the Bourbon county jail.

18. Mr. Lackey presented the petition of sundry citizens of Morgan and Lawrence counties, praying an appropriation of land warrants for the purpose of opening a road from Louisa to the Beaver iron works by the way of West Liberty, the seat of justice of Morgan county.

19. Mr. Shepard presented the petition of the heirs of William Pitts, deceased, praying that a law may pass authorizing the executors of said William Pitts to execute a conveyance for a certain tract of land in Lewis county, in discharge of a bond given for that purpose during the life time of said William Pitts.

20. Mr. Dorsey presented the petition of N. Buckner, praying that a law may pass authorizing him to make sale of the estate of Sophia H. Sullivan, a lunatic, for the purpose of paying her debts and providing for her future support and comfort.

Which petitions were severally received, read and referred; the 1st to a select committee of Messrs. Yanfas, Underwood and Carson; the 2d, 5th, 6th, 7th, 8th and 10th to the committee of propositions and grievances; the 9th to the committee on religion; the 11th to a select committee of Messrs. Gorin, Maupin, Underwood and Skyles; the 12th, 16th and 17th to the committee of claims; the 13th and 14th to a select committee of Messrs. Cunningham, Griffin, Sallee and Thomas; the 15th to a select committee of Messrs. Lackey, Wells of Morgan and Henry Daniel; the 18th to a select committee of Messrs. Lackey, Turner and Henry Daniel; and the 3d, 4th, 19th and 20th to the committee for courts of justice.

Mr. Breck, from the select committee appointed to investigate certain charges preferred against Richard Damron surveyor of Pike county, made the following report:

The committee to whom was referred the petition of sundry citizens of the county of Pike, praying for the removal of Richard Damron from the office of surveyor of said county, by an ac-
dress of two-thirds of each branch of the Legislature to the Governor have had the same under consideration and beg leave to report:

That the evidence before your committee satisfactorily proves that said Damron is wholly unqualified to discharge the duties of surveyor—that in addition to great mental and bodily infirmity, he is almost entirely destitute of the knowledge of the art of surveying. But notwithstanding the inability and incapacity of said Damron to discharge the duties of his office, your committee are satisfied, by a reference to the constitution, that it does not authorize his removal by address. Your committee, therefore, recommend the adoption of the following resolution:

Resolved, That the committee, to whom was referred the petition of sundry citizens of Pike county, praying for the removal of Richard Damron from the office of surveyor of said county, be discharged from the further consideration thereof.

Which being twice read was concurred in.

Mr. White, from the committee on internal improvements, made the following report:

The committee on Internal Improvements, have according to order, had under their consideration sundry petitions, &c. to them referred, and make report in part, as follows, to-wit:

It is manifest to your committee, that the situation of the country at this time, imperiously demands, that a system of Internal Improvements should be commenced within the state, without delay, under the patronage, and with the aid of the constituted authorities. The national interest and policy, happily combines with our local views on this important subject, to invite the earnest and efficient co-operation of the general and state governments, to the propriety and expediency of constructing Turnpike roads within our limits. And your committee entertain the strongest assurance of the practicability of great and very important improvements, provided the Legislature, will but employ a just proportion of her resources, in the erection of useful public works. Kentucky, need not rely solely upon her own Treasury for the means, to improve the condition of her citizens. She has but to act and give impetus to enterprise, to ensure to herself ample assistance, in the patronage of the nation, and in individual labor and capital.

It may be true, that the means of the state, which ought properly to be applied to this object, are limited, and were we confined exclusively to that portion of the revenue, which the Treasury could afford, after discharging other necessary appropriations, the policy of commencing a system of improvement, might be considered as doubtful in its result. But when we consider that it is the true policy of the Federal Government to improve the condition of the states, by an equitable distribution and a
proper application of her surplus funds, with a view to a perpetuation of the union, by dispensing to each, a like share of the public bounty, thereby opening the way for an easy and constant communication to points, at present almost inaccessibles; with the design on her part, to facilitate commerce between the states, by diffusing information, and at the same time providing for safe and rapid transportation; may we not look to that government with confidence, for timely assistance in the erection of our public improvements? Besides, experience has proven, that where money can be safely and profitably employed, individual interest will prompt the citizen to invest his dormant capital. And where can we invite investments, with a greater certainty of profitable employment than in the erection of public works, which at once improves the face of the country; opens the way to a ready exchange of property; to a mutual interchange of social, religious and political intercourse, while, at the same time, the real estate and property of our citizens is greatly enhanced in value? The committee, therefore, indulge in the hope, that an effort on the part of the Legislature, to make Turnpike roads, would be attended with a corresponding policy on the part of the Federal Government, to carry into effect this laudable object of the state. While on the other hand, you will not fail to command, the aid of individual labor and capital. In this confederated interest of the general and state governments, with private citizens, there is nothing incongruous or unnatural. It may be considered a joint interest, in which the first dispenses only, what is due to the safety of the union, and to one of its most distinguished members; while the latter enjoys all the advantages of its improved condition. Influenced then, by these motives, and mutually aided by their joint means, under circumstances which combine to render success probable, your committee believe, that valuable improvements may be made, greatly to the advantage of this commonwealth, with but little hazard, and without any just grounds to fear, ultimate failure in the project. If no other reason was offered, to induce the Legislature to act; the fact, that such a policy, would draw into circulation, the dormant and inactive capital of the country, and give employment to its labor, would be sufficient. Kentucky, in a great degree, has been drained of her capital by the extravagant importation and consumption of foreign merchandise, and by liberal purchases of the public lands. The remainder of her sound capital has been driven out of the market, by an unwholesome paper currency, which it was then thought politic to substitute, in times of extreme difficulty and distress. The sound and wholesome currency yet remains hoarded up, but will again gradually approach, as our paper systems recede, and it is believed that nothing is wanting, to bring the gold and silver coins into general circulation, but for the Legis-
lature to provide for its appropriation to useful and beneficial purposes—in the improvement of the country and in affording facilities to commerce. When we view the public improvements rapidly progressing in our sister states, and contemplate the private advantages flowing therefrom, and above all, the proud and lasting monuments by which their fame is perpetuated; laying the foundations for useful employment to their citizens, ensuring plenty and consequent happiness, we may say truly, that, is a rich inheritance for posterity. Thus are the citizens of our sister states employed, while we, Kentucky, the eldest, and once (if not now) the wealthiest and most patriotic of our western sisters, stands, (as regards every object calculated to render her citizens prosperous and happy,) heedless, and with folded arms, looking passively on the rising prosperity and glory of her rivals, herself, the victim of civil contention and discord—the sad memento of her own folly and imbecility. Other states can boast of their canals, rail-ways, and turnpikes, offering facilities to foreign and domestic commerce, and to a free interchange of social, religious, and political intercourse. Kentucky, blest with equal, if not greater resources, than many others, and gifted with equal talent and enterprise, in the midst of a healthy climate, and with a country incalculably fertile and productive, has no outlet for her surplus produce, except what nature's bounty has bestowed; not a single monument to testify to posterity, the merit of the present generation: Not a single canal; not a highway, fit for public or private use; without commerce; without manufacturing institutions; destitute of, even a house, wherein the intelligent representatives of the people can sit independently, and transact the ordinary business of their constituents; and what is worse, and still more to be deplored, we have scarcely a name, except it be a name of reproach!! And yet, Kentucky is rich: She holds stock in her banks, amounting to a sum, upwards of seven hundred thousand dollars; her unsold lands are worth a million more; her citizens are wealthy, and contribute bountifully to supply the Treasury. With all these benefits, our capital yields us nothing, and our citizens remain idle and without employment. It is time then, that the Legislature should quiet their domestic troubles, and shake off this sloth from her citizens, and put in full requisition her means and energies. The state of the country and the public mind is bent upon a change of policy, and they require that the state of the commonwealth should be improved co-temporaneously and co-extensively, with that of their sister republics.

The Congress of the United States has determined to carry on a general system of internal improvement, through the states with their consent, as far as surplus funds will admit. With this view, they have ordered the Cumberland road to be extended through the states of Ohio, Indiana, and Illinois to the Mississippi river, near
St. Louis: And surveys of a route for a national road have been completed, from the the capital of the nation, through the states of Virginia, the Carolina's, Georgia, and Alabama to the Mobile bay. For these objects large appropriations have been made by Congress. After these important erections are finished, and perhaps co-temporaneously with them, the congress design to connect these two great national highways, by a cross route, commencing near to Chillicothe in the state of Ohio, thence south through the states of Kentucky, Tennessee, and Alabama. To stimulate Congress to this noble work; meetings have been variously held by portions of the citizens of each of the last named states, with a view to solicit that honorable body for early appropriations, to assist in the establishing and erecting that road; no doubt if proper application is made, the National Assembly will combine with the citizens of the states in that important improvement. Nevertheless it is a matter of primary consideration that the states should respectively exhibit a willingness to undertake and progress with the work, and thus, Congress will no doubt, by a correspondent act, afford us an equal portion of the public bounty, either by a direct donation, or by taking a due proportion of stock. With this view, your committee have thought it most advisable, to act in conjunction with the citizens of Tennessee and Ohio, in soliciting a share of the national patronage; and moreover, to join those states through the General Assembly, to ask of the Federal authorities, the service of one or more of the United States Engineers, to act in conjunction with Engineers from this and the other states interested, to survey a national road, beginning at some eligible point between Wheeling in Virginia and the Sciota river, in the state of Ohio; thence to enter the state of Kentucky at Maysville; thence through Washington, Bluelick's, Millersburg and Paris, to Lexington; thence in the most direct course through the principal towns, and most populous districts to the Tennessee line, in the direction to Nashville; thence, as the states of Tennessee and Alabama may require, until the survey to be made, shall intersect with the great southern route.

Your committee are of opinion that, the public attention ought to be fixed, with a steady eye to this great object, and that the General Assembly ought by resolution, to instruct our Senators and request our Representatives in Congress, to use their best efforts to meet the views of the state, and if practicable, to procure a survey and appropriation to be made as soon as possible.

Your committee are further of opinion that, connected with this important state road, another, or a branch of the same, ought to be surveyed from some point near Lexington, in a direction to the Cumberland Gap, by the way of the Crab orchard. Also,
another branch from Lexington, leading through Frankfort, Shelbyville and Middleburg, to Louisville. Connected with which, the survey of a road from Louisville, in the direction to Bowling Green, and thence southwardly to intersect the great state road is respectfully recommended.

Indulging sanguinely the hope, that the general and state governments will not be backward in making donations, or of subscribing for stock in these roads, your committee would recommend the appointment of one or more Civil Engineers, to act in conjunction with others of the general or state governments, or by themselves if necessary, to survey and lay off such routes for turnpike roads as Congress or the Legislature may think proper to direct.

Your committee are further of opinion that it is expedient to incorporate a turnpike road company, with chartered privileges to construct a turnpike road from Maysville to Lexington on the route designated; and that for the same purpose, it is expedient to incorporate other turnpike companies, in other districts, should application be made for such acts; reserving to the general government and to this state the right for a limited time to take a certain amount of stock therein.

There are other subjects of internal improvement of minor import, which your committee will in due time lay before the Legislature in a definite shape. For the present the committee offer the following resolutions for consideration and adoption, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That in the opinion of this Legislature it would be a wise policy in the general government, in conjunction with the states of Ohio, Kentucky, Tennessee and Alabama, to cause to be surveyed and constructed, as soon as practicable, a turnpike road from a point on the great Cumberland road, in the state of Ohio, to pass through Kentucky, Tennessee and Alabama, to intersect the national road about to be constructed from the capitol of the nation to Mobile bay.

Resolved by the authority aforesaid, That our Senators in Congress be instructed and our Representatives be requested, to use their best exertions to carry into effect as early as possible, the objects of the foregoing resolution.

Resolved by the authority aforesaid, That this General Assembly will encourage private companies as far as the resources of the state will justify, in improving the state of the country, by constructing turnpike roads and improving the navigable streams.

Resolved by the House of Representatives, That it is expedient and proper at this time to incorporate by law a turnpike road company for constructing a turnpike road from Maysville, through Washington, Blue Licks, Millersburg and Paris to Lexington.
Reserving to the state and the general government the right, for a limited time, to take a certain amount of stock therein.

Which being read, was with the joint resolution reported by said committee, laid on the table: the last resolution reported by said committee was then twice read and concurred in.

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

Mr. Tarlton, from the select committee to whom was referred a bill establishing an election precinct in Fleming county and for other purposes, reported the same with amendments, which being twice read, the first was disagreed to, and the 2d, 3d and 4th concurred in.

Ordered, That the said bill as amended be re-committed to a select committee of Messrs. Colglazier, Lackey, Rudd, Watkins and A. White.

Mr. Blackburn 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 remonstrance of the justices of the peace composing the county court of Spencer, praying for the establishment of the line between the counties of Shelby and Franklin, and Shelby and Spencer, so as to include Mount Eden in the county of Spencer, and have come to the following resolution thereupon, to wit:

Resolved, That said memorial is reasonable.

Which being twice read was laid on the table.

Mr. Booker, from the select committee to whom was referred a bill authorizing the trustees of the Washington academy to sell their lands, 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. Booker carry the said bill to the Senate and request their concurrence.

Mr. Tarlton, from the select committee to whom was referred a bill to allow an additional justice of the peace in the county of Scott, reported the same with sundry amendments, which having been severally 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, An act to allow additional justices of the peace to certain counties.

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

Mr. Mullens, from the select committee to whom was referred a bill to authorize the county court to appoint a constable in the town of Limestone, Harrison county, reported the same with amendments, which being twice read were concurred in.

Ordered, That the said bill as amended be re-committed to a select committee of Messrs. New, Wilson of Bullitt and Mullens.

Ordered, That the select committee to whom was referred the petitions of Stevenson and Hill, be discharged from the further consideration of said petition, and that the same be referred to the committee of propositions and grievances.

A bill to authorize the stockholders of the Bank of Limestone to elect an agent or commissioner, 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 being engrossed,

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

Ordered, That Mr. Nelson 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. Haskin—1. A bill for the benefit of the Deaf and Dumb Asylum at Danville.

By Mr. Tarlton—2. A bill for the benefit of the infant children of James Johnson, deceased.

And by Mr. Dorsey—3. A bill to restrict the county court of Jefferson in laying their levy.

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 and 2d bills having been dispensed with, the first was ordered to be engrossed and read a third time; and the second was referred to the committee for courts of justice.

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. Haskin carry the said bill to the Senate and request their concurrence.

A message from the Senate by Mr. Cockerill:
Dec. 18.] HOUSE OF REPRESENTATIVES.

Mr. Speaker—The Senate have passed a bill entitled, An act for the benefit of the headright and Tellico settlers and for other purposes, in which bill they request the concurrence of this house.

And then he withdrew.

Mr. Trimble read and laid on the table the following resolutions:

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives be requested, to use their best efforts to cause an act to pass that body, modifying the acts of Congress, giving jurisdiction to the Circuit Courts of the United States, in such a way as to take from the Circuit Court of the United States, for the District of Kentucky, all jurisdiction, where land is the subject matter of controversy, and where both parties claim title under the laws of Virginia.

Resolved by the authority aforesaid, That the Governor be requested to transmit a copy of the foregoing resolution, to each of our Senators and Representatives in Congress.

Mr. New moved the following resolutions:

Resolved, That the committee on Courts of Justice, be instructed to enquire into the expediency of requiring the plaintiff or plaintiffs, in actions of tort and contract, to give security for costs, previous to bringing any such action.

Resolved, That the committee on Courts of Justice, be instructed to enquire into the expediency of amending the existing laws, in relation to processoning lands.

Which being twice read, the first resolution was disagreed to and the second adopted.

Mr. Bainbridge moved the following resolution:

Resolved, That the committee on Courts of Justice be instructed, to enquire into the conduct of the Judge of the 2d Judicial District in relation to admitting Isaac B. Desha to bail, who stands charged with felony, and that said committee shall have power to send for persons and papers, the better to enable them to investigate his conduct.

Which being twice read was adopted.

Leave was given to bring in the following bills:

On the motion of Mr. Hart, 1—A bill to regulate the salaries of the Judges of the Court of Appeals.

On the motion of Mr. Daniel, of Jessamine, 2—A bill to subject the salaries and fees of officers of this commonwealth, to the payment of debts by attachment, or otherwise.

On the motion of Mr. Helm 3—A bill to appropriate $1000 to pave Muldrow's Hill, where the road passes over said hill, leading from Louisville by the way of the mouth of Salt River, through Elizabethtown to Bowlinggreen, and for other purposes.
On the motion of Mr. Spalding, 4—A bill concerning the office of the President of the Commonwealth's Bank.

On the motion of Mr. Joyes, 5—A bill concerning the Trustees of the town of Shippingport.

On the motion of Mr. Rudd, 6—A bill concerning the Circuit Courts.

On the motion of Mr. Blackburn, 7—A bill to amend the law concerning public roads.

On the motion of Mr. Haskin, 8—A bill for the benefit of the Executors of William Hall, deceased.

On the motion of Mr. Watkins, 9—A bill concerning the Turnpike road, leading from John Jackson's in Laurel county, by Williamsburg, in Whitley county, to the Tennessee line.

On the motion of Mr. Flournoy, 10—A bill to authorize the sale of a part of the public square, in the town of Lexington.

11. A bill more effectually to prevent the sale of offices.

And, On the motion of Mr. Carson, 12—A bill for the benefit of the heirs of Johnson Dysart, deceased.

Messrs. Hart, Helm, B. Harrison and Haskin, were appointed a committee to prepare and bring in the 1st; Messrs. Daniel, of Jessamine, New, and Booker, the 2d; Messrs. Helm, Hart, Joyes, Maupin, D. Stephens, and Roundtree, the 3d; Messrs. Spalding, Trimble and McMillan, the 4th; Messrs. Joyes, C. L. Harrison, and Dorsey, the 5th; The Committee for Courts of Justice, the 6th; Messrs. Blackburn, Flournoy and Henry Daniel, the 7th; Messrs. Haskin, Wade, and Allin, the 8th; Messrs. Watkins, Yantis, and Sallee, the 9th; Messrs. Flournoy, True, and Breckenridge, the 10th; Messrs. Flournoy, C. Walker, Cunningham and Marksberry, the 11th; and Messrs. Carson, Cunningham, and Wilson, of Lincoln, the 12th.

A bill to establish a new county out of the county of Washington, was read a second time, and committed to a select committee of Messrs. Forrest, Booker, Bainbridge, B. Harrison, Haskin, and C. Walker.

It was then moved and seconded that the house do now take up for consideration a bill to take the sense of the people as to the expediency of calling a convention.

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

The yeas and nays being required thereon by Messrs. Roberts and Summers, were as follows, viz.

The house then, according to the standing order of the day, resolved itself into a committee of the whole house on a bill to alter the law allowing pay for slaves executed, Mr. Blackburn in the chair; and after some time spent therein the Speaker resumed the chair, and Mr. Blackburn reported that the committee had, according to order, had said bill under consideration and 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 given accordingly.

Mr. Bainbridge, from the joint committee of enrollments, reported, that the committee had examined an enrolled bill entitled, An act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals, and had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Bainbridge inform the Senate thereof.

An engrossed bill entitled, An act to repeal the law requiring property taken under execution to sell for three-fourths of its value and for other purposes, was re-committed to a select committee of Messrs. Rudd, Hanson, Helm and Turner.

And then the house adjourned.

TUESDAY, DECEMBER 19, 1826.

1. Mr. Thomas P. Wilson presented the petition of the Low Dutch Company in Shelby and Henry counties, praying for an act of incorporation.

2. Mr. Blackburn presented the petition of the executors of William Steel, deceased, praying the passage of a law for the settlement of the claim of said decedent against the state, for his services in running the line between Kentucky and Tennessee.

3. Mr. Cyrus Walker presented the petition of Henry Hatcher, and the widow and guardian of the infant heirs of Haskins Hatcher, deceased, praying that a law may pass vesting the title to 70 acres of land on Green river, which belonged to Haskins
Hatcher, deceased, in Henry Hatcher, for the purpose of conveying the same to Jeremiah Hatcher in pursuance of an agreement entered into between said parties.

4. Mr. Underwood presented a memorial and sundry resolutions adopted at a meeting of the citizens of Warren county, held at Bowling Green, in relation to the improvement of the navigation of Big Barren and Green rivers.

Which petitions were severally received, read and referred; the 1st to the committee of propositions and grievances; the 2d to the committee of claims; the 3d to the committee for courts of justice; and the 4th to the committee on internal improvements.

A message from the Senate by Mr. Hickman:

Mr. Speaker—The Senate have received official information that the Governor did, on yesterday, sign and approve an enrolled resolution which originated in the Senate, entitled, A resolution for appointing joint committees to examine the several public offices, the Penitentiary, the Bank of the Commonwealth of Kentucky, and the Bank of Kentucky; and had passed bills of the following titles: An act authorizing the trustees of the town of Millersburg to sell part of the public ground in said town, and An act allowing additional justices of the peace and constables to certain counties, in which bills they request the concurrence of this house.

And then he withdrew.

Mr. Blackburn, from the committee of propositions and grievances, made the following report:

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.

1. Resolved, That the petition of the citizens of Trigg county, praying for the passage of a law to change the place of voting in their election precinct be rejected.

2. Resolved, That the petition of David and John Trimble, praying for leave to erect a mill dam across Licking river be rejected.

3. Resolved, That the petition of a part of the citizens of Union, Hopkins, Caldwell and Livingston counties, praying for the erection of a new county out of parts of their respective counties be rejected.

4. Resolved, That the petition of Charles Kennady, praying for leave to erect a mill on the north side of the Kentucky river at Finn's ripple is reasonable.

5. Resolved, That the petition of the citizens of Livingston county, praying for the establishment of a hospital in Smithland, at the mouth of Cumberland river, is reasonable.

Which being twice read the 1st and 5th resolutions were con-
Dec. 19.] House of Representatives.

...curred in, the 2d and 3d were laid upon the table, and the 4th was referred to the committee of internal improvements.

Ordered, That said committee prepare and bring in a bill pursuant to the fifth 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, viz:

1. Resolved, That the petition of James R. Hughes, clerk of the Union circuit and county courts, praying to be allowed a credit in his settlement with the Auditor for taxes during the present year, for the balance of an allowance made to the committee of a lunatic, and assigned to said Hughes, be rejected.

2. Resolved, That the petition of Walters Elam, praying compensation for certain services rendered as jailor of Simpson county, be rejected.

3. Resolved, That the petition of L. B. Bartle, representing that in the year 1823 he pursued to the state of Ohio and there apprehended a certain Thomas Gaulier, charged with felony in the state of Kentucky, under a commission for that purpose from the Governor of this Commonwealth, and praying compensation for the same be rejected.

Which being twice read was concurred in.

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

The committee on courts of justice have had under consideration various petitions to them referred and have come to the following resolutions thereon:

Resolved, That the petition of E. H. Bourn, administrator of William Noel, deceased, be rejected.

Resolved, That the petition of sundry citizens of Union county, praying for the passage of a law authorizing the sale of part of the public square in Morganfield, be rejected.

Resolved, That the petition of Margaret Waters be rejected.

Resolved, That the petition of Daniel M. Heard be rejected.

Which being twice read was concurred in.

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

The committee of religion have had under consideration sundry petitions to them referred and come to resolutions thereon:

1. Resolved, That the petition of James M. Bartlett, praying a divorce from his wife Mariam Bartlett, is reasonable.

2. Resolved, That the petition of Henry Roades, praying a divorce from his wife Mary Roades, be rejected.

3. Resolved, That the petition of Polly Linsey, praying a divorce from her husband William Linsey, be rejected.
4. Resolved, That the petition of Elizabeth Rowland, praying a divorce from her husband William Rowland, be rejected.

5. Resolved, That the petition of Matilda Waters, praying a divorce from her husband Thomas Waters, be rejected.

6. Resolved, That the petition of Parmela Lister, praying a divorce from her husband Josiah Lister, be rejected.

7. Resolved, That the petition of John Ennis, praying a divorce from his wife Sally Ennis, be rejected.

Which being twice read, (and the 6th resolution amended by striking out the words "be rejected," and inserting in lieu thereof the words "is reasonable,") was concurred in.

Ordered, That the said committee prepare and bring in bills pursuant to the 1st and 6th resolutions.

Mr. New, from the select committee to whom was referred a bill to authorize the county court to appoint a constable in the town of Leesburg, in Harrison 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, An act to authorize the appointment of additional justices of the peace and constables in certain counties.

Ordered, That Mr. New 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. Blackburn from the committee of propositions and grievances—1. A bill to repeal the act establishing the Pine tavern precinct in the county of Bullitt.

2. A bill to add a part of the county of Henry to the county of Franklin.

3. A bill to add a part of the county of Caldwell to the county of Trigg.

By Mr. Underwood from the committee for courts of justice—4. A bill for the benefit of Martha Bridges.

5. A bill to encourage the publication of a digest of the decisions of the Court of Appeals of Kentucky.

6. A bill to authorize the sale of the land of Fanny Hay, a lunatic.

By Mr. T. P. Wilson—7. A bill to compel sheriffs to give counter security.

By Mr. Spalding—8. A bill concerning the office of President of the Bank of the Commonwealth.

By Mr. Yantis—9. A bill for the benefit of the devisees of John Evans, deceased.
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By Mr. Joyes—10. A bill for the benefit of John Todd.

By Mr. Maupin—11. A bill to declare Little Barren river navigable.

Which bills were severally received and read the first time: the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 9th, 10th and 11th ordered to be read a second time; and the 8th was laid on the table.

And thereupon the rule of the house, constitutional provision, and second reading of the 1st, 3d, 4th, 9th and 11th bills having been dispensed with, the 1st was committed to a select committee of Messrs. Rudd, Wilson of Bullitt, and Powell, and the 3d, 4th, 9th and 11th, ordered to be read a third time.

And thereupon the rule of the house, constitutional provision, and third reading of the 3rd, 4th, 9th and 11th 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.

Mr. Forrest from the select committee to whom was referred, a bill to establish a new county, out of the county of Washington, reported the same with an amendment, which being twice read was concurred in.

The question was then taken on engrossing said bill and reading it a third time, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Breckenridge and Forrest, were as follows:


Mr. Rudd from the select committee to whom was referred an engrossed bill entitled an act to repeal the laws requiring pro-
property taken under execution to sell for three-fourths of its value, and for other purposes; reported the same without amendment.

Order'd, That the said bill be recommitted to a select committee of Messrs. Daniel of Montgomery, Turner, and Blackburn.

Mr. Walker of Adair, from the select committee to whom was referred, a bill for the benefit of James Honaker late Sheriff of Pike 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 be "an act for the benefit of certain Sheriffs of this Commonwealth."

Order'd, That Mr. Walker carry the said bill to the Senate, and request their concurrence.

Order'd, That the report of the committee for courts of justice relative to the claims of the officers of the Virginia state line, to locate land west of the Tennessee river, to satisfy unlocated land warrants; be referred to a committee of the whole house for tomorrow.

And then the house adjourned.

WEDNESDAY, DECEMBER, 20, 1826.

Mr. Tarlton presented the memorial of John Duley, relative to certain land claims held by him in this state.

Mr. Campbell presented the petition of John Pursley, of Christian county, praying that a law may pass, to ratify and confirm the sale made to him by the Trustees of the Kentucky Academy, of a part of their donation lands, which sale the Trustees of said Academy are fraudulently attempting to evade; and that the said corporation may be dissolved, and their corporate powers arrested.

Mr. Wells, of Morgan, presented the petition of James Cash and William Trimble, praying that a law may pass to change the route of a part of the state road, leading from Mountsterling to Prestonsburg, in order that the same may be taken over more suitable ground.

Mr. Farmer presented the petition of Michael Huffacre, praying compensation to be paid out of the tolls received, for the loss sustained by him in the death of two horses killed, his wagon broken, and for the destruction of a load of salt, in consequence of the breaking down of the bridge across Yellow creek, on the turnpike and wilderness road, which was out of proper repair.

The Speaker laid before the house, a memorial from the chairman of the committee of the citizens of Millersburg, in relation
to the construction of a Turnpike road from Maysville to Lexington.

Which petitions and memorial were severally received, read, and referred: The 1st and 2d, to the committee for courts of justice; the 3d, to a select committee of Messrs. Wells, Lackey, and Daniel of Montgomery; the 4th, to the committee of claims; and the 5th, to the committee on internal improvements.

Mr. Underwood from the committee for courts of justice, made the following report:

The committee on courts of justice have had under consideration, various subjects to them referred, and have come to the following resolutions, thereupon, viz:

1. Resolved, That the petition of Henry Hatcher, and others, be rejected.
2. Resolved, That the petition of John Smith be rejected.
3. Resolved, That the petition of sundry citizens of Grant county, relative to certain streets and alleys in Williamstown, be rejected.
4. Resolved, That it is inexpedient to pass the bill for the benefit of the heirs of James Johnson, deceased.
5. Resolved, That the committee be discharged from the further consideration of the subject to them referred, embraced by the resolution of the house, relative to the conduct of the Hon. Henry O. Brown, judge of the judicial district, in admitting Isaac B. Desha to bail.

Which being twice read, the 1st, 2d, 3d, and 5th resolutions were concurred in, and the 4th was recommitted to a select committee of Messrs. Tarlton, Blackburn, Flournoy, Breckenridge, and Underwood.

A message from the Senate by Mr. Woods:

Mr. Speaker: The Senate have passed a bill which originated in this house entitled an act for the benefit of Emily Bratton, and others.

And then he withdrew.

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

By Mr. Blackburn from the committee of propositions and grievances, 1.—A bill to establish the Cumberland Hospital.
2.—A bill to add a part of Prestons' enlargement to the town of Louisville.

By Mr. Underwood from the committee for courts of justice, 3.—A bill relative to the liability of officers and attorneys who collect Bank notes, and refuse to pay the same to those entitled thereto.
4.—A bill to amend the laws, in relation to absent defendants.

By Mr. White, 5.—A bill for the benefit of Charles Kennedy.

By Mr. Summers, 6.—A bill to reduce the salary of Circuit Judges, and for other purposes.
By Mr. Wade, 7—A bill to enable Elizabeth Hall, executrix, and Nimrod Greenwood, executor of William Hall, deceased, to carry into effect the provisions of said decedents will.

By Mr. Breckenridge, 8—A bill to extend the powers of the Trustees of the town of Lexington.

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 3d and 7th bills, having been dispensed with, the 3d, was committed to a select committee of Messrs. Rudd, Underwood, Morris, and Helm, and the 7th to the committee for courts of justice.

Mr. Daniel from the select committee, to whom was referred, an engrossed bill, entitled an act to repeal the laws, requiring property taken under execution to sell for three-fourths of its value, and for other purposes; reported the same with amendments, the first of which having been concurred in; the second was then read as follows; add to the bill as additional sections, the following:

Be it further enacted, That the salaries of all officers of the government of Kentucky, shall be subject to the payment of their debts, and the individual or individuals, to whom a debt may be due by an officer of the government, may in any circuit court in this Commonwealth, file his bill in chancery against said officer, the Auditor and Treasurer, calling on them to state how much is unpaid said officer; and if it should appear that any part of the salary of such officer remains unpaid, then the court, before whom said bill shall be pending shall decree, that said salary or so much thereof, as shall be sufficient to satisfy said debt, shall be paid to the complainant; and the court may make such decree in relation to cost, as the justice of the case requires.

Be it further enacted, That if any officer aforesaid shall mortgage, or transfer his salary to any individual, the said deed or transfer shall be void to all intents and purposes.

And the question being taken on agreeing to said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Henry Daniel and Turner, were as follows:


NAYS—Mr. Speaker, Messrs. Bainbridge, Blackburn, Breek, Breckenridge, Butler, Carson, Cobb, Colglazier, Comer of Green
House of Representatives.

The said bill was then committed to a select committee of Messrs. Underwood, B. Harrison, Turner, Henry Daniel, Joyes, and Breckenridge.

An engrossed bill entitled "an act for the formation of a new county out of the county of Washington," was read a third time; and the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required on the passage of said bill by Messrs. Bainbridge and Forrest, were as follows:


Ordered, That the title of said bill, be "An act for the formation of the county of McKee, out of the county of Washington," and that Mr. Forrest carry the said bill to the Senate and request their concurrence.

A message from the Senate by Mr. Wickliffe:

Mr. Speaker: The Senate have passed a bill, entitled, an act to provide for the rebuilding of the Capitol, and for other purposes, in which they request the concurrence of this house.

And then he withdrew.

And then the house adjourned.
Mr. Bainbridge from the joint committee of enrolments reported that the committee had examined an enrolled bill, entitled, an act for the benefit of Emily Bratton and others, and had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Bainbridge inform the Senate thereof.

1. Mr. Tarlton presented the petition of Samuel Glass, praying that a law may pass, confirming a sale and conveyance for a tract of land belonging to his children, and which was sold by him, for their benefit, to William Wiley.

2. And also, the petition of Betsey Emerson, praying the passage of a law, authorizing the administrator, with the will annexed, of her husband, Hugh Emerson, deceased, to sell a portion of the real estate of said decedent, for the purpose of discharging the debts of the decedent.

3. Mr. Joyes presented the petition of the President and Directors of the Branch of the Bank of the Commonwealth at Louisville, praying the passage of a law, authorizing them to pay a clerk employed by them, for his services since the passage of the law abolishing the clerkships of the Branch Banks.

Which petitions were severally received, read and referred: The 1st and 2d, to the committee for courts of justice and the 3d to the select committee raised on the part of this house to examine the Bank of the Commonwealth of Kentucky.

Mr. Yantis read and laid upon the table, the following resolution:

Resolved by the Senate and House of Representatives, That when they respectively adjourn, on Saturday the 23d instant, they will adjourn to meet again on the day of

And thereupon the rule of the house having been dispensed with, the said resolution was taken up, twice read, the blank therein filled with Wednesday the 27th inst. and concurred in.

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

Mr. Hanson read and laid upon the table the following resolution viz:

Resolved by the Senate and House of Representatives, That when the General Assembly adjourn on the 13th day of January, 1827, they will adjourn without day.

A message from the Governor by Mr. Loughborough.

Mr. Speaker: I am directed by the Governor to lay before this house a written communication.

And then he withdrew.

Mr. Blackburn from the committee of propositions and grievances, made the following report:
Dec. 21.] HOUSE OF REPRESENTATIVES.

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

Resolved, That the petition of Culannett Baily, praying for leave to rebuild Sutton's old mill and dam in the county of Mercer, on the Kentucky river, is reasonable.

Resolved, That the petition of Thomas L. Stephens, praying for leave to erect a dam across Big Barren river, in which he will place a lock and slope, is reasonable.

Resolved, That the petition of Thomas Hill, praying for leave to erect a dam across Big Barren river, be rejected.

Which resolutions being severally twice read, were concurred in.

Ordered, That the committee of propositions and grievances, prepare and bring in bills pursuant to the 1st and 2d resolutions.

On motion,

Ordered, That the committee of propositions and grievances, be discharged from the further consideration of the petitions of Thomas Bland, and the Low Dutch Company, in Henry and Shelby counties; that the former petition be referred to the committee of claims; and that leave be given to withdraw the petition and papers filed in the latter case.

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 Charles P. Bacon, praying compensation, for guards employed by him, to assist the jailor of Franklin county, during the confinement of Jereboam O. Beauchamp, be rejected.

Resolved, That the petition of Robert Raiby, praying compensation for apprehending, and delivering to the jailor of Bourbon county, a negro man named Charles, convicted in the Circuit Court of said county, of the crime of murder, is reasonable.

Resolved, That the petition of Nicholas Keating, praying compensation for apprehending, and delivering to the jailor of Calloway county, John Entrikin, a fugitive from justice in said county, is reasonable.

Resolved, That the petition of Silas W. Robbins, praying that the costs, and expenses incurred by him in defending an accusation preferred against him, as judge of the 11th Judicial District, by the House of Representatives, in the year 1824, may be defrayed out of the public Treasury, is reasonable.

Which being twice read, the 1st, 2d, and 3d resolutions were concurred in, and the 4th recommitted to the committee of claims.
Ordered, That said committee prepare and bring in bills, pursuant to the 2d and 3d resolutions.

Mr. Underwood from the committee for courts of justice made the following report:

The committee on courts of justice have had under consideration, the petition of John Duley, praying that a law may be passed, compelling plaintiff's and complainants to sue defendants by their proper names, and have come to the following resolution thereon, to-wit:

Resolved, That said petition be rejected.

Which being twice read was concurred in.

A message from the Governor by Mr. Loughborough:

Mr. Speaker: The Governor did on this day approve, and sign an enrolled bill which originated in this house, entitled an act for the benefit of Emily Bratton and others.

And then he withdrew.

Ordered, That Mr. Bainbridge inform the Senate thereof.

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

By Mr. Blackburn, from the committee of propositions and grievances, 1.—A bill to add a part of the county of Harrison to the county of Grant.

By Mr. Underwood, from the committee for courts of justice, 2.—A bill concerning the circuit courts.

By Mr. Barbee, from the committee of religion, 3.—A bill for the divorce of certain persons.

By Mr. D. White, from the committee on internal improvements, 4.—A bill to incorporate the Maysville and Lexington Turnpike Company.

Also, 5.—A bill to prevent the obstruction of navigable streams.

By Mr. Blackburn, from the committee of propositions and grievances, 6.—A bill for the benefit of Lewis Rogers, late deputy sheriff of Ohio county.

By Mr. James, 7.—A bill farther regulating the sale of the vacant lands, south west of the Tennessee river.

By Mr. Breckenridge, 8.—A bill to amend the militia laws of this commonwealth.

By Mr. Gorin, 9.—A bill to annex part of Warren to Barren county.

By Mr. Thomas, 10.—A bill for the benefit of James Williamson and Sally Reynolds.

By Mr. A. Wilson, 11.—A bill for the benefit of the heirs of Johnston Dysart, deceased: And,

By Mr. Hart, 12.—A bill to regulate the salaries of the judges of the Court of Appeals.

Which bills were severally received, and read the first time,
and (with the exception of the 12th bill, which was laid on the table) ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second reading of the 1st, 2d, 4th, 5th, 7th, 8th, and 9th bills, having been dispensed with, the 1st and 9th were ordered to be engrossed and read a third time; the 2d and 5th to the committee for courts of justice; the 4th was committed to a select committee of Messrs. Brackenridge, Fulton, Nelson, Hutchinson, and Secret; the 7th to a select committee of Messrs. B. Harrison, New, James, White and Flournoy; and the 8th to the committee who were appointed to prepare and bring in said bill.

And thereupon the rule of the house, constitutional provision, and third reading of the 1st 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. New carry the said bills to the Senate and request their concurrence.

Mr. New from the select committee to whom was referred a bill for the benefit of John Bellamy and Samuel Johnson; 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 "an act for the benefit of John Bellamy, Samuel Johnson and others."

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

Mr. Rudd from the select committee to whom was referred a bill to repeal the act establishing the Pine tavern precinct, in the county of Bullitt, 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 "An act to abolish certain election precincts."

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

Mr. Tarlton from the select committee to whom was referred, a bill for the benefit of the infant children of James Johnson deceased, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time to-morrow.
Mr. Helm moved for leave to bring in a bill to authorize the location of lands, which have been forfeited to the commonwealth, for the nonpayment of taxes and the question being taken on giving 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. B. Harrison and Helm, were as follows, viz.


Mr. New moved the following resolution, viz:

Resolved. That the committee of ways and means be directed to enquire into the expediency of providing by law for the location of lands, for the benefit of those Seminaries, the trustees of which have not yet been able to make locations.

Which being twice read, was adopted.

Mr. Morris moved the following resolution, viz.

Resolved. That the committee for internal improvements, be instructed to enquire into the expediency of constituting a board of Engineers, whose immediate duty it shall be to collect such facts and information, and make such communications to the Legislature, from time to time in relation to the improvement of our navigable watercourses, and such other objects of internal improvement, as may be entitled to public consideration.

Which being twice read, was adopted.

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

Whereas, it is believed a well digested tariff, designed to afford reasonable encouragement to domestic manufactures is promotive of the best interests of our common country; and whereas we feel much solicitude as to the course of those who represent the
sovereignty of this state in the government of the United States in relation to this subject, and that they may the better understand the views, and wishes of those from whom they claim their powers and appointments.

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That our members in the Senate be and they are hereby instructed to support such tariff measures as may afford reasonable encouragement to domestic manufactures.

Be it further resolved, That the Governor of this commonwealth be requested to forward to each of our Senators and Representatives in Congress, a copy of the foregoing resolution.

Mr. McMillan moved the following resolution, viz.

Resolved by the House of Representatives, That they will receive no newspaper to be paid for out of the public treasury, and that the appropriation made to pay for newspapers, shall be from the pockets of those who take them.

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. McMillan and Breck, were as follows:


Leave was given to bring in the following bills.

On the motion of Mr. Daniel of Jessamine, 1—A bill requiring the judge of the 9th judicial district, to hold a chancery term for the county of Jessamine.

On the motion of Mr. Wilson of Bullitt, 2—A bill further to regulate the taking of testimony in civil cases.

On the motion of Mr. Summers, 3—A bill for the benefit of Jenina Duncan and children.
On the motion of Mr. Nuttall, 4—A bill to allow an additional justice of the peace to Henry county.

On the motion of Mr. Rucker, 5—A bill to change the time of holding Circuit Courts in the county of Caldwell.

On the motion of Mr. Underwood, 6—A bill to provide for running the lines of Edmondson county.

On the motion of Mr. McFarland, 7—A bill to exempt surveyors or overseers of roads, from serving on petit juries; and,

On the motion of Mr. Morris, 3—A bill to amend the laws appropriating fines and forfeitures.

Messrs. Daniel, Haskin, Booker and Blackburn, were appointed a committee to prepare and bring in the 1st; Messrs. Wilson, Morris and Rudd the 2d; Messrs. Summers, Secrest, and H. Daniel the 3d; Messrs. Samuel, Nuttall and Butler the 4th Messrs. Rucker, Hughes and Powell the 5th; Messrs. Underwood, Skiles and Gorin the 6th; Messrs. McFarland, Trimble and B. Harrison the 7th; and Messrs. Morris, Gaines, and Wingate the 8th.

A message from the Senate by Mr. Dudley:

Mr. Speaker: The Senate have passed a bill entitled "An act to add a small part of Henry county to the county of Franklin," in which bill they request the concurrence of this house.

And then he withdrew.

An engrossed bill entitled "an act for the benefit of Thomas Cull, late Sheriff of Washington county" was read a third time.

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

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

An engrossed bill entitled "an act for the benefit of William Jackson, Asahel Carl, Samuel Carroll and George Kelly" was read a third time; and the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Booker and Sanders were as follows, viz.


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

A message from the Senate by Mr. Garrard:

Mr. Speaker: The Senate have passed a resolution from this house for a recess of the General Assembly: they disagree to a bill which originated in this house, entitled “an act for the benefit of the heirs of James Grubbs, deceased;” and have passed a bill, entitled “an act concerning idiots,” in which bill they request the concurrence of this house.

And then he withdrew.

The Speaker laid before the house a letter from the President of the Bank of the Commonwealth, enclosing returns from the Bowlinggreen and Greensburg branches of said Bank: which were received and laid on the table.

Mr. Wilson of Bullitt, from the majority on the vote, by which the resolution of the committee of religion rejecting the petition of Vachel Hobbs, for a divorce was concurred in, moved a reconsideration of said vote; and the question being taken thereon, it was decided in the affirmative.

Ordered, That the said resolution be recommitted to the committee of religion.

And then the house adjourned.

FRIDAY, DECEMBER 22, 1826.

Mr. Underwood from the committee for courts of justice made the following report:

The committee on courts of justice have had under consideration various subjects to them referred, and have come to the following resolutions thereon, to-wit:

Resolved, That the petition of Gilbert Clarke, be rejected.

Resolved, That the petition of Betsy Emerson, is reasonable.

Resolved, That the petition of Hay Battaile, be rejected.

Resolved, That the petition of James Pitts and others be rejected.

Resolved, That the petition of the Christian county court be rejected.

Which being twice read, was concurred in.

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

Mr. White from the committee on internal improvements to whom was referred a bill to authorize the opening of a road from R
the mouth of Salt river by the way of Litchfield to Bowling-green, reported the same with an amendment, which being twice read was concurred in.

Ordered. That the said bill be laid on the table.

Mr. Griffin from the joint committee appointed to examine the Register's office, made the following report:

The joint committee of the Senate and House of Representatives, 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 two hundred and seventy-three bundles of surveys neatly labelled, with an alphabet; also, fifteen bundles containing the caveated and defective surveys, on which grants have issued; four bundles caveat surveys; two bundles defective surveys; and one bundle of 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, and 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-residents' 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 1792, in good order: The said surveys are tied up in one hundred and forty-four bundles, neatly labelled, with an alphabet. The record of these surveys, together with the record of some grants, is in 11 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 headright claims, are neatly registered in three volumes, with two alphabets, one of which is somewhat worn: The headright plats and certificates of survey are filed in three hundred and eight bundles, neatly labelled and recorded, in seventeen volumes, with two alphabets in good order: the grants issued thereon recorded in twenty-seven 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 label-
led, all in good order; nine bundles certificates on which warrants have issued; seven bundles certificates of sale of non-residents' 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 1792; two bundles of surveys not registered, for want of fees since 1792; one bundle of defective surveys since 1792; thirty-three bundles of vouchers, on which the late Kentucky land warrants have issued, all 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 Croghan'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 nine volumes, the original surveys made on said warrants are tied up in two hundred and thirty-three bundles, neatly labelled and recorded in thirteen volumes well bound, the grants issued thereon recorded in twenty-one volumes well bound, with two alphabets, in good order; said surveys are neatly registered in three volumes, with two alphabets in good order; three volumes in which caveat 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 5th January, 1824, one book of original entries from the county of Mercer, one from Bourbon and 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, as your committee have been informed by the Register, one volume of military grants for lands west of the Tennessee river, one volume, in which the surveys of that land are registered, and one volume in which they are recorded, the surveys are neatly tied up in six bundles, each volume having a separate alphabet; one volume in which certificates of sale of the land west of the Tennessee river are recorded, two volumes of grants issued thereon, with an alphabet in good order; one volume of Henderson's field notes, (this book is not well bound,) one volume in which surveys of land, south of Walker's line are recorded; one volume of grants, one volume in which the same;
are registered, with alphabets, all in good order; the surveys of
those lands are tied up in nine bundles, neatly labelled; one vol-
ume of the list of warrants for lands S. W. of Walker's line and
one volume in which those warrants are recorded.

The Register exhibited great promptitude in attending to and
assisting us in the necessary examination of his office, and affor-
ded every facility therein that could have been asked; all of
which is respectfully submitted.

Your committee are satisfied from the examination they have
made, that the business in the Land Office has greatly increased,
owing to the reduction of the price of land warrants, and the
bringing into market, the lands in the state of Tennessee, south
of Walker's line, they are therefore, of opinion, that the salary
as now reduced, of that officer, is not adequate to the labor and
duties, he has to perform. Given under our hands, this 22nd
December, 1826.

JOEL YANCEY,
MARTIN BEATY,
H. B. MAYO,

From the Senate.
JOHN GRIFFIN,
JAMES FARMER,
CYRUS WINGATE,
M. WELLS,
WILLIAM LOVE,

From the House of Representatives.

Mr. Tarlton from the select committee to whom was referred,
a bill establishing an election precinct in Fleming county, and
for other purposes; reported the same with amendments, which
being twice read were concurred in; and the said bill, as amen-
ded, 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
"An act to establish election precincts, in certain counties."

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

Mr. Joyce from the select committee to whom was referred,
"a bill for building a bridge at the Falls of Ohio," reported the
same without amendment:

Ordered, That the said bill be referred to the committee on in-
ternal improvements.

Mr. Rudd from the select committee to whom was referred
"a bill relative to the liability of officers and attorneys, who cox
Dec. 22.]

HOUSE OF REPRESENTATIVES.

fect bank notes and refuse to pay the same to those entitled there­
to," reported the same with an amendment.

Ordered, That the said bill with the amendment be laid upon
the table: and that the Public Printer forthwith print one hun­
dred and fifty copies of said amendment for the use of the mem­
bers of this house.

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

By Mr. Blackburn from the committee of propositions and
grievances, 1—A bill for the benefit of Callum H. Bailey.

By Mr. Underwood, 2—A bill for the benefit of William H.
Wood: Also, as unfinished business of the last session, 3. A bill
appointing commissioners to view and mark out a state road
from Louisville to the Iron Banks.

By Mr. David White from the committee on internal improve­
ments, 4—a bill providing for the appointment of a board of
Engineers.

Also, 5—A bill to improve the navigation of Main Eagle creek
By Mr. Flournoy, 6—A bill to restrain the sale of offices.

By Mr. Summers, 7—A bill for the benefit of Jennina Dun­
can and children.

By Mr. Nuttall, 8—A bill to allow an additional justice of the
peace for Henry county.

By Mr. Underwood, 9—A bill to provide for running the line
of Edmondson county.

By Mr. Morris, 10—A bill to amend the laws concerning fines
and forfeitures.

By Mr. Farmer, 11—A bill to amend the laws relative to the
turnpike and wilderness road.

By Mr. Lackey, 12—A bill for the benefit of Elijah Adkins
and Richard Tidings.

Also, 13—A bill for the benefit of the surveyor of Pike county.

By Mr. Harrison Daniel, 14—A bill requiring the judge of
the 9th judicial district to hold a chancery term for the county
of Jessamine.

By Mr. McFarland, 15—A bill to exempt surveyors or over­
seers of public roads from serving on venires or petit juries.

And, By Mr. Henry Daniel, 16—A bill for the benefit of
James Kash and William Trimble.

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

Ordered, That the Public Printer forthwith print one hundred
and fifty copies of the 6th 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, 2d, 3d, 5th, 7th, 8th, 9th, 10th,
13th, 13th, 14th and 16th bills having been dispensed with, the
1st, 3d, and 5th, were committed to the committee on internal improvements; the 2d to a select committee of Messrs. James, Underwood, Spalding, and Forrest; and the 10th and 14th, to the select committees appointed to prepare and bring in said bills respectively.

And thereupon the rule of the house, constitutional provision and second and third readings of the 7th, 8th, 9th, 12th, 13th, and 16th 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. Nuttall carry said bills to the Senate and request their concurrence.

A message from the Senate by Mr. Ward.

Mr. Speaker: The Senate concur in the passage of a bill which originated in this house, entitled "An act to legalize the proceedings of the town of Madisonville," and have passed bills of the following titles: An act to amend an act entitled "an act to incorporate the trustees of the Augusta College," and "An act for the benefit of Obediah Woodrum," in which bills they request the concurrence of this house.

And then he withdrew.

Mr. Flournoy read and laid upon the table the following resolution:

Resolved, Henceforward, that no appropriation shall be made by law, allowing the sergeants and doorkeepers of the Legislature, more than members' wages.

Mr. Gaines moved the following resolution:

Resolved, That the committee on internal improvements be instructed, to enquire into the expediency of amending the law establishing a turnpike on the road leading from Georgetown to Cincinnati.

Which being twice read was adopted.

Mr. Gaines moved the following resolution:

Resolved, That the committee on courts of justice be instructed, to enquire into the expediency of providing by law, for the publication of the journals of the Conventions of 1792, and 1799, to be deposited in the Secretary's Office, or in the Public Library, for the use of the officers of government and the General Assembly.

Which being twice read was adopted.

Mr. D. White moved the following resolution:

Resolved, 1st, That, it shall be a standing rule of the House, that the Speaker shall call up the orders of the day, precisely at the hour of twelve; and the house shall then proceed to consider the orders of the day, regularly as they stand on file, except for good cause, the orders of the day, may at any time be dispensed with, by two-thirds of the house, without debate.
2d. No rule of the house shall be dispensed with, unless by a vote of two-thirds of the house, without debate.
Which being twice read was adopted.

Mr. Morris moved the following resolutions:
1st. Resolved, That a committee be raised to enquire, if the act entitled "an act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals," should pass and become a law, will there remain any obstructions to the progress of business in said court.

2d. Resolved, That said committee also enquire to what extent the business of said Court of Appeals, has been or probably will be increased or diminished, by the passage of an act entitled "an act to repeal the laws organizing the Court of Appeals, and to re-organize the Court of Appeals," approved December 24th, 1824.

Which being twice read was laid on the table.

Mr. Timberlake moved the following resolution:
Resolved, That when the House of Representatives adjourn to-day, they will adjourn to meet again on Wednesday next.
Which being twice read was adopted.

Mr. B. Harrison from the committee to whom was referred so much of the Governor's message as relates to the removal of the seat of government from Frankfort, made the following report:

Whereas, one of the first principles of a republican form of government, is to equalize the conveniences and inconveniences thereof, with regard to the whole community, as far as practicable: and, whereas, the present seat of government is so far removed from the centre of the state, that a large portion of the good citizens of this commonwealth, experience great inconvenience therefrom: Therefore,

Resolved, That the seat of government, for the state of Kentucky, be removed from Frankfort, to in the county of two-thirds of this house concurring therein.

Which being twice read was laid upon the table.

Leave was given to bring in the following bills:
On the motion of Mr. Spalding, 1—A bill to change the time of paying into the public Treasury, tax due from clerks of this Commonwealth.

On the motion of Mr. Dorsey, 2—A bill to establish an inspection of Salt in this state.

On the motion of Mr. B. Harrison, 3—A bill for the benefit of Jonathan Downs.

On the motion of Mr. Wingate, 4—A bill to authorize the appointment of trustees to the town of New Liberty, in the county of Owen.

On the motion of Mr. Joyes, 5—A bill providing for a lien on
Steam boats and other vessels, to shipwrights, builders of engines, &c.

On the motion of Mr. Nuttall, 6—A bill for the benefit of James L. Miles.

On the motion of Mr. Morris, 7—A bill to amend the law authorizing endorsements on executions for Commonwealth's paper, and paper of the Bank of Kentucky.

On the motion of Mr. Watkins, 8—A bill concerning the vacant land in this commonwealth, located by warrant north of Walker's line.

On the motion of Mr. Rucker, 9—A bill to authorize county courts to appoint three fit persons, to examine surveyor's offices, and for other purposes.

On the motion of Mr. McFarland, 10—A bill for the benefit of Mechanics.

On the motion of Mr. Rudd, 11—A bill to establish courts of Oyer and Terminer: And,

On the motion of Mr. Maupin, 12—A bill for the benefit of securities on private contracts.

Messrs. Spalding, Morris, T. Q. Wilson, and T. P. Wilson, were appointed a committee to prepare and bring in the 1st; Messrs. Dorsey, A. White and B. Harrison, the 2d; Messrs. B. Harrison, Rudd, and Barbee, the 3d; Messrs. Wingate, D. White, and Sanders, the 4th; Messrs. Joyes, McFarland, and D. Stephens, the 5th; Messrs. Nuttall, Haskin, and Wade, the 6th; Messrs. Morris, C. Walker and Haskin, the 7th; Messrs. Watkins, Walker of Logan, and Farmer, the 8th; Messrs. Rucker, L. Stephens, Davis, Barbee, and D. Stephens, the 9th; Messrs. McFarland, Maupin and Morris, the 10th; Messrs. Rudd, Underwood, Trimble, and Morris, the 11th; and Messrs. Maupin, C. Walker, Haskin, Rudd and Underwood, the 12th.

On motion,

Ordered, That the petition of Moses Mead and others, be referred to the committee on internal improvements.

A bill for the benefit of Edmund M. Waggener and John Crogman, was read the second time and ordered to be engrossed and read a third time on Wednesday next.

Bills from the Senate of the following titles: "An act for the benefit of the judge of the 13th judicial district," and, "An act for the benefit of the headright and Tellico settlers," were severally read the first, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second reading of said bills having been dispensed with, the 1st was committed to a select committee of Messrs. Rudd, Hart, Love, and Wilson of Bullitt, and the 2d, was ordered to be read a third time.

And thereupon the rule of the house constitutional provision and third reading of the second bill having been dispensed with;
Resolved, That said bill do pass, and that the title thereof be as aforesaid.

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

WEDNESDAY, DECEMBER, 27, 1826—10 o'clock. A. M.

A quorum to do business not appearing, the house was adjourned to meet on to-morrow, 10 o'clock.

THURSDAY, DECEMBER 28, 1826.

1. Mr. Shepard presented the petition of sundry citizens of Lewis county praying that a law may pass to establish the town of Vanceburg, in said county, and to invest the county court of said county, with power to appoint trustees therefor.

2. Mr. Breck presented the petition of Thomas Turner, praying the passage of a law authorizing the sale of a small tract of land in Madison county, the property of Margarett Roberts, deceased, for the purpose of discharging the debts of said decedent.

3. Mr. McMillan presented the petition of the county court of Monroe county, praying that a law may pass, authorizing the appointment of an additional justice of the peace, for said county, to reside in the town of Tompkinsville.

4. Mr. Ray presented the petition of Ann Ashley, administratrix of Alexander Ashley, deceased, praying the passage of a law authorizing her to make sale of four tracts of land on Elk creek, in the county of Hopkins, the property of said decedent, for the purpose of discharging the debts of said decedent.

5. Mr. Underwood presented the petition of Benjamin Barner, Clerk of the Hickman county court, praying compensation for recording the plan of the town of Mayfield, and reducing and recording the plan of the town of Columbus.

6. Mr. C. L. Harrison presented the petition of Richard L. Head and Thomas Breeze, praying compensation for apprehending and bringing to justice Randall W. Smith, charged with the murder of Doctor Preston W. Brown.

7. Mr. T. Q. Wilson presented the petition of William Caldwell, late Sheriff of Bullitt county, praying that he may be allowed until the 1st of June next, to pay into the Treasury $150 82 cents, part of the revenue tax for said county, due and payable the present year.

8. And also, the petition of sundry citizens of Nelson, Spencer and Bullitt counties, praying the passage of a law, authorizing a fish dam to be erected in Salt river.

Which petitions were severally received, read and referred.
The 1st to a select committee of Messrs. Shepard, Gaines and Skiles; the 2d, to a select committee of Messrs. Breck, Hanson, and Underwood; the 3d, to a select committee of Messrs. McMullan, Ray, and Cunningham; the 4th, to a select committee of Messrs. Ray, Haskin, and Yantis; the 5th, to the committee of claims; the 6th, to the committee for courts of justice; and the 7th and 8th, to the committee of propositions and grievances.

A message from the Senate by Mr. Yancey.

Mr. Speaker: The Senate concur in the passage of a bill, which originated in this house, entitled “An act for the benefit of Martha Bridges;” and have passed a bill, entitled “An act to incorporate the Cumberland College, at Princeton,” in which they request the concurrence of this house.

And then he withdrew.

Mr. Gaines, from the committee on internal improvements, made the following report:

The committee on internal improvements have, according to order had under their consideration a resolution of the house to them referred, directing an inquiry into the expediency of amending the law establishing a turn-pike on the road leading from Georgetown to Cincinnati; and have come to the following resolution thereupon, to-wit:

Resolved, That it is inexpedient to alter, change or amend said law.

Which being twice read was concurred in.

Mr. Rudd from the select committee, to whom was referred, a bill from the Senate entitled, “An act for the benefit of the judge of the 15th judicial district;” reported the same without amendment.

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

On motion,

Ordered, That the bill to authorize the opening of a road from the mouth of Salt river, by the way of Litchfield to Bowling-green, be placed in the orders of the day.

On motion,

Ordered, That the committee of the whole house be discharged from the further consideration of the bill, regulating the granting of injunctions, and that the said bill be referred to a select committee of Messrs. Blackburn, Hanson, and Yantis.

Mr. Shepard from the joint committee of enrollments, reported that said committee had examined an enrolled bill, which originated in this house, entitled “An act to legalize the proceedings of the trustees of the town of Madisonville;” and also, an enrolled bill which originated in the Senate, entitled “An act for the benefit of the headright and Tellico settlers, and for other purposes;” and had found the same truly enrolled:

Whereupon the Speaker affixed his signature thereto.
Ordered, That Mr. Shepard inform the Senate thereof.

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

By Mr. Underwood from the committee of courts of justice, 1.—A bill for the benefit of the devisees of Hugh Emerson, deceased.

By Mr. Maupin, 2.—A bill for the benefit of securities, on private contracts.

By Mr. Lackey, 3.—A bill providing for the improvement of the road, leading from Louisa, in Lawrence county, by West Liberty, to the Beaver Ironworks.

By Mr. McFarland, 4.—A bill for the benefit of Mechanics: And, by Mr. Morris, 5.—A bill for the benefit of the Sheriff of Henderson 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 and third readings of the 1st and 5th 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. Morris carry said bills to the Senate, and request their concurrence.

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

On the motion of Mr. Morris, 1.—A bill for the benefit of the Sheriff of Henderson county.

On the motion of Mr. Underwood, 2.—A bill to legalize the proceedings of the Warren county court, and for other purposes: Also,

3. A bill to provide for appointing additional patrollers in this Commonwealth.

On the motion of Mr. Joyes, 4.—A bill extending the powers of the trustees of Louisville, and for other purposes: Also,

5.—A bill for the benefit of Silas McKee.

On the motion of Mr. Wingate, 6.—A bill for the benefit of Henry Spence.

On the motion of Mr. Morris, 7.—A bill to amend the law concerning the town of Henderson.

On the motion of Mr. Conner of Bath, 8.—A bill for the benefit of the heirs of Valentine Stone, deceased: And,

On the motion of Mr. McMillan, 9.—A bill for the benefit of Frank Harris, of Monroe county.

Messrs. Morris, Helm, and Evans, were appointed a committee, to prepare and bring in the 1st; Messrs. Underwood, Skiles, and Harrison Daniel, the 2d; Messrs. Underwood, Rudd, and Dorsey, the 3d; Messrs. Joyes, Dorsey, C. L. Harrison and Rudd, the 4th; Messrs. Joyes, McFarland, and Harrison, the 5th;
Messrs. Wingate, Sanders, and D. White, the 6th; Messrs. Morris, Hart, and Campbell, the 7th; Messrs. Conner, Turner and Booker, the 8th; and, Messrs. McMillan, Sallee, and Owings, the 9th.

Mr. James moved the following resolution:

Resolved, That the committee on internal improvement, be instructed to inquire into the expediency of appointing commissioners to view, and mark a road from Columbus to the state line on a direction to Paris.

Which being twice read was adopted.

Mr. Rudd moved the following resolutions:

Resolved, That the seat of Government, shall be removed from Frankfort, to

Resolved, That the Bank of Kentucky, shall be removed from Frankfort to Shelbyville.

Resolved, That the Bank of the Commonwealth, shall be removed from Frankfort to Lexington.

Resolved, That the Judges of the Court of Appeals, shall hereafter hold their court in Bardstown.

Which being twice read were laid upon the table.

The house took up the amendments proposed by the Senate to bills from this house, of the following titles:

An act to change the names of Nancy and Elizabeth Murphy;

And—An act to allow three additional terms to the county court of Scott county, and to change the time of holding the same; which being twice read, were concurred in.

Ordered, That Mr. Underwood inform the Senate thereof.

An engrossed bill, entitled “An act to establish the county of Anderson, out of parts of the counties of Franklin, Washington, and Mercer,” 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. Rudd and Sanders, were as follows, viz:

YEAS—Mr. Speaker, Messrs. Bainbridge, Barbee, Blackburn, Booker, Campbell, Cobb, Conner of Bath, Conner of Greenup, Cunningham, Daniel of Jessamine, Dorsey, Evans, Farmer, Forrest, Gaines, Gorin, Griffin, Hanson, Harris of Simpson, Harrison of Jefferson, Hart, Haskin, Helm, Hughes, James, Joyes, Lackey, Love, Maupin M'Farland, Morris, Nuttall, Owings, Patterson, Powell, Roundtree, Sallee, Sanders, Secret, Skiles, Spalding, Stephens of Breckinridge, Street, Swope, Tarlton, Thomas, Turner, Wand, Wells of Morgan, White of Franklin, White of Green, Wilson of Bullitt, Wingate and Yantis—55.

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

The following engrossed bills were severally read a third time, viz:

1. An act for the benefit of Frances Alvey, Agness Toombs, Frances Shicles, and Tisatha Barnes.
2. An act for the benefit of James Rouse; And,
3. An act for the benefit of the infant children of James Johnson, deceased.

Ordered, That the first bill be recommitted to a select committee of Messrs. Radd, Joyes, Spalding and McFarland.

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

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

Ordered, That a bill for the taking the sense of the people, as to the expediency and propriety of calling a convention, be laid on the table.

The following bills were severally read a second time, viz:

1. A bill further to reduce and amend the execution laws of this Commonwealth.
2. A bill for the benefit of the judge of the 13th judicial district.
3. A bill further to regulate the Bank of the Commonwealth.
4. A bill giving further time to return plats and certificates of survey to the Registers' Office.
5. A bill to authorize the sale of part of the public square in Mount-Vernon, in the county of Rockcastle: And,
6. A bill to change the mode of taking in lists of taxable property.

The 1st and 3d, were committed to a committee of the whole house; The 2d and 4th, were laid on the table; the 5th, was committed to the committee of propositions and grievances; and the 6th, was ordered to be engrossed and read a third time tomorrow.

A bill further to regulate the General Court, was read a second time as follows, viz.

_Be it enacted by the General Assembly of the Commonwealth of Kentucky_, That the act, entitled "an act, to regulate and curtail the jurisdiction of the general court," approved January, twelfth one thousand eight hundred and twenty-five, be and the same is hereby repealed—and from and after the passage of this act, the general court, shall have jurisdiction of any suit, cause or controversy, at law or in chancery, between non-residents, or between non-residents and the citizens of this Commonwealth, in all cases, where the sum or matter in dispute shall be above the value of fifty dollars.
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. Maupin and D. White, were as follows:


A bill from the Senate, entitled "An act authorizing the trustees of the town of Millersburg, to sell part of the public ground in said town;" 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, the same was committed to the committee of propositions and grievances.

And then the house adjourned.

FRIDAY, DECEMBER 29, 1826.

Mr. Bainbridge 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 change the names of Nancy Murphy, and others."
"An act to allow three additional terms to the county courts of Scott and Harrison, and to change the time of holding the Scott circuit and county courts," and "And act for the benefit of Martha Bridges."

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Bainbridge inform the Senate thereof.

1. Mr. Booker presented the petition of Henry Bicket, administrator of Henry Vauls, deceased, praying the passage of a law, authorizing the sale of a tract of land in Washington county, containing three hundred and four acres, after the allotment of the widow's dower, and that the proceeds of said sale be applied to the payment of the debts of said decedent.

2. Mr. D. Stephens presented the petition of sundry citizens.
of Breckenridge county, praying that an enquiry may be had into the conduct of the Commonwealth's Attorney for that district, in relation to the discharge of certain slaves, charged with the murder of Edward Stone and others, on the Ohio river.

3. Mr. Waddell presented the petition of sundry citizens of Mason county, praying the construction of a Turnpike road from Maysville to Lexington.

4. Mr. Harrison Daniel presented the petition of Mary Drysdale, praying a divorce from her husband, Reuben Drysdale.

5. Mr. Rucker presented the petition of sundry citizens of Caldwell county, praying the passage of a law, authorizing the sale of the house in the town of Eddyville, erected for a court house, and that the proceeds thereof be paid over to the persons who made donations for building the same.

Which petitions were severally received, read and referred: The 1st, to the committee for courts of justice; the 2d, to a select committee of Messrs. D. Stephens, Flourney, New, Rudd, Turner, Wilson of Bullitt, Davis, Morris and Hart; the 3d, to a select committee of Messrs. Breckenridge, Hutchinson, Summers, Nelson, Fulton and White of Franklin; the 4th, to the committee on religion; and the 5th, to a select committee of Messrs. Rucker, New, Skiles, Hughes and James.

Mr. Blackburn from the committee of propositions and grievances to whom was referred, a bill from the Senate, entitled "an act, authorizing the trustees of the town of Millersburgh, to sell part of the public ground in said town; reported the same without amendment: The said bill 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 do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Owings inform the Senate thereof.

Mr. Blackburn from the committee of propositions and grievances, reported "A bill to allow persons at whose houses elections are directed to be held, in the election precincts in Lewis county, to keep tavern during the three days of elections: also, "A bill to authorize Thomas L. Stephens to erect a lock dam, on Big Barren river."

Which bills were severally received and read the first time; and the question being taken on reading the said bills a second time, it was decided in the negative and so the said bills were rejected.

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

The committee of propositions and grievances have, according to order, had under their consideration the petition of a part of the citizens of Washington, Green, Hardin, and Nelson, pray-
Respectfully, That said petition be rejected.

Resolved, That said petition be rejected.

Which being twice read was concurred in.

A message from the Governor by Mr. Loughborough:

Mr. Speaker: The Governor this day approved and signed, enrolled bills, which originated in the House of Representatives, of the following titles, viz.

"An act to allow three additional terms to the county courts of Scott and Harrison, and to change the time of holding the Scott circuit and county courts."

"An act for the benefit of Martha Bridges."

"An act to legalize the proceedings of the trustees of the town of Madisonville."

"An act to change the names of Nancy Murphy and others."

And then he withdrew.

Ordered, That Mr. Bainbridge inform the Senate thereof.

Mr. Underwood from the committee for courts of justice made the following report:

The committee for courts of justice have had under consideration, the petition of N. Buckner, and have come to the following resolution thereupon, to-wit:

Resolved, That the petition is reasonable.

Which being twice read was concurred in.

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

Mr. Underwood from the same committee, to whom was referred, "A bill to repeal parts of an act approved, January 7th, 1824," entitled "An act to revive and amend the champerty and maintenance laws, and more effectually to secure the bona fide occupants of land, within this Commonwealth, reported the same with an amendment.

Ordered, That the said bill and amendment be committed to a select committee of Messrs. Flournoy, Underwood, Breckenridge, Morris, D. White, and Helm.

Mr. Underwood from the same committee, to whom was referred "A bill to enable Elizabeth Hall, executrix, and Nimrod Greenwood, executor, of William Hall, deceased, to carry into effect the provisions of said decedent's will," reported the same without amendment:

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

Mr. Underwood from the same committee, to whom was referred "A bill concerning the circuit courts," reported the same with an amendment, which being twice read, was concurred in.

Ordered, That said bill be laid on the table.
Ordered, That the Public Printer forthwith print one hundred and fifty copies of the said bill, for the use of the members of this house.

A message from the Senate by Mr. Yancey:

Mr. Speaker: The Senate have received official information that the Governor did on yesterday approve and sign an enrolled bill, which originated in the Senate, entitled "An act for the benefit of the headright and Tellico settlers, and for other purposes."

Mr. Underwood from the committee for courts of justice, to whom was referred "A bill to repeal the laws requiring property taken under execution, to sell for three-fourths of its value, and for other purposes," reported the same with an amendment.

Ordered, That the said bill and amendment, be committed to a select committee of Messrs. Flournoy, Turner, Underwood, Morris, Hanson, Blackburn, Rudd and Watkins.

Mr. Blackburn from the committee of propositions and grievances, reported the following bills, to-wit:

1. A bill to add two additional justices of the peace for the county of Christian: And,

2. A bill for the benefit of William Caldwell, late Sheriff of Bullitt 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 said bills having been dispensed with, the 1st, was committed to a select committee of Messrs. McMillan, Bainbridge, Campbell, and T. P. Wilson; and the 2d, was ordered to be engrossed and read a second time.

And thereupon the rule of the house, constitutional provision, and third reading of the second bill, having been dispensed with, (the same being amended at the Clerk's table,) and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be "An act for the benefit of William Caldwell, late Sheriff of Bullitt county, and the Sheriff of Washington county."

Ordered, That Mr. T. Q. Wilson carry the said bill to the Senate, and request their concurrence.

A message from the Senate by Mr. Cockerill:

Mr. Speaker: The Senate have passed a bill, entitled "An act to regulate the militia correspondence of this Commonwealth," in which bill they request the concurrence of this house.

And then he withdrew.

The following bills were severally read a second time:

1. A bill to amend the penal laws of this Commonwealth,
2. A bill to allow additional trustees to the Seminary of Newcastle.
3. A bill to declare certain offices incompatible.
4. A bill for the benefit of Wiley C. Williams, and others.
5. A bill to regulate the registering of plats and certificates of surveys on military land warrants, south west of Tennessee river.
6. A bill for the divorce of Thomas Boyd and Catharine Ballard.

The 1st, 2d, 3d, 4th, and 6th bills, were severally ordered to be engrossed, and read a third time; and the 5th, was committed to a select committee of Messrs James, Hughes, New, Morris, Underwood and Rucker.

And thereupon the rule of the house, constitutional provision, and third reading 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. Nuttall carry the said bills to the Senate and request their concurrence.

A message from the Senate by Mr. Allan of Clark:

Mr. Speaker: An enrolled bill entitled "An act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals, which originated in the Senate, and passed both branches of the Legislature, has been returned to the Senate by the Governor, with his objections thereto: and has passed the Senate, the Governor's objections to the contrary notwithstanding; and I am instructed to request the concurrence of this house, in the passage of said bill, the Governor's objections notwithstanding.

And then he withdrew.

And then the house adjourned.

SATURDAY, DECEMBER 30, 1826.

A message from the Senate by Mr. Green:

Mr. Speaker: The Senate concur in the passage of bills which originated in this house, of the following titles.

"An act for the benefit of the Sheriff of Henderson county;" "An act for the benefit of William Caldwell, late Sheriff of Bullitt county, and the Sheriff of Washington county; and "An act authorizing the trustees of the Washington Academy to sell their lands, with an amendment to the latter bill: and have passed bills of the following titles:

"An act for the benefit of Greenswell Williams and others;" and "An act for the benefit of Elenor and Julia Harrison," in
which amendment and bills, they request the concurrence of this house.

The house took up the enrolled bill which originated in the Senate, entitled "An act to remove the unconstitutional obstructions which have been thrown in the way of the "Court of Appeals," together with the Governor's objections thereto.

Which objections were then taken up, and read as follows, to-wit:

GENTLEMEN OF THE SENATE.

Having examined and considered the bill, entitled "an act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals." I now return the same to the Senate in which it originated, with my objections.

When I met you at the opening of the present session of the general Assembly, I entertained the pleasing hope, that our judicial troubles would be amicably terminated; and that we should all unite in measures calculated to call into action the internal resources of the state, and the intellect of our citizens. But I regret to say, that in the bill presented for my approbation and signature, I perceive nothing of that spirit of forbearance, which is necessary to conciliate the exasperated feelings of party contention, and lead to union and harmony. On the contrary, it bears on its face the proud language of an exulting victor; demanding of his prostrate antagonist, not only that he shall submit to see his most confident opinions and dearest principles stigmatized upon the statute book of his country, but that he shall subscribe as true, doctrines and declarations which in his conscience he believes to be unsound and untrue.

Bound to believe, from the declarations of their organs in both branches of the Legislature, that the people demand the repeal of the re-organizing act, and the abrogation of the new court, I should with the utmost alacrity, have affixed my signature to any act, which should have confined itself to a simple effectuation of their will. Although I might have deplored the temporary prostration of some of the most important principles of free government; as the result of such an act; yet I should have felt myself bound to acquiesce in the decision of the people, as pronounced through you, until it should be reversed by that sovereign power which should control your acts and mine.

But I cannot believe that the people have instructed you to demand of me, in addition to my acquiescence in their decision, to affix my official signature to unnecessary declarations which I believe to be untrue, or give my affirmative sanction to doctrines which I believe unsound. The people are not a tyrant. They do not require of their Governor to conform his thoughts and
words to their opinions—In demanding that every public functionary shall give effect to their will, they do not require of him to surrender his own opinions, or subscribe to theirs. They glory in the inestimable privilege which leaves to every man the right to think and speak as he pleases, whether in the executive chair or at the plough.

But what do you demand of me in your preamble? In its first sentence you say, "the court of Appeals of Kentucky was created by the constitution of the state." This I do not believe. You proceed to declare that the whole of the re-organizing act, and the consequent salary act, have been declared by the people to be "dangerous violations of the constitution, and subversive of the long tried principles, upon which experience had demonstrated, that the security of life, liberty and property depend." This also I do not believe. You further declare, that the judges of the Court of Appeals in office at the passage of said recited act, did, by virtue of the constitution, remain in office, the said recited act notwithstanding; and that William Owsey and Benjamin Mills, "are now rightful and constitutional judges of the Court of Appeals." Neither do I believe this. Yet in the name of the people, you require me to approve and sign all these declarations. I deny your authority. These declarations are mere matters of opinion, and when spread upon the statute book, will have no legal effect. They do not repeal the re-organizing act, or abrogate the new court. If the Court of Appeals was created by the constitution, the people need not your declaration to establish the fact. If the people have decided the re-organizing act and salary act unconstitutional, they need not that you should tell them they have so decided. If William Owsey and Benjamin Mills are rightful and constitutional judges of the Court of Appeals, your declaration cannot make them more so. Nor would any of these things be a whit more true, were I to sanction them with my approbation and signature. I, therefore, cannot sign my name to your preamble, and I deny that the people have authorized you to make the demand. They expect, that in any official acts, I will obey their decision; not that I will subscribe to their opinions or yours. The Governor and General Assembly are fellow servants of the people. It is their business to obey the command of their master, without stopping to set forth or quarrel about his reasons. And when one servant stops to tell his fellow servant what are the reasons of his master's command, and require him to subscribe to them, he travels out of his duty, and attempts to become master himself; not a reasonable and indulgent master, but a tyrant, endeavoring to control private opinion. In this light I view your preamble. Send me an act repealing the re-organizing act, and the salary act, and as the servant of the people,
I shall be as prompt in rendering obedience as yourselves; but I protest against your right to require me to subscribe to the correctness of the reasons on which the will of our common master is founded. I have said I do not believe that the Court of Appeals was created by the constitution. To create, means to bring into existence. I find in the constitution the following provisions, to-wit:

Article 1st, Section 1. "The powers of the government of the State of Kentucky, shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to-wit: Those which are legislative to one; those which are executive to another; those which are judicary to another."

Article 4th, Section 1. "The judicial power of this Commonwealth, both as to matters of law and equity, shall be vested in one supreme court, which shall be styled the Court of Appeals, and in such inferior courts as the General Assembly may, from time to time, erect and establish.

Section 3. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; 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, &c.

Article 6. Sec. 12. "The Attorney General and other attorneys for this Commonwealth, who receive a fixed annual salary from the public Treasury, judges and clerks of courts, justices of the peace, surveyors of land, and all commissioned militia officers, shall hold their respective offices during good behavior, and the continuance of their respective courts, under the exceptions contained in this constitution."

Article 3. Sec. 3. "He (the Governor) shall nominate, and by and with the consent of the Senate, appoint all officers whose offices are established by this constitution or shall be established by law, and whose appointments are not herein otherwise provided for." &c.

The first section above quoted, provides, that there shall be a judicial department. But this declaration did not establish the judicial department; because the second section quoted, declares that such department shall consist of a court of appeals and inferior courts. Neither did this create the judicial department; for it is expressly declared, that a part of it, and impliedly that the whole of it, shall be established by the General Assembly. That such is the true construction of this section, is proved by the last section quoted. If the Court of Appeals was created by the constitution, so were the offices of the judges, and the Governor could have proceeded to fill them without waiting their establish-
ment by law. But it is admitted on all hands, that the Governor had no such power. Therefore the offices of the judges of the Court of Appeals, and consequently the court itself, were not established, or created by the constitution.

By throwing aside speculation and listening to the authority of facts, we shall, on this subject, arrive at a just conclusion. The first constitution of Kentucky which contained the same provision in relation to the vestiture of judicial power, as the present, was formed in April, 1792, to take effect on the first day of the following June. In the latter month the first legislature met, and a Governor was already in office. Thus were two departments of the government brought into existence, and vested with their respective powers by the constitution. The legislative and executive powers were vested in a General Assembly and a Chief Magistrate. In relation to these departments, the constitution had fulfilled its own injunctions, had created the offices and vested the powers. But as yet there was no judiciary department. The judicial power of this Commonwealth was not vested in a Court of Appeals and inferior courts, according to the command of the constitution. The Governor had no authority to appoint judges; for the constitution had established no judicial offices.

The first legislature was composed, it is believed, principally of the same men, who had not three months before, formed the constitution. In their legislative capacity they immediately proceeded to fill up that line of government which they had drawn in that instrument by establishing offices and courts.—Their first act was “an act establishing an Auditor’s office of public accounts.” They also passed “acts establishing a permanent revenue,” “establishing a land office,” “establishing county courts, courts of quarter sessions and a court of oyer and terminer,” and lastly, “establishing the Court of Appeals.” The Governor could appoint no Auditor until the act passed establishing his office; he could appoint no Register until the land office was established; he could appoint no judge of an inferior court until county courts, courts of quarter sessions and of oyer and terminer, were established; nor could he appoint a judge of the Court of Appeals before the passage of the act establishing that court.

The discrimination of that legislature as evinced in the titles of their acts, is worthy of remark. When legislating in relation to offices established by the constitution, they do not use the word establishing in giving names to their acts. Thus, they passed “an act concerning surveyors,” “an act concerning the Treasurer,” “an act concerning sheriffs,” &c.

This fact is conclusive, that they did not give titles to their acts without reflection or discrimination. That which did not previously exist and was enjoined by the constitution or necess...
sary in government, they established; that which was created by the constitution they merely regulated.

The constitution had declared, "that the judicial power shall be vested in one supreme court, to be styled the Court of Appeals," and inferior courts. The first legislature considered this tantamount to a declaration, that the legislature shall vest the judicial power in one Court of Appeals, and such inferior courts as they might choose to establish. But finding no court in existence to receive either the name or the powers of a Court of Appeals, they proceeded to establish that tribunal. The establishing act became a law on the 28th of June 1792, and on the same day the act establishing inferior courts. Then and not before, had the Governor the power to nominate judges. Their offices were, therefore, established by law, and not by the constitution.

But it is sometimes objected, that the act entitled "an act establishing the Court of Appeals," did not, in fact, establish that court, and as evidence of the truth of this position it is alleged, that the words of the act are not creative. The same argument would prove more conclusively that it was not created by the constitution. The constitution does not say a Court of Appeals is hereby established, but simply that the judicial power shall be vested in one supreme court, which shall be styled the Court of Appeals. It does no more than declare that there shall be one supreme court and prescribes its name. It declares substantially, that the legislature shall establish one supreme court which they shall style the Court of Appeals, and in that, together with such inferior courts as they may choose to establish, shall they vest the judicial power. Having a name prescribed in the constitution, the first legislature proceeded to create the tribunal which should bear it. Their act commences thus:

"The Court of Appeals shall consist of three judges, any two of whom shall be sufficient to constitute a court; one of them shall be called chief justice of Kentucky, another second judge of the Court of Appeals, and another the third judge of the Court of Appeals, and shall be commissioned and have precedence accordingly."

If this language be not creative, it would be difficult to tell what is. It tells us of what the court shall consist. It establishes the offices of a chief justice, a second and third judge. The act afterwards proceeds to vest in the court so created, a portion of the judicial power of this Commonwealth. Then, and not before, was a portion of the judicial power vested in one supreme court styled the Court of Appeals. It was the act therefore, which created that court and not the constitution.

The offices of chief justice, and second and third judge having been established by this act, the Governor nominated, and by and with the advice and consent of the Senate, appointed to fill them:
George Muter, chief justice of Kentucky, Benjamin Sebastian, second judge and Caleb Wallace, third judge of the Court of Appeals. In January 1793 the court was organized. The following is the history of that transaction as entered of record.

"At the court house in Lexington, on Monday the 6th day of January, 1793, and in the first year of the Commonwealth, in pursuance to an act of the General Assembly of the state of Kentucky, passed on the 6th day of December, in the year 1792, entitled 'An act authorizing the Court of Appeals to hold an additional session,' on that day

The Hon. George Muter, Esq., produced a commission from his Excellency the Governor, appointing him Chief Justice of Kentucky, and also produced the following certificate, of his having taken the oath of office:

"The court house in Lexington, on Monday the 6th day of January, 1793, and in the first year of the Commonwealth, in pursuance to an act of the General Assembly of the state of Kentucky, passed on the 6th day of December, in the year 1792, entitled 'An act authorizing the Court of Appeals to hold an additional session,'

The Hon. George Muter, Esq. produced a commission from his Excellency the Governor, appointing him Chief Justice of Kentucky, and also produced the following certificate, of his having taken the oath of office:

"J. Trotter, Esq.

'I do hereby certify, that George Muter, Esq. this day produced to me, (a justice of the peace for said county,) a commission, appointing him Chief Justice of Kentucky, and took the oath of fidelity to the state prescribed by the constitution, and the oath of office prescribed by the law establishing the Court of Appeals. Given under my hand, this day of 1793.

"J. Trotter."

In like manner, Benjamin Sebastian, and Caleb Wallace, Esq.'s, produced commissions as second and third judges, with certificates of having taken the necessary oaths. "And then a Court of Appeals was held for the state of Kentucky, present the Honorable George Muter, Benjamin Sebastian, and Caleb Wallace."

Now, let me ask, could these men ever have been appointed, and commissioned Chief Justice of Kentucky, second Judge of the Court of Appeals, and third Judge of the Court of Appeals, if the act of June 28th, 1792, had never passed? No; it was by virtue of that act that they were appointed; it was "in pursuance to law" that they held their first and every other session; it was from the law that their court obtained existence, form and power. It was not, therefore, created by the constitution.

The statute book and records of the country are full of evidence, that the offices of these judges, and consequently the Court of Appeals, were created by act of Assembly. In 1796, the Legislature passed a second act, entitled "an act establishing the Court of Appeals." It was a mere re-enactment of so much of the act of 1792, as was then in force, or then deemed expedient to be retained. In 1801, they passed an act, entitled "an act to amend the act, entitled an act establishing the Court of Appeals and for other purposes." The fourth section of this act reads as follows, viz.

"Be it further enacted, That the Court of Appeals shall from
"henceforth be composed of four judges, any three of whom shall constitute a court."

From 1792 up to the passage of this act, the court had been composed of three judges. Could the Governor, by and with the advice and consent of the Senate, have appointed a fourth judge, previous to the passage of this act? Surely not. He was not, therefore, one of those officers whose offices were established by the constitution. But the office having been established by this act, the Governor proceeded to appoint the fourth judge, as he had done the three former, in obedience to the act of 1792.

In January, 1813, the Legislature passed another act, entitled "An act to amend an act, entitled an act to amend an act establishing the Court of Appeals and for other purposes, approved December 19th, 1801." This act contains the following provisions:

"Be it enacted, &c." That so much of the act approved December 19th, 1801, as declares that the Court of Appeals shall be composed of four judges, shall be, and the same is hereby repealed: And the court of Appeals hereafter, shall be composed of three judges only," &c.

The office of fourth judge was thus abolished, and the Governor no longer had power to appoint such an officer. That office was not, therefore, established by the constitution. All the judges of the Court of Appeals hold by the same tenure; all their offices have the same origin. If one be created by the constitution, so are all. We have seen that one office in that court has been created by act of Assembly, and abolished by the repeal of that act. Therefore, all the offices of all the judges are created by acts of Assembly, and the repeal of the acts of 1792, and 1796, must as effectually, abolish the office of Chief Justice, second and third judge, as the repeal of the act of 1801, did that of fourth judge. How then, can it be said, that these offices or this court were created by the constitution? I am confirmed in the belief, that the Court of Appeals was not established by the constitution, by the language used by the judges of that court in some of their decisions. In the case of Singleton vs. Madison, 1st Bibb—342, decided by Judges Edwards, Boyle and Wallace. Bibb being absent, Judge Boyle, in delivering the opinion of the court, makes this remark, viz.

"To determine the question of jurisdiction, it is necessary to "advert to the acts of the Legislature, from which the courts of "this country derive their existence, and their powers."

In the case of Moore vs. Gorin, 2d Littell 167—Judges Boyle, Oxley and Mills, say,

"The act establishing the Court of Appeals, provides that the "person appealing, shall by himself, or a responsible person on
his behalf," &c. Again, page 188—"The practice from the "first passage of the act, establishing the Court of Appeals, has "been to take appeal bonds to secure the appellee," &c. Again, page 189—"All these acts having been made in pari materia, "must be taken together and construed in connection with the "original act, establishing the Court of Appeals," &c. Thus have the judges of the Court of Appeals themselves declared, that the courts of the country, derive "their existence and their pow­"ers," from acts of the Legislature, and repeatedly recognized the establishment of their court by law.

Indeed, no longer ago than November 1825, did Messrs. Boyle, Owlsley and Mills acknowledge their appointment to have been made in pursuance of laws, and not in obedience to the constitution. See Senate Journal 1825, page 196. These are their words:

"We were placed in the offices which we hold, by the voice "of the people, spoken through their regularly constituted or­"gans, in pursuance of laws, the constitutionality of which was, for "thirty years, disputed by none," &c.

By their own admission therefore, their offices were establish­ed by law; for had they been established by the constitution, their appointments would have been in pursuance of the constitution.

Decisive confirmation of my opinion may be derived from the constitution of the United States, the judicial act of Congress and the opinions of the Supreme Court. The constitution of the United States declares that—"The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as Congress may, from time to time, ordain and estab­lish."

The first Congress which met under the constitution, passed an act entitled "an act to establish the judicial courts of the United States." One of the judicial courts established by this act, is the Supreme Court, and the language used to give it existence is like that which is used in our act of 1792 establishing the court of Appeals. It says—

"The Supreme Court shall consist of a chief justice and five "associate justices, any four of whom shall be a quorum."

That court has also undergone several mutations, and in the judiciary debates in congress in 1801, on the bill to repeal the judicial system adopted near the close of the preceding administra­tion, it was admitted by most of the debaters of both parties, that the supreme court, as well as every other court of the U. States, was established by act of congress. But to establish this fact, we are not left to the hasty expressions of members of congress uttered in the heat of debate. In addition to the title and lan­guage of the judiciary act, and declarations of the ablest men in
congress, we have the repeatedly expressed opinion of the supreme court itself, that, as well that tribunal as every other court of the United States, was established or created by act of Congress.

In the case of *Durant vs. the United States*, 6th Cranch 312, Chief Justice Marshall says—

"It is contended, that the words of the constitution vest an appellate jurisdiction in this court, which extends to every case not excepted by Congress; and that if the court *had been created* without any express definition or limitation of its powers, a full and complete appellate jurisdiction would have vested in it, "which must have been exercised in all cases whatever."

"The force of this argument is perceived and admitted. Had the judicial act created the supreme court without defining or limiting its jurisdiction, it must have been considered as possessing all the jurisdiction which the constitution assigns to it. The Legislature would have exercised the power it possessed of creating a supreme court as ordained by the constitution, and in omitting to exercise the right of excepting from the constitutional powers, "would have necessarily left those powers undiminished."

It could not be expressed in plainer language, that Congress had the power and did CREATE the Supreme Court.

In the case of *Martin vs Hunter's lessee*, 1st Wheaton, 320, &c. Judge Story, in delivering the opinion of the court, is no less explicit. He says—

"The language of the article throughout is manifestly design-
ed to be mandatory upon the Legislature. Its obligatory force is so imperative, that Congress could not, without a violation of duty, have refused to carry it into operation. The judicial power of the United States *shall be vested* (not may be vested,) in one supreme court, and in such inferior courts as Congress may, from time to time, ordain and establish. Could Congress have lawfully refused to create a supreme court, or to vest in it the constitutional jurisdiction?"

Again, page 330. "The next consideration is, as to the courts in which the judicial power shall be vested. It is manifest, that a supreme court MUST BE ESTABLISHED, but whether it be equally obligatory to establish inferior courts, is a question of some difficulty. If Congress may lawfully omit to estab-

lish inferior courts, it might follow, that in some of the enu-

merated cases, the judicial power could no where exist. The supreme court can have original jurisdiction in two classes of cases only, viz: in cases affecting ambassadors, other public ministers and consuls, and in cases in which a state is a party. Congress cannot vest any portion of the judicial power of the United States, except in courts ordained and established by it-

self; and if in any of the cases enumerated in the constitution, the state courts did not then possess jurisdiction, the appellate
journal of the supreme court (admitting that it could act on state courts) could not reach those cases, and consequently the injunction of the constitution, that the judicial power shall be vested, would be disobeyed. It would seem, therefore, to follow, that Congress are bound to create some inferior courts, in which to vest all the jurisdiction which, under the constitution, is exclusively vested in the United States, and of which the supreme court cannot take judicial cognizance. They might establish one or more inferior courts; they might parcel out the jurisdiction among such courts, from time to time, at their own pleasure. But the whole judicial power of the United States should be at all times vested either in an original or appellate form, in some court created under its authority.

Here is a lucid explanation of the duties which devolved on Congress and our General Assembly, in consequence of the jurisdictions of their respective constitutions. Both were commanded to vest judicial power in a supreme and inferior courts. Our legislature did it by the acts establishing a Court of Appeals and inferior courts; Congress did it by their act to establish the judicial courts of the United States. Both created the courts and vested the judicial power.

Never, until the year 1824, had it been discovered that the title of the act of 1792 had been improperly given, and did not express the true intent, effect and meaning of that act. It had been many times alluded to under that title, by the Legislature and the Court of Appeals itself, and never had it been thought necessary to avoid the repetition of its name, lest orthodox politicians should seem to sanction a heresy in government. But the illumination of modern times has enabled a new race of statesmen to discover, that our fathers in the first legislature of Kentucky, as well as the first Congress of the United States, knew not the principles of the respective constitutions which many of them had just aided in forming, nor the effects of their own legislative acts; that our own Court of Appeals, and even the Supreme Court of the United States, long remained in the same profound darkness; and that notwithstanding all this authority to the contrary, the constitutions of Kentucky and the United States created Supreme Courts merely by announcing their names! It is one among the wonders of this age of improvement and discovery, that those who formed the two constitutions could not perceive the Supreme Courts they had created, so dim was their mental vision, or so feeble the light reflected from these constitutional emanations, while political philosophers at the distance of near forty years, behold it through their reasoning telescopes, as distinctly as spots in the sun, or mountains in the moon.

But not having been illuminated, with that modern political science which can prove that things which were not, actually were
contrary to the united testimony of all cotemporary lawgivers
and judges, contrary to the declarations of the very men who
are now proved to have done what they affirmed they did not, con-
trary to the understanding and practice of a whole generation,
I cannot yet believe that our Court of Appeals was created by
the constitution, or approve and sign such a declaration.
I have said. I do not believe that the re-organizing act and the
consequent salary act, are wholly unconstitutional, or that the
people have so decided.
Already have I shown by the most conclusive facts and author-
ities, that the Court of Appeals was originally established by
act of assembly. It has been conceded by all parties during this
controversy, that in this respect at least, the legislature can undo
whatever it has done. Therefore, the legislature might constitu-
tionally abolish the office of chief justice and second and third
judges, as in 1813 they did that of fourth judge; and consequent-
ly the court itself, by repealing the acts which gave it existence.
Nor is the tenure by which judges hold their offices any bar
to this repeal. They hold their offices "during good behavior and
the continuance of their respective courts." Who can discontinue
their courts but the legislature? How, when their courts are dis-
continued or abolished, can they be said to hold their offices?
The discontinuance of a court as much removes a judge, as im-
peachment or address for misdemeanor. Already have we
seen, that the Court of Appeals was created by acts of assembly,
and may be discontinued or abolished by a repeal of those acts.
By such discontinuance, therefore, the judges are out of office,
according to the express words of the constitution.
All judges in this Commonwealth hold their offices by the
same tenure, viz. "during good behavior and the continuance of
their respective courts;" removable while their courts continue,
only "by impeachment or address." What has become of the judges
of the Quarter Session Courts, of the Courts of Oyer and Ter-
miner, of the District Courts, or the associate justices of our pre-
sent Circuit Courts? Have they been removed by impeachment
or address? Or have they not, except the last, lost their offices
by the discontinuance of their courts? In the case of the assistant
justices of the Circuit Courts, they lost their offices by a simple
act abolishing those offices, even while their courts continued.
They were not suffered to hold either "during good behavior,"
or "the continuance of their respective courts," but were all
hurled down by a simple majority of the legislature, into the
ranks of private citizens, without compunction or ceremony.—
What makes an office or a judge more tangible or more sacred
in the Court of Appeals, than in the Circuit Courts? By the act
of 1813, we see that an office in the former may be abolished
when empty, and by the abolition of the office of assistant judges,
we see that offices may be abolished in the latter when filled. If an office in the Circuit Court may be abolished when filled, why not an office in the Court of Appeals? There is not a shadow of difference between the two. The act which removed the assistant judges was, therefore, unconstitutional, or it is constitutional to remove the judges of the Court of Appeals, one by one, by repealing their offices. But whatever doubt there may be of the power of the Legislature to remove a judge, by abolishing his office without discontinuing his court, there is none in my mind, that any or all the judges of this Commonwealth may be removed from office by the repeal of those acts which gave existence to their courts, and thus discontinuing them. This mode of removing judges is as expressly recognized in the constitution, as impeachment or address; and has been much more frequently practised without detriment to the republic. The tenure of judicial offices is, therefore, no bar to the removal of judges by the discontinuance of their courts.

Nor is the expression in the constitution, that the judicial power shall be vested in one supreme court which shall be styled the Court of Appeals, &c. any bar to a succession of courts, or the abolition of one supreme court and the establishment of another. The limitation of legislative power on this subject, is only that they shall maintain but one supreme court at the same time; or, in other words, that the judicial power shall not be distributed to two or more supreme courts. That there is no absurdity in a succession of supreme courts, is proved by analogy with other parts of the constitution. It is declared, that the legislative power shall be vested in one General Assembly, yet there is a new General Assembly every year. So the executive power is vested in one Chief Magistrate, who shall be styled the Governor, yet one Chief Magistrate succeeds another every four years, and each is styled the Governor. The legislative power has been vested in many General Assemblies, and the executive power in many Governors, since the adoption of the constitution; and yet there has been no time in which the legislative power was vested in more than one General Assembly, or the executive power in more than one Governor. The only difference in this respect between these two departments and the Court of Appeals is, that the constitution fixes the periods at which one General Assembly or Governor shall succeed another; but leaves the periods at which one Court of Appeals shall succeed another wholly in the discretion of the legislature. But so long as the judicial power is vested in a first, second or third Court of Appeals, it is vested in one supreme court, and not a letter of the constitution is violated. The legislature might, therefore, declare in so many words, that the existing Court of Appeals shall be abolished, and another created in its stead, taking the judicial power from the former
and vesting it in the latter, without violating the constitution, or in any one jot or tittle, deranging the system of government which its provisions prescribe.

The reorganizing act does not pretend to abolish any thing which the constitution had created. Its first section, which is the only part in it tending to abolish previous systems, reads as follows, viz:

"Be it enacted, &c. 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 Decem­"ber 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 giv­"ing 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."

This left the Court of Appeals in the precise situation in which the first legislature found it. It pretended not to repeal any part of the constitution or alter any provision it contains relative to the Court of Appeals. It simply undid all that previous legisla­tures had done relative to that court. To ascertain what was the condition of the Court of Appeals on the passage of this sec­tion, we have only to consider what was its condition before the passage of the act of June 28th, 1792. It was a name and nothing else. It had neither parts, power nor habitation. All but its name was given by acts of Assembly, and all but its name was taken away by the repeal of those acts. The name which existed before the creation of the thing that was to bear it, remained to designate its successor, as the names of men pass from generation to generation, when their original possessors are forgotten and lost in the obscurity of long past ages.

If the legislature of 1824 were mistaken in supposing they abolished the Court of Appeals, by repealing all the acts which had relation to it, they only committed the same mistake as the legislature of 1792, in giving title to their act. They only com­mitted the same error as the first Congress of the United States, the same as the Supreme Court, and the same as our Court of Appeals. Their error, therefore, if any they committed, was surely excusable, and there is little pretence for alleging that they intended to violate the constitution. If their act did not abolish the Court of Appeals, it at least repealed all the laws which the legislature had passed relative to that tribunal and took away whatever they had conferred upon it.

A portion of the acts repealed in the first section of the reor­ganizing act, was revived in subsequent sections; but another
portion was not. With whatever plausibility it may be contended that the repeal and the revival of the same provisions in the same act, is virtually no repeal, there is not a shadow of pretence for the position, that such portions of the former acts as were not revived, were not repealed, in effect as well as in word. That those parts of former laws were repealed, and that the reorganizing act is constitutional, so far as it changes pre-existing regulations relative to proceedings in the Court of Appeals, has been generally admitted by all men of all descriptions and all parties. The ground generally assumed by the enemies of the act, has been, that it was unconstitutional only so far as it purported to abolish one Court of Appeals and establish another.

But I am not left to assertion or speculation to establish this point. The reiterated declarations of those opposed to the act and the old judges themselves, existing in numerous public documents, exhibit their opinions on this point, in a manner the most satisfactory and conclusive.

In the Senate journal 1825, page 196, may be found the following declaration of Messrs. Boyle, Owsley and Mills relative to that act, viz:

"That act, so far as it had the object in view to abolish this court and establish another, was, in our opinion unconstitutional and void."

In their judicial proceedings ever since the passage of that act, as I am informed, they have uniformly recognized the validity of some of its provisions, and made them the rule of their proceedings. For instance: The law repealed by that act provided, that in dismissing delay cases, the court should give ten per cent. damages; but the reorganizing act provided that in such cases they should only give at the rate of ten or six per cent. per annum, in their discretion. In the following cases they have allowed damages only at the rate of ten per cent. per annum, in obedience to the reorganizing act, viz:

At the Spring Term, 1826, in the cases of Basye's administrators vs. Smiley; Mason vs. Tipton; Moseley and al. vs. Bank of Kentucky; Gilbreath vs. Hawes; Black vs. Morris; and at the Fall Term 1826, in the cases of Gregory vs. Bronscumbe; Alexander vs. Eastham; Perren vs. Foreman; Soper vs. Carr; Perry vs. Higgins; Hatchman and Rutherford vs. Irevin and al. Waters and al. vs. Murphy; Boone vs. Dykes; Alexander and Boyce vs. Bryants ex'rs; Jameson and Wilson vs. Hoffman; Warren and wife vs. Henry; Foster vs. Fletcher, and in the case of Beaty vs. Carnelison they allowed but six per cent.

It cannot be doubted, therefore, that the old judges have always considered a portion of the reorganizing act constitutional.

On this point the acts and declarations of their friends in the legislature, are no less conclusive. On the second day of the
session last year, the House of Representatives adopted the following resolution, viz:

"Resolved, That so much of the Governor's message as relates to the judiciary, be referred to the committee on courts of justice, with permission to report by bill or otherwise. And for the better enabling said committee to discharge their duty so far as relates to the Court of Appeals, Resolved further, That it is the deliberate and solemn opinion of this house, and of a large majority of the good people of this Commonwealth, herein represented, that the act entitled, 'an act to repeal the laws organizing the Court of Appeals and to reorganize a Court of Appeals,' is unconstitutional and void, so far as it purports to repeal or abolish the Court of Appeals and erect and establish another court in its stead; and that the Court of Appeals so attempted to be repealed and abolished, having been created by the constitution, is (the act notwithstanding) the supreme court of this state; and the judges thereof having neither resigned nor been removed from office by either of the modes recognized in the constitution, are still in office, and should be so considered and respected by all the functionaries of the government."

Here the unconstitutionality of the act is expressly confined to so much thereof as "purports to abolish one Court of Appeals and erect and establish another in its stead." In favor of this proposition, there stand recorded SIXTY names.

In the same journal, page 167, will be found a preamble, offered by Mr. McConnell, which begins thus:

"The act of Assembly, approved December 26th, 1824, purporting to abolish the Court of Appeals and to create another, was at the time of its passage, believed by a respectable minority in the Senate and House of Representatives, to be in direct violation of the great fundamental law of the land, so far as it attempted to destroy one court and create another."

Nearly sixty names are also recorded in favor of this proposition. In the same journal, pages 174 to 179, may be found another preamble and resolutions reported by Mr. Underwood, from the committee for courts of justice, from which the following is an extract, viz.

"Your committee will not enter into an argument, at this time, to prove the unconstitutionality of the act of last session, so far as it purports to repeal the constitutional court, and to erect and establish another court in its room and stead." The issue was fairly made up before the people, at the last election. The subject in all its bearings was fully discussed and considered by them; and they, the ultimate arbiters of all constitutional questions, involving the separate and independent existence of one of the departments of government, by which right and justice are dispensed to the people, have decided the question satisfactorily,
to your committee and to this house. Their decision is, that
the reorganizing act, to the extent aforesaid, is unconstitutional
and void, and no tribunal except that of the people, has cogni-
Zance of the controversy."

The 3d resolution appended to this preamble, reads as follows:

"Resolved, That a majority of the good people of this Com-
monwealth have decided, that as far as said act was intended
"to have the effect of abolishing the then existing Court of Appeals,
"the same is unconstitutional and void."

Fifty-nine names stand recorded in favor of this resolution, af-
firming the extent of the people's decision.

At the same session, the following bill passed through the house
of representatives, viz.

"Be it enacted, &c. That the act entitled 'an act to repeal the
law organizing the Court of Appeals; and to reorganize a Court
of Appeals,' approved December 24th, 1824; and also, an act
entitled 'an act to regulate the salaries of the judges of the
Court of Appeals and for other purposes,' approved, January
6th, 1825, shall be and the same are hereby repealed: Provided,
that the 32d section of said act of 24th December, 1824, is
'to be taken and considered as remaining in full force and un-
repealed by any thing in this act contained.'

"Sec. 2d. Be it further enacted, That the salaries of the judges
of the Court of Appeals, shall hereafter be twelve hundred
dollars each, to be paid quarter annually."

Here, the 32d section of the reorganizing act is admitted to
be constitutional by its reservation. In favor of this bill, I find
the following names recorded, being the same men who adopted
all the foregoing declarations: viz.

"Mr. Speaker, [Robertson] Messrs. J. Allen, Breckenridge,
Blackburn, Breece, Bainbridge, Brown, Bruce, Brutton, Cowan,
Cox, Crittenden, Cunningham, Davis, Duke, Dunlap, Dyer,
Evans, Farmer, Ford, Gaines, Gibson, Gordon, Green, Grundy,
Hansford, Hanson, Hardin, Harvey, Hutchinson, James, Logan,
Marshall, Mayes, McConnell, Morris, New, Owings, Owlsby,
Reed, Skiles, Slaughter, Sterritt, Street, Richard Taylor, Rob-
ert Taylor, Z. Taylor, Timberlake, Thomasson, True, Turner,
Underwood, Waddell, Walker, Wilson, A. White, Wood-
son and Yantis."

In the Senate the following gentlemen were in favor of the same
proposition, viz.

"Messrs. C. Allen, Beaty, Crutcher, Davidson, Faulkner, Gar-
lard, Given, Hickman, Howard, Lockett, Muldrow, Pope, Ste-
phens, J. Ward, White, M. H. Wickliffe and R. Wickliffe."

These are respectable names: Among them may be found a
mass of intelligence and legal acquirements, which must have
great weight with the present General Assembly. They have
Declared under the most solemn sanctions, that only a part of the
reorganizing act is void, and have specified the 32d section as constitutional. By expressly reserving it from repeal, they must be understood as declaring that the office of Sergeant would have been abolished by its repeal, and the present incumbent, deprived of his place. When it is remembered, that all the rest of that General Assembly believed the whole reorganizing act constitutional, we shall arrive at the certain conclusion, that there was not one man, either in the Senate or House of Representatives, last year, who thought, or at least pronounced, the whole reorganizing act unconstitutional.

But we have still later authority. Early in your present session, a bill was introduced into the House of Representatives, a part of which reads as follows, viz.

"And whereas some of the provisions of the said reorganizing act are deemed constitutional, but inexpedient and impolitic," Therefore,

"Be it enacted, &c. That the same act, entitled "an act to repeal the law organizing the Court of Appeals and to reorganize a Court of Appeals, approved December 24th, 1824, except the 32d section thereof, &c. shall be, and the same is hereby repealed."

Here we have an express declaration, that a part of the reorganizing act is constitutional, and the 32d section is expressly reserved from repeal, to save the office of Sergeant, or rather the present incumbent.

Thus, in addition to my own convictions, I have the declarations and acts of the old judges, the whole General Assembly of 1825, and the explicit admission of at least a part of the friends of the old judges in the present House of Representatives, all concurring to prove, that part of the reorganizing act is constitutional, and that the people have decided only so much of it to be otherwise as purports to abolish one Court of Appeals and establish another. What new lights have been shed upon the subject within two short weeks, or how that has become wholly unconstitutional which was deemed by all the world to be partly constitutional, until the present session of the General Assembly, I am totally at a loss to conceive. Sure it is, that those lights have not fallen upon my mind. I cannot believe, that the whole reorganizing act is unconstitutional, contrary to the declarations and decisions of the old judges themselves, contrary to numerous resolutions and one solemn act of their friends in the House of Representatives, in 1825, contrary to the opinion of at least a part of their friends in the present house, when they were fresh from the people, and contrary to the best settled principles of representative government. Nor do I believe, that the people have decided this act wholly unconstitutional at two successive elections; because those who have come to the capitol, charged
to pronounce the decision of the people, unanimously last year, and partially this year, have declared that a part of that act is constitutional, and more than once have solemnly voted, that the people had pronounced it void only so far as it purported to abolish one Court of Appeals and establish another. I cannot, therefore, approve and sign a declaration, that the whole of that act is unconstitutional, or that the people have so decided.

Nor ought it to be considered surprising, that these circumstances make it somewhat difficult for the Executive to ascertain what the real decision of the people is. Last year their organs in the House of Representatives, and a part of the Senate proclaimed, that they had decided the re-organizing act unconstitutional only in part, and this assertion is confirmed by a portion of their organs this year. Yet, in contradiction of this, your preamble now tells me that the people have decided this act, and the salary act also, wholly unconstitutional, "at two successive elections." Did not their representatives understand their decision last year? Did a portion of them still understand their decision this year? Or have the people spoke, and for the first time made their decision known, since the meeting of the present General Assembly? Is it within a few days only, that their servants have heard their final mandate? Have the old judges, all their friends and all the world, been in doubt and darkness as to the extent of the constitutionality of this act, until the present Legislature were suddenly illuminated in the truth, as by a light from heaven!

Your act, if I rightly understand it, assumes to exercise a power, which, were not the attempt in part at least, nugatory, would be indeed sublime. Not content with controlling the present and the future, it grasps at the moments which are fled, and endeavors to regulate events which time, with his pen of brass, has already inscribed upon his everlasting tablet. It revives acts which were repealed two years ago, and declares they shall have the same effect, from the date of the repeal, as if the repealing act had never passed!

There is but one Being in the universe, to whom the past, the present, and the future, is one eternal. No record of ages and all events are forever present; who controls all by an immutable and irrepealable law. But never before have I remarked an attempt in mortal man, to summon before him years that are past, and declare that the events of history shall be as if they were not. This is the first time, I have seen an effort to regulate the past actions of men by acts of legislation, speak out of existence recorded events, and prescribe to the people the law which shall control them in years that are gone forever.

Nor is this effort so ludicrous as it might seem, or so harmless
in relation to the rights and interests of the people. In its legal effects, it blots out of existence all the acts of the new judges, and also all the acts of the old judges, so far as they have obeyed the provisions of the reorganizing act, and opens the sluices of litigation afresh. Scarcely a suit has been dismissed or decided in either tribunal, which will not be covered with doubt; and may be made the subject of new quarrels and law suits. It will increase perplexities and anxieties, open a new vista of hope to unsuccessful litigants, produce unnecessary confusion and alarm, and benefit only the profession of law, at the expense of the people.

But this is not the only point in which this new principle of legislative omnipotence, is fatal to the interests and safety of the people. The reorganizing act repealed all laws giving salary or compensation to the judges of the Court of Appeals; and to this day, the acts so repealed have not been revived. No man can deny, that the salaries were given wholly by acts of the legislature; and by the generally received principle, that the legislature can repeal all its own acts, the power of that body to reduce or take away those salaries, has scarcely been contested. The old judges themselves have affirmed the power of the legislature to repeal their own acts in the broadest terms, and also admitted that their act of 1824, did take away their salaries. In the case of Ely vs. Thompson, 3d Marshall, page 73. Judges Boyle, Osceley and Mills, in an opinion delivered by Judge Mills, make the following declaration, viz:

"It was competent for the Legislature in the same act, to repeal any former one within its purview, although every provision of the repealing act was unconstitutional."

According to this principle, so broadly affirmed, it was competent for the legislature, in the reorganizing act, to repeal any former act, giving salaries to the judges, although every other provision of the reorganizing act was unconstitutional. The legislature did repeal the act giving them salaries; and they have admitted, that by such repeal, their salaries were taken away.—They never have applied to the auditor for them, although, without doubt, he would have been very ready to pay them, had they been able to shew that there was any law in existence, authoring their payment. On the contrary, they say in a letter which may be found in the Senate journal of last year, page 197—"Had the times been most peaceful and orderly, the offices would have had no charms for us. We had served in them long enough to be fully gratified with the honor they conferred, and to know that the labors were arduous, and the duties responsible; while the salary, though originally sufficient, had become, by the depreciation of the currency, scarcely adequate to a comfortable support of ourselves and families. But by the act of last session, even this compensation was taken from us, and we foresaw, by
carrying on our duties at our own charge, the small estates we
possess might be consumed, and leave us with little at the ap-
proach of age."

The thought seems not to have entered into their minds, that
by the existing laws, they were entitled to any salary whatever.
In this opinion they were supported by their friends in the last
legislature. Mr. Crittenden, from the committee for courts of jus-
tice in the House of Representatives, made a report in which is
the following declaration—See journal, page 418.

"An overwhelming majority in the General Assembly, coop-
erating with the Governor, and assuming to act in the abused
name of the people, had declared that they were no longer
judges, and had taken from them all the salary that had by law been
annexed to their offices."

The report containing this declaration, was voted for by all the
friends of the old judges. In the act passed by them at the same
session, so far from considering the acts giving the old judges a
salary of $1500, as still in force, or by a simple revival made oper-
ative from December 24th, 1824, they provided to fix their
salaries prospectively at $1200 each.

From the facts, that the legislature of 1824 did repeal all acts
giving salaries to the old judges and did not revive them in the
same or any subsequent act; that the old judges never applied
for their salaries, but on the contrary declared they were
taken away by the reorganizing act; that their friends in the
legislature of 1825 did not recognize or provide for their back
salaries, but on the contrary also declared that they were taken
away; the conclusion irresistibly follows, that since the 24th
day of December 1824, there has been no law in existence giving
them any salary whatever.

But what does your act in its omnipotence? It revives the act,
giving them a salary of $1500 each, and makes the revival take
effect from the 24th day of December 1824. It is not to no pur-
pose. In this instance, that you summon before you, years that
are gone, and attempt to regulate events that are past. You
entitle these men to draw from the public Treasury for back sala-
ries, near NINE THOUSAND DOLLARS.

In the name of the people, I protest against this portion of your
act, both on account of its effects and its principles. I do not
believe, that the people have ever expected, intended or decided,
that one dollar of their money should be paid to these men as
salary, since the 24th day of December 1824; or that the repeal
of the acts giving them salaries was unconstitutional. I do not
believe they wish to see their money thus appropriated, while,
in addition to the pressure of the times, they have before them
the almost certain prospect of an increase of taxes, for the sup-
port of government. I cannot believe they ever have sanctioned
or ever will sanction the principle, that one legislature, under any pretence whatever, can revive salary acts repealed years back, to take effect from the time of the repeal, and thus lavish the public money on friends, partizans or patriots. If this legislature has the right to pay the old judges back salaries for two years under pretence that the act giving them salaries was not constitutionally repealed, they may, under the same pretence, revive any other repealed salary act upon the statute book. Quarter session judges, district judges, the associate justices of the circuit courts, may all march before them in fearful array and demand their salaries, or compensation, from the date of the passage of the act taking them away, up to this hour. The principle which now sweeps from the people's Treasury nine thousand dollars may soon be made to sweep away hundreds of thousands. The people have no safety for their money or their rights, if this principle be tolerated. In vain may they instruct their representatives this year to reduce or take away the salaries of unfaithful public officers. A subsequent legislature, under some pretence, may declare the repealing act invalid and direct the back salaries to be paid up, even at the distance of half a century.

Equally extraordinary and objectionable is that portion of your act which relates to the Sergeant of the Court of Appeals.—That office, I presume it will not be denied, was established by act of Assembly. The third section of an act, approved Feb. 11th, 1809, reads as follows, viz:

"The office of Sergeant of the Court of Appeals shall be and the same is hereby established, to which office some fit person shall be appointed and commissioned as the constitution directs, to hold his office during good behaviour."

This provision and all others relative to the Sergeant of the court, were repealed, and a portion of them re-enacted by the 32d section of the reorganizing act. On all hands it was admitted, that the office of Sergeant of the Court of Appeals was abolished by that act, whatever might be thought to be its effect upon the offices of the judges; for there was not the shadow of ground for pretending that it derived its existence from any higher authority than the act of Assembly. With the repeal of that act the Sergeant lost his office. But the office was re-established in the same act and under the same name, and the former incumbent was appointed to fill it. That the entire repeal of the reorganizing act would again have destroyed that office and thus removed its incumbent, the House of Representatives were so well convinced last year, that in the act they passed, they expressly reserved from repeal the 32d section of that act. The same precaution was used in the bill introduced into the House of Representatives at the present session. Thus, we have the
assent of the friends of the old judges to the truth of the proposition, that the existence of the Sergeant's office depends on a legislative act with the repeal of which it must perish.

What is the effect of your act? It repeals the 32d section, revives and re-enacts all the laws relative to the Sergeant of the Court of Appeals which existed before the passage of the reorganizing act, and declares that they "shall have in all respects, the same effect and operation as if the said recited acts had not passed." It abolishes the office of Sergeant as it existed under the reorganizing act and re-establishes it as it previously existed. This, it is fully competent for the Legislature to do, so far as their act is prospective. It is at any time in their power to abolish any office they have created, and then to re-establish it in the same or a subsequent act. But your act does more. After having abolished the office of Sergeant as it existed, under the 32d section of the reorganizing act, and thus removing the officer, it proceeds to re-establish the office as it existed under former laws, and then to fill it by an act of legislation. Your proviso "that nothing herein contained shall be so construed as to vacate the office of Sergeant of the Court of Appeals," is an attempt to assume the powers of the Governor and Senate, and make an appointment by law. You destroy the office, and then provide that it shall not be vacated. You re-create the office and then attempt, by your proviso, to transfer into it the incumbent of the office you have destroyed. It is my duty, as well as yours, to guard the constitution from violation, and in the name of the people, I protest against this attempt of the Legislature to take into their hands the appointing power, and thus shoot wildly into the sphere of the executive department. You might as well have directly enacted, that Col. Richard Taylor shall be Sergeant of the Court of Appeals during good behavior. In effect and object, such a provision would have been precisely tantamount to your present act. That officer has been all along entitled to compensation for his services as Sergeant of the new court, and your act entitles him to compensation for serving the old. It assumes as a fact, that his office has never been abolished; contrary to the admitted principle, that office created by law may be destroyed, and their incumbents removed by a repeal of the law, contrary to the understanding of all parties, as evinced by their declarations and acts, in the Legislature of 1825, and contrary to the admission of a portion of the present House of Representatives friendly to the old judges. But the Sergeant too must have his retrospective compensation, and may even draw from the Treasury, if it be not already done, an allowance for attending both courts. Thus will a considerable sum be added to the nine thousand dollars to which your act entitles the old judges.

If I understand your preamble and act, it attempts to blot out
the Judicial and Legislative events of the last two years, make things that have been, as if they were not, put a Sergeant of the court in office during good behavior, legislate hundreds of dollars into his pocket, and thousands into those of the judges, under the pretence, that every provision of the reorganizing act, the repealing clauses and all, were rendered wholly unconstitutional and void, by the motive of the legislature in passing it. In this you assume another attribute of omnipotence. Who but that Being who knows our inmost thoughts, can plunge into the breasts of man, and wring from their hearts, the motives of their conduct? Is this the attribute of finite man? Does it come within his province to pronounce upon the motives of his fellow man, and judge of their acts; not according to their form or effects, but according to the integrity of heart, by which they were actuated? I had thought, that the only mode by which the constitutionality or unconstitutionality of every act of Assembly could be tested, was, by a comparison of the act, with the constitution itself, and not with the motives of those who passed it. I had thought it possible for the Legislature to violate the constitution, without intending it; and that were they ever to become sufficiently corrupt to intend it, yet the act, passed with such intentions, might be still constitutional. But if we are to throw aside a comparison between the provisions of the act and the constitution, as the only mode of ascertaining its constitutionality; where is the exercise of this power to end? The Legislature of 1826, sit in judgment upon the acts of the Legislature of 1824, and pronounce their every provision void, not because they really are repugnant to any provision of the constitution, but because they were passed with a bad motive. They repealed all laws giving salaries to the old judges, which they were fully competent to do, according to the provisions of the constitution; yet this repeal, according to your doctrine, was unconstitutional in them, because it was made with a bad motive. They abolished the office of Sergeant to the Court of Appeals; which, also, they could constitutionally do; yet, this was, also, unconstitutional in them, because it was done with a bad motive. Who shall prevent the Legislature of 1827, from sitting in judgment, in like manner, upon the Legislature of 1826? What shall prevent them from declaring, that your act, giving back salaries to the old judges, is unconstitutional, because, in their omniscience and omnipotence, they may assume to determine, that you passed it with a bad motive? There will, indeed, be this difference between you and them: It is easy for you to pay the old judges nine thousand dollars, for back salaries, in the pretence that the Legislature of 1824, were actuated by bad motives in taking them away; but it will not be so easy for the Legislature of 1827 to replace the people's money in the Treasury, upon the same allegation in re-
lation to your act. Where shall this thing stop? Not an act on your statute book is exempt from being declared void by legislative authority on the pretense, that those who passed it, were actuated by bad motives. Each Legislature may judge as to the integrity of its predecessor, subject also, to have its own acts judged, and swept from existence, and made as if they had never been; because its members were not honest, in their passage. Not the constitution, but the motives of legislators, will be the rule by which their acts may be declared valid, or void; and the confusion which the decisions of judges have introduced into our legal code, will be doubly confounded. Never, in the wildest times of Legislative usurpation, do I believe that any thing so extravagant has been assumed by rump parliaments, or French conventions. Never have they assumed the power to sit in judgment upon the motives of their predecessors, or declare their acts void, for lack of integrity in their passage. Much less have they attempted to sweep, with an omnipotent hand, over time that is passed, and give their acts operation two years before their passage! Such an example was reserved for a Legislature, which pretends to place the stamp of the people’s reprobation on Legislative omnipotence, and restore a broken constitution.

But the evils of this principle extend beyond the legislative power. If an act be void in relation to the legislature, on account of the motive with which it was passed, it must be equally void in relation to the judiciary. If a legislature may declare the acts of a former legislature unconstitutional, on account of the motives which dictated them, so may the judges. They too may throw aside the constitution, and test the validity of laws by the motives of law-makers. Every law they may think wrong, may be pronounced unconstitutional, on the ground that it spring from impure hearts; and thus, in addition to their present claim of power, to declare void legislative acts, for repugnance to the constitution, the field of judicial discretion and caprice will be immeasurably enlarged. We shall see, first, an exertion of legislative omnipotence, over the motives and acts of preceding legislatures; and over that, an all devouring judicial omnipotence; which will not only prostrate the acts, but “search the hearts and try the reins” of those whom the country has honored with its confidence, and clothed with its authority. I beseech you to reconsider this principle, which is the basis of your act, and leave the motives of your predecessors to the great Searcher of hearts. I admonish you, in the language of one of old, who “taught as man never taught,” that, ye “judge not, lest ye be judged.”

In your preamble you declare, that “William Ousley and Benjamin Mills are rightful and constitutional judges of the Court of Appeals.” To this also you ask my approbation and signature.
I know them not as judges of the Court of Appeals or any other court. By repealing the reorganizing act and reviving the former laws, you abolish one court and create another. But the power of nominating judges to fill the new court, is in me and not in you. Yet instead of leaving to the Governor to nominate, and, by and with the advice and consent of the Senate, appoint, the judges of the Court of Appeals, here come the Senate and House of Representatives nominating them to the Governor! It seems to be expected, that the passage of your act and its approval by me, or its passage, my objections notwithstanding, will make Owsley and Mills constitutional judges, or at least, in some shape, give them stronger grounds to claim the exercise of judicial power.

If this be not the intended effect of this declaration, it is nugatory and idle. I cannot suppose you intended it to be either, and consequently, it is an attempt, to some extent at least, to legislate those men into office. I have yet to learn, that the House of Representatives have any constitutional power to aid in making judges or declaring who are judges. It is the exclusive business of the Governor and Senate to know when vacancies exist and to fill them, without, in the least, consulting the House of Representatives. But in this act, the House of Representatives unite with the Senate in telling the appointing power, you shall consider these two men judges of the Court of Appeals, and shall only appoint a chief justice. Would it not have been more appropriate and constitutional, to have left the Governor and Senate to settle this question between them, and determine from their opinion of your act, whether there has to be appointed one judge or three? I had thought, it was the duty of the House of Representatives to legislate in relation to principles, regardless of men. When principles have been fixed by the concurrence of the whole legislative power, then it becomes the duty of the Governor and Senate to appoint the men who are to carry those principles into practice. But it seems to me, this act carries on its face, complete evidence, that the House of Representatives with the concurrence of the Senate, have abandoned their true province of legislating for principle only, to legislate for men. In substance, it seems to me very much like the following, viz:

*Be it enacted, &c. That William Owsley and Benjamin Mills are and shall be, Judges of the Court of Appeals, and Richard Taylor their Sergeant.*

If, as seems to be intended, I am to take these individuals, Owsley and Mills, as a part of your act, I can no more approve men than its principles.

I object to them, because they have overturned principles which have been sanctioned and practised upon for centuries, and attempted to deprive this government of powers which in times of calamity, are essential to its existence. They have ve-
told for replevin laws as legislators, and decided against them as judges.

I object to them, because, when an attempt was made to remove them by address, they declared themselves irresponsible for error of opinion; thus assuming the power to fix important principles, in defiance of public opinion and the good of the country.

I object to them, because in numerous instances they have contradicted their own decisions, unsettled the laws of the country, given us chaos for system, substituted opinions for acts of assembly, administered that as law in one case, which they denied to be law in another, and filled the country with alarm and doubt.

I object to them as Judges, because they have been, for years, placed at the head of a party; and consequently entertain feelings of hostility to one portion of the community, and of friendship to another, which are wholly incompatible with the impartial administration of justice.

I might multiply objections, extending as well to acts which preceded, as to others which followed, the passage of the reorganizing act. But I forbear. By a little investigation, it seems to me, you would be convinced that there are good reasons for keeping or putting those men out of office, instead of legislating them in; and that the interest and welfare of the people as perceptibly require that Owsley and Mills should cease to be judges as that the reorganizing act shall be repealed.

I have now enumerated my leading objections both to the corporeal and incorporeal parts of your bill. I protest against both the men and the principles which it attempts to fix on the good people of Kentucky. I beseech you to reconsider and adopt another course. The path to peace and quiet, in relation to the constitutional question, is as plain as the sun in the heavens. Repeal the reorganizing and salary acts; but do not force on me and on the country, your declarations, your retrospective provisions, your back salaries, your Judges and your Sergeant, nominated or confirmed by act of assembly. I shall do my duty, and the Senate will do theirs. As to one judge, we shall not disagree; and if we do not agree as to the other two, the country will receive no detriment. All will concur in a quiet submission to the existing state of things; until the people shall think proper to alter it. If they approve of Owsley and Mills, and really consider them as judges, entitled to salaries from the 24th day of December, 1824, then their power will be perpetuated, and they will continue to be judges, without the aid of your preamble. But if they are not satisfied with them, they will take such steps to rid themselves of the incumbrance, as to them may seem constitutional and proper. The people's will be done.

I have now done my duty in relation to your act. If, in the hurry in which I have written, any expression has escaped me,
which may seem to be wanting in respect for the legislative authorities of my country; I beg that you will not consider it as any injurious reflection upon yourselves, individually or collectively, but simply as a burst of that zeal in the discharge of my duty, which I am sure is well intended, however illy it may be thought to be directed.

December 27, 1826.

JOSEPH DESHA.

It was then moved and seconded to lay the said bill and objections thereon on the table; and the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Breckenridge and Tarlton, were as follows, to-wit.


The question was then put upon the passage of the said bill, the Governor's objections to the contrary notwithstanding; which was decided in the affirmative.

The yeas and nays being taken thereon, in pursuance to the provisions of the Constitution, were as follows, viz.


NAYS—Messrs. Allin, Barbee, Booker, Conner of Bath, Daniel of Jessamine, Daniel of Montgomery, Davis, Dorsey, Forrest,
Ordered, That Mr. Underwood inform the Senate thereof; and that Messrs. Underwood, Hanson; Breek and Breckenridge be appointed a committee, on the part of this house to act in conjunction with a committee on the part of the Senate, to deposit said bill in the office of the Secretary of State.

Mr. Tarlton offered the following resolution, viz.

Resolved, That the Public Printer be directed to print one hundred and fifty copies of the bill, and the Governor's objections to the bill, "To remove the unconstitutional obstructions thrown in the way of the Court of Appeals," when he shall reach the same in printing, the journals of this house, for the use of the members.

Which being twice read, the question was taken upon the adoption of said resolution, which was decided in the affirmative.

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


Mr. Turner moved the following resolutions, to-wit:

Resolved, That the committee of ways and means, be instructed to inquire what money's have been drawn from the Public Treasury, by any of the pretended judges or officers, of what is usually called the New Court of Appeals.

Resolved, That said committee also inquire whether any, and if any, what laws are necessary to be passed, to prevent the pretended judges, and officers of said court, from drawing any further sums from the Treasury: Also, to enquire whether any and
Dee.

30. J HOUSE OF REPRESENTATIVES.

if any, what laws are necessary to enable the Commonwealth to recover from the pretended judges and officers of said court, and from the Reporter of the decisions of the Court of Appeals, any money's which they, or any one of them, have improperly drawn from the public Treasury: And that said committee ascertain and report as well the aggregate, as the respective sums so drawn by each individual.

Which were twice read; a division of the question was called for, and the question was first put on the adoption of the first resolution, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Tarlton and Dorsey, were as follows:


The second resolution was then adopted.

Mr. Underwood from the joint committee, appointed for that purpose, reported that the committee had deposited with the Secretary of State, the enrolled bill, entitled "An act to remove the unconstitutional obstructions, which have been thrown in the way of the Court of Appeals;" which had passed both houses of the General Assembly, the Governor's objections notwithstanding.

A message from the Senate by Mr. R. Wickliffe:

Mr. Speaker: The Senate have passed bills of the following titles: "An act concerning writs of error and appeals, and for other purposes;" and "An act to amend the law concerning the action of debtors;" in which bills they request the concurrence of this house.

And then he withdrew.

Ordered, That the first and second readings of a bill from the Senate, entitled "An act allowing additional justices of the
peace and constables, to certain counties" be dispensed with, and that the same be referred to a select committee of Messrs. Roberts, Flournoy, Samuel, Taylor, Walker of Logan, and W. Conner.

Mr. Shepard 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 Sheriff of Henderson county;

And an "act for the benefit of William Caldwell, late Sheriff of Bullitt county, and the Sheriff of Washington county.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Shepard inform the Senate thereof.

The following bills were severally read a second time, viz.

1. A bill further to regulate the laying off constables districts, in the several counties in this Commonwealth.

2. A bill to amend the civil laws of this Commonwealth.

3. A bill to regulate the duties of the freighters of produce.

4. A bill to amend the laws concerning bail in civil cases.

5. A bill to restrict the county court of Jefferson, in laying their levy.

6. A bill to add a part of the county of Henry to the county of Franklin.

7. A bill to encourage the publication of a digest of the decisions of the Court of Appeals.

8. A bill to authorize the sale of the lands of Fanny Hoy, a lunatic.

9. A bill to compel Sheriffs to give counter security.

10. A bill for the benefit of John Todd.

11. A bill to establish the Cumberland Hospital.

The 1st, 3d, 4th, 5th, 7th and 11th were ordered to be engrossed and read a third time; The 2d and 6th, were ordered to lie on the table; the 8th was committed to a select committee of Messrs. Turner, C. L. Harrison, Rudd, and Joyces; the 9th to a select committee of Messrs. Maupin, T. P. Wilson, Cunningham, New, Rudd, and Underwood; and the 10th to a select committee of Messrs. Blackburn, Joyces and Dorsey.

And thereupon the rule of the house, constitutional provision and third reading of the 5th 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. D. White carry the said bills to the Senate and request their concurrence.

A bill to add a part of Preston's enlargement to the town of Louisville was read a second time.

And then the house adjourned.
1. Mr. Wingate presented the petition of sundry citizens of Owen county, praying a reloan of the paper of the Bank of the Commonwealth of Kentucky.

2. Mr. Gaines presented the petition of sundry citizens of Boone county, praying that an additional constable may be allowed in said county, to reside in the town of Petersburg.

3. Mr. James presented the petition of Alexander Anderson, Executor of James Anderson, deceased, praying the passage of a law, authorizing him to make sale of two town lots the property of said decedent, for the purpose of paying his debts.

4. Mr. Conner of Greenup presented the petition of sundry citizens of Greenup county, praying that an additional justice of the peace for said county, may be commissioned.

5. Mr. Wingate presented the petition of Joel Bates praying for a divorce from his wife, Alicey Bates.

6. Mr. James presented the petition of Polly Griffith, praying that a quarter section of land on which she resides may be granted to her during her life time.

7. Also, the petition of the members of the Baptist Church, at Soldier's creek, in Calloway county, praying that they may be authorized to purchase from the state, seven acres one hundred and fifty-four poles of land, on which their meeting house stands, without purchasing the whole quarter section.

8. Mr. Campbell presented the petition of sundry citizens of Christian county, adopted by them at a public meeting at Hopkinsville, praying that the law regulating the duties, and creating the liabilities of executors and administrator's and their securities may be amended.

9. Mr. Colglazier presented the petition of the citizens of Germantown, praying that the citizens of said town may be compelled to pave the side walks of the main street of said town; and representing that said town is divided by the county line of Mason and Bracken counties, and praying that the justices of the peace in for both the counties of Mason and Bracken, residing in said town, may be authorized to act in any part thereof.

Which petitions were severally received, read and referred: the 1st to the committee of ways and means; the 2d and 9th to the committee of propositions and grievances; the 3d and 8th to the committee for courts of justice; the 4th to a select committee of Messrs. Roberts, Flourney, Samuel, Taylor and Walker of Logan; the 5th to the committee of religion; and the 6th and 7th to a select committee of Messrs. James, Campbell and Spalding.

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:

1. Resolved, That the petition of Thomas Brand, a citizen of Bourbon county, be rejected.

2. Resolved, That the petition of the executors of William Steele, deceased, be rejected.

3. Resolved, That the petition of Michael Huffaker, is reasonable.

4. Resolved, As the opinion of this committee, that provision ought to be made by law, for the liquidation, and payment of the claims, exhibited in the petitions of Andrew McCalla and Jonathan Riggs, for the money expended by them in the erection of the Lunatic Hospital.

Which being twice read, the 1st, 3d and 4th resolutions were concurred in, and the 2d laid upon the table:

Ordered, That said committee prepare and bring in bills pursuant to the 3d and 4th resolutions.

Mr. D. White from the committee on internal improvements, made the following report, to-wit:

The committee on internal improvements to whom was referred, the memorial and resolutions of sundry citizens of Warren county, praying the appointment of an Engineer and assistants, to explore and survey Big Barren river, and Green river, from their mouths, to such points on them severally, as are navigable at high water, and to report to the next General Assembly, the nature of the difficulties and obstructions to the navigation of said rivers, together with the best mode of removing the same, and the probable expense of rendering said rivers navigable, have had the same under consideration, and have come to the following resolution thereupon, viz.

Resolved, That said memorial and resolutions, are reasonable.

Which being twice read was concurred in.

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

Mr. D. White from the same committee, to whom was referred, a bill appointing commissioners to view and mark out a state road, from Louisville to the Iron Banks, reported the same with an amendment, which being twice read was concurred in:

Ordered, That said bill be recommitted to a select committee of Messrs. Spalding, Dorsey, Joyes, Rucker, Ray, Davis, James, Hughes and Morris.

Mr. D. White from the same committee to whom was referred, a bill for the benefit of Cullum H. Bailey, reported the same without amendment.

Ordered, That said bill be laid upon the table.

Mr. D. White from the same committee to whom was referred,
a bill for building a bridge at the falls of the Ohio, reported the same with an amendment, which being twice read was concurred in.

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

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

By Mr. Cunningham from the committee of claims, 1st—"A bill for the benefit of Robert Raify, and others: And,

By Mr. Underwood from the committee for courts of justice, 2—"A bill to establish an additional judicial district."

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 2d bill, having been dispensed with, the same was recommitted to the committee for courts of justice.

Mr. Flournoy from the select committee, to whom was referred an engrossed bill entitled "an act to repeal the laws requiring property taken under execution, to sell for three-fourths of its value and for other purposes, reported the same without amendment.

It was then moved and seconded to commit said bill to a select committee for the purpose of amendment; and the question being taken thereon, it was decided in the negative.

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


Mr. T. Q. Wilson moved to attach to said bill the following engrossed clause by way of rider, to-wit:

Sec. 4. Be it further enacted, That where any tract or tracts of land, shall or may be sold under any execution, or decree in
chancery, as contemplated by this act: the defendant or defendants where lands may be so sold, shall be allowed to redeem the same at any time within the

by tendering to the purchaser or purchasers, under any such execution or executions or chancery decree, the amount of money [in kind] which may have been bid for such land with 1% per centum interest per annum thereon from the date of such sale, to the date of such tender.

Sec. 5. Be it further enacted, That where the person or persons who shall become the purchaser or purchasers, under such execution or decree in chancery shall not reside in the county where such land lies, and shall fail to constitute an agent or attorney living within said county by letter of attorney duly proven, and of record in the county court of said county, it shall, and may be lawful for the defendant or defendants, whose lands may have been sold to pay the said money and interest, to the clerk of the circuit court for such county, whose receipt shall be evidence of such payment, and entitle the defendant or defendants to all the benefits designed to be given for the redemption of lands sold, as by the 4th section of this act provided.

And the question being taken on adopting the same, as a rider to the bill, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Hanson, were as follows, viz.


Mr. Underwood then moved to attach to said bill, the following engrossed clause, by way of rider to the bill, viz:

Provided however, That this section shall only extend to judgments and decrees, rendered after said 1st of May, 1827, on contracts entered into, and causes of action which have accrued previous to the said 1st of May.
Be it further enacted, That on all judgments at common law, and decrees in chancery, rendered after the 1st of May, 1827, in any contract entered into after that time, or on any cause of action for tort, accruing after that time, there shall be no replevin whatever, and all executions which may issue on any such judgment or decree, shall be endorsed by the clerk or justice of the peace issuing the same, that no security of any kind shall be taken, and shall be proceeded on in all respects by the officer in whose hands such execution is placed, as executions now are which issue on replevin bonds.

Be it further enacted, That all judgments and decrees rendered, on contracts entered into after the 1st of May, 1827, or on any cause of action for tort, accruing after that time, shall bind the property of the defendant from the day of the rendition of such judgment or decree, but in case any plaintiff shall delay pursuing his judgment or decree for three months, by execution at any one time, such plaintiff's lien on the property of the defendant, from the date of the judgment or decree shall cease, and determine, and the property of the defendant, after such delay once permitted shall, in favor of such plaintiff, only be bound from the date of the delivery of the execution to the officer.

Be it further enacted, That in cases where lands are sold in virtue of any execution which issues on a judgment or decree, rendered on a contract entered into after the 1st of May, 1827, or on a cause of action accruing after that time, it shall, and may be lawful for the defendant in the execution, or any other person within three months after the sale, to redeem the land so sold by paying in the clerk's office, from which such execution issued the sum of money in kind, for which the same sold with interest thereon, at the rate of six per cent per annum, from the date of the sale, and the clerk shall receive the money to the use of the purchaser under the execution, and give a receipt therefor, specifying therein, the purpose for which it was paid, which receipt shall be evidence of the redemption of the land; and such clerk, in case he fails to pay over the money to the person entitled to receive it on demand, shall be liable to the party aggrieved thereby, on his office bond, and such failure of the clerk to pay over the money, shall moreover be considered a misdemeanor in office, and just cause of his removal.

And the question being taken on adopting the same, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Underwood and Maupin, were as follows, viz.


The following engrossed clause was then attached to said bill by way of rider, viz.

"Provided, however, that upon all judgments and decrees rendered, prior to the 1st of May, 1827, there shall be the same right of replevin, and credit on sales upon execution, which exists under the laws now in force."

Mr. Ward then moved to attach to said bill the following engrossed clause by way of rider, viz.

"Provided: That upon all judgments rendered upon contracts made after the 1st day of May next, there shall be no replevin allowed, but in lieu thereof a stay of execution for three months, the judgment to bind the property of the defendant from the day it is rendered.

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

The yeas and nays being required thereon by Messrs. Ward and Rucker, were as follows, viz.


The said bill having been further amended by attaching thereunto an engrossed section, by way of rider to the bill:

Resolved, That the said bill, with the riders 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 Rudd, were as follows:


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

And then the house adjourned.

TUESDAY, JANUARY 2, 1827.

1. Mr. Forrest presented the petition of sundry citizens of Washington county, praying that trustees may be appointed for the town of Newmarket, and that an additional justice of the peace may be allowed for said county, to reside in said town.

2. Mr. Rucker presented the petition of Christopher Dicken, praying that he may be authorized to construct a dam across the long falls of Green river.

3. Mr. Underwood presented the petition of John Gorin, praying that he may be authorized to make sale of a negro man, his wife and child, the property of Robert K. Duvall, deceased, with whose widow he intermarried. Also, 4.—The petition of sundry citizens of Simpson county, praying that a law may pass, authorizing the county court of said county, to remove the jail and stray pen off the public square, and directing them to levy a tax, for the purpose of erecting the same elsewhere.

5. Mr. B. Harrison presented the petition of Thomas Wether, administrator of Austin Hubbard, deceased, praying that a law may pass to authorize him to make sale of a house and lot in
Bardstown, the property of said decedent, for the purpose of paying his debts.

Which petitions were severally received, read and referred: The 1st, to a select committee of Messrs. Forrest, Booker and Bainbridge; the 2d, to the committee of propositions and grievances; the 3d and 5th, to the committee for courts of justice; and the 4th, to a select committee of Messrs. Underwood, Skiles and Wm. Harris.

Mr. Nelson from the select committee to whom was referred, a bill to incorporate the Maysville and Lexington Turnpike Road Company, reported the same with an amendment, in lieu of the bill.

Which being twice read was concurred in.

Ordered. That said bill be re-committed to a select committee of Messrs. Maupin, Nelson, Underwood and Dorsey.

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

By Mr. Spalding. 1—A bill concerning County and Circuit Court Clerks in this Commonwealth.

By Mr. Breck. 2—A bill for the benefit of the creditors of Margaret Roberts, deceased.

By Mr. Haskin. 3—A bill for the benefit of James J. Miles.

By Mr. Yantis. 4—A bill for the benefit of Ann Ashley and her children.

By Mr. Nelson. 5—A bill to regulate the fees of the several clerks in this Commonwealth, and for other purposes.

By Mr. Colglazier. 6—A bill to change the mode of summoning grand and petit jurors, and to provide for their compensation.

By Mr. Dorsey, 7—A bill to authorize the county court of Jefferson, to lay their levy for 1826, 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, 6th and 7th bills having been dispensed with, the 1st and 2d bills were ordered to be engrossed and read a third time; the 8th, was committed to a select committee of Messrs. Colglazier, Rudd, B. Harrison, Dorsey, and Underwood; and the 7th, to a select committee of Messrs. Yantis, Dorsey, Joyes and James.

And thereupon the rule of the house, constitutional provision and third reading of the 1st and 2d 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. Spalding carry the said bills to the Senate and request their concurrence.
Mr. D. Stephens, from the select committee appointed for that purpose, made the following report.

The petition for the removal of the Attorney for the Commonwealth, in the 14th judicial district, not being subscribed by two witnesses, nor accompanied by affidavits, as required by an act of Assembly, approved the 17th of December, 1792, therefore,

Resolved, That the committee raised to inquire into said matter, be discharged from the further consideration of the same.

Which being twice read, was laid on the table.

Mr. Turner, from the select committee to whom was referred, a bill to authorize the sale of the lands of Fanny Hoy, a lunatic, 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, an act to authorize the sale of the lands of Fanny Hoy and Sophia H. Sullivan, and for other purposes.

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

A bill from the Senate entitled "an act to provide for the rebuilding of the capitol and for other purposes;" was read the first time and ordered to be read a second time.

The yeas and nays being required on the second reading of said bill by Messrs. Bainbridge and D. White, were as follows:


A message from the Governor by Mr. Loughborough:

Mr. Speaker: On the 30th of last month the Governor appro-
voted and signed, enrolled bills which originated in the House of Representatives, entitled "An act for the benefit of the Sheriff of Henderson county"; "An act for the benefit of William Caldwell, late Sheriff of Bullitt county, and the Sheriff of Washington county."

And then he withdrew.

Ordered, That Mr. Bainbridge inform the Senate thereof.

The following bills were severally read a second time, viz:

1. A bill to add a part of Preston's enlargement to the town of Louisville.
2. A bill to amend the laws in relation to absent defendants.
3. A bill for the benefit of Charles Kennedy.
4. A bill to reduce the salary of circuit judges and for other purposes: And,
5. A bill to extend the powers of the trustees of the town of Lexington.

The 1st, 3d, and 5th (the 5th having been amended at the Clerk's table) were severally ordered to be engrossed and read a third time to-morrow; the 2d was committed to a select committee of Messrs. C. Walker, Morris, McFarland and Allin; and the 4th, to a select committee of Messrs. Summers, Maupin, H. Daniel, Trimble, Secrest and B. Harrison.

Mr. Flournoy from the select committee to whom was referred, a bill to repeal parts of an act, approved January 7, 1824, entitled "an act to revive and amend the champerty and maintenance laws, and more effectually to secure the bona fide occupants of land within this commonwealth; reported the same with an amendment.

The third section of the bill proposed to be stricken out by the amendment, was read as follows, viz:

"Be it further enacted, That the forfeiture of all lands which has accrued to this Commonwealth, under, and by virtue of an act passed at the last session of the Legislature, and approved by the Governor, on the 12th January, 1825, be and the same is hereby remitted to all persons or persons whose titles may have been forfeited under said law, and who were on the 12th day of January, 1825, citizens of Kentucky, and residents therein: Provided, That the remission of forfeiture hereby provided for, shall not extend to any title or lands, where there was actual adverse possession, on the said 12th day of January, 1825, who hold under titles derived from the Commonwealth."

The amendment proposed by said committee, which proposes to expunge said third section, and to insert the following in lieu thereof, was read in the following words:

Sec. 3. Be it enacted, That the title of all lands which vested in this Commonwealth, and all forfeitures of land which have accrued to this Commonwealth, under and by virtue of an act, en-
titled, "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 Common-
wealth, approved January 12th, 1825," or under any acts for-
siling lands for the non-payment of taxes, or a failure to list the
same for taxation, be, and the same are hereby remitted to the
proprietors of such lands respectively, upon their paying the
taxes and interest thereon, now due, and in arrears.
And the question being taken on adopting the said amendment,
it was decided in the negative.
The yeas and nays being required thereon by Messrs. Summers
and Underwood, were as follows:
YEAS—Mr. Speaker, Messrs. Bainbridge, Blackburn, Butler,
Campbell, Carson, Cobb, Colglazier, Danlap, Farmer, Flour-
noy, Ford, Gaines, Gorin, Harris of Madison, Harris of Simpson,
Harrison of Wilson, Hart, James, McFarland, Powell, Reid, Sal-
lee, Skiles, Street, Swope, Taylor, Turner, Underwood, Wad-
dell, Walker of Adair, Walker of Logan, Watkins, Wells of Mu-
hlenburg, White of Clay, Wilson of Lincoln, Wilson of Shelby,
Wilson of Bullitt and Yantis—39.
NAYS—Messrs. Allin, Conner of Greenup, Daniel of Mont-
gomery, Davis, Dorsey, Forrest, Fulton, Harrison of Jefferson,
Haskin, Helm, Hughes, Hutchinson, Joves, Lackey, Love,
Marksberry, Maupin, McMillan, Mullens, Patterson, Ray, Rob-
erts, Roundtree, Rucker, Samuel, Sanders, Secrest, Shepard,
Spalding, Stephens of Breckinridge, Stephens of Campbell, Sum-
mers, Tarlton, Thomas, Wade, Ward, Wells of Morgan,
White of Franklin, White of Green, Wingate and Young—42.
The said bill as amended, was ordered to be engrossed and
read a third time to-morrow.
A bill from the Senate entitled "an act to incorporate the
Cumberland College at Princeton," 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. Neiv inform the Senate thereof.
And then the house adjourned.

WEDNESDAY, JANUARY 3, 1827.

Mr. Swope presented the petition of the heirs of James How-
ard, deceased, praying that a law may pass, authorizing their
guardian and next friend, Ann Howard, to make sale of a tract
of land in the County of Cumberland, the property of said dece-
cdent.
Which petition was received, read and referred to the committee for courts of justice.

Mr. Blackburn, from the committee of propositions and grievances, made the following report:

The committee of propositions and grievances, having, according to order, had under consideration, the petition of a part of the citizens of Ohio county, praying to be added to the county of Breckenridge, and have come to the following resolution thereupon, to wit:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

Mr. Roberts, from the select committee to whom was referred, a bill from the Senate entitled, "an act allowing additional justices of the peace and constables to certain counties," reported the same with amendments, which being twice read, were concurred in.

Ordered, That the said bill, as amended, be read a third time tomorrow.

A message from the Senate by Mr. Daveiss.

Mr. Speaker: The Senate disagree to the passage of a bill which originated in this house entitled, "an act for the benefit of William Pearl, a lunatic;" and they concur in the passage of a bill which originated in this house, entitled, "an act for the benefit of the Deaf and Dumb Asylum at Danville," with amendments, in which amendments they request the concurrence of this house.

And then he withdrew.

Mr. Yantis, from the select committee to whom was referred a bill to authorize the County Court of Jefferson, to lay the levy for 1827, 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 having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be, "an act to authorize certain County Courts to lay their levy, and for other purposes."

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

Mr. McMillan, from the select committee to whom was referred, a bill to add two additional justice of the peace to the county of Christian, 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 amended, by adding thereto the words, "and for other pur-
poses."

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

Mr. Flournoy, from the select committee to whom was referred
a bill to revive the causa on judgments in actions of tort, reported
the same, with an amendment, which being twice read, was con-
curred in.

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

Mr. Walker, from the select committee to whom was referred
a bill to amend the law in relation to absent defendants, report-
ed the same with an amendment, which being twice read, was con-
curred in.

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

Mr. Flournoy, from the select committee appointed for that
purpose, reported a bill, authorizing the sale of a part of the pub-
lic square in Fayette county, which was received, together with
the remonstrance thereto, and read the first time; and the question
being taken on reading the said bill a second time, it was decided
in the negative; and so the said bill was rejected.

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

By Mr. White, from the committee on internal improvements,
1—A bill providing for the appointment of an engineer to survey
and examine certain rivers.

By Mr. Blackburn, from the committee of propositions and
grievances, 2—A bill to allow a fish dam across salt river, at
Clark's ripple.

By Mr. Blackburn, 3—A bill to amend the law concerning
public roads.

By Mr. Helm, 4—A bill to improve the navigation of Rough
Creek.

By Mr. Rucker, 5—A bill concerning the court house and
public square in the town of Eddyville, in Caldwell county.

By Mr. Morris, 6—A bill to amend the law concerning the
town of Henderson.

By Mr. Watkins, 7—A bill concerning the vacant lands of this
Commonwealth, acquired by warrant, north of Walker's line.

By Mr. Underwood, 8—A bill to legalize the proceedings of
the Warren County Court, 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, 3rd, 5th, 6th, 7th and 8th bills having been dispensed with, the first was committed to a select committee of Messrs. D. White, Underwood and Blackburn; the third to the committee on internal improvements; the 5th, 6th and 7th (the 7th having been amended at the Clerk's table,) were ordered to be engrossed and read a third time; and the 8th was committed to a select committee of Messrs. Skiles, Love and Underwood.

Ordered, That the Public Printer forthwith print 150 copies of the third bill, for the use of the members of this house.

And thereupon the rule of the house, constitutional provision, and third reading of the 5th, 6th 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. Rucker carry the said bills to the Senate, and request their concurrence.

Mr. Blackburn, from the select committee to whom was referred, a bill regulating the granting of injunctions, &c. reported the same with an amendment, which being twice read, was concurred in.

Ordered, That the said bill, with the amendment, be laid on the table.

On motion,

Ordered, That the report of the committee of claims, rejecting the petition of the executors of William Steele, deceased, and a bill for the benefit of Cullum H. Bailey, be recommitted to a select committee of Messrs. Blackburn, D. White, Sanders and Dunlap.

The following bills from the Senate were severally read the first time, and ordered to be read a second time.
1.—An act concerning idiots.
2.—An act to add a small part of Henry county to the county of Franklin.
3.—An act to amend an act entitled, an act to incorporate the trustees of the Augusta College. And
4.—An act for the benefit of Obadiah Woodrum.

And thereupon the rule of the house, constitutional provision, and second reading of the first, second and third bills having been dispensed with, the first was committed to a select committee of Messrs. Spalding, Flournoy, Underwood, Campbell, Sallee, L. Stephens and Wilson of Bullitt; the 2d, having been amended at the Clerk's table, was ordered to be read a third time; and the third was committed to a select committee of Messrs. Blackburn, B. Harrison, Colglazier, Shepard and Rucker.
And thereupon the rule of the house, constitutional provision, and third reading of the second bill having been dispensed with;

Resolved, That the said bill, as amended, do pass.

Ordered, That Mr. Sanders inform the Senate thereof, and request their concurrence in said amendment.

A bill from the Senate entitled, an act for the benefit of the Judge of the 13th Judicial District, was read the third time.

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

Ordered, That Mr. Bainbridge inform the Senate thereof.

A message from the Senate by Mr. Given.

Mr. Speaker: The Senate have passed bills of the following titles: "An act to legalize the proceedings of the County Court of Mason," and "An act to regulate ferries on the Tennessee river and part of the Cumberland river," in which bills they request the concurrence of this house.

And then he withdrew.

The following bills were severally read a second time, to-wit: 1.—A bill for the benefit of Lewis Rogers, late Deputy Sheriff of Ohio county.
2.—A bill for the divorce of certain persons.
3.—A bill for the benefit of James Williamson and Sally Reynolds.
4.—A bill for the benefit of the heirs of Johnston Dysart, deceased.
5.—A bill providing for the appointment of a board of engineers.
6.—A bill to restrain the sale of offices.
7.—A bill to amend the laws relative to the turnpike and wilderness road. And
8.—A bill to exempt surveyors or overseers of public roads, from serving on venires or petit juries.

The 1st was committed to a select committee of Messrs. Helm, Davis, Underwood and Hanson; the 2d to the committee of religion; the 3rd, 4th, 6th and 8th (the 3rd and 6th having been amended at the Clerk's table,) were severally ordered to be engrossed and read a third time; the 5th was laid on the table; and the 7th was committed to a select committee of Messrs. Yantis, Carson, Farmer and Turner.

And thereupon the rule of the house, constitutional provision, and third reading 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. Carson carry the said bill to the Senate, and request their concurrence.

And then the House adjourned.
Mr. Sanders presented the petition of Eliza Smither, praying for divorce from her husband James Smither.

Which was received, read and referred to the committee of religion.

Mr. Bainbridge from the joint committee of enrollments reported that said committee had examined enrolled bills which originated in the Senate, of the following titles:

"An act authorizing the trustees of the town of Millersburgh to sell part of the public ground in said town; and "An act to incorporate the Cumberland College, at Princeton;" and had found the same truly enrolled:

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Bainbridge inform the Senate thereof.

Mr. Blackburn 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, and a bill to them referred, and have come to the following resolutions thereupon, to-wit:

Resolved, That the petition of Christopher Dickens, praying for leave to erect a mill on Green river, at the Vienna falls on Green river be rejected.

Resolved, That the bill to authorize the sale of part of the public square in Mount Vernon, in the county of Rockcastle ought not to pass.

Which resolutions being severally twice read were concurred in.

A message from the Senate by Mr. Ward.

Mr. Speaker: The Senate concur in the passage of a bill which originated in this house entitled "an act to authorize the stockholders of the Bank of Limestone, to elect an agent or commissioner."

And then he withdrew.

Mr. Underwood from the committee for courts of justice to whom was referred "A bill regulating conveyances and better securing the rights to lands in this commonwealth; 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 to-morrow; and that the Public Printer forthwith print one hundred and fifty copies of said bill, for the use of the members of this house.

Mr. Lackey from the committee of religion made the following report:

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

1st. Resolved, That the petition of Joel Bater, praying a divorce from his wife Alsey Bater, be rejected.

2d. Resolved, That the petition of Mary Drysdale, praying a divorce from her husband, Reuben Drysdale, is reasonable.

Which being twice read, was concurred in.

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

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

On the motion of Mr. Powell, 1—A bill to change the time of holding the Casey county court; and,

On the motion of Mr. Nelson, 2—A bill to enlarge the powers of the trustees of the town of Maysville.

Messrs. Powell, Cunningham, and Hanson were appointed a committee to prepare and bring in the 1st; and Messrs. Nelson, Waddell and Colglazier, the 2d.

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

By Mr. Blackburn from the committee of propositions and grievances, 1—A bill to enlarge the powers of the trustees of Germantown; Also, 2—A bill to allow an additional constable in the county of Boone: And,

By Mr. Powell, 3—A bill to change the time of holding the Casey county court.

Which bills were severally received and read the first, and the 2d and 3d, ordered to be read a second time.

The question being taken on reading the 1st a second time; it was decided in the negative, and so the said bill was rejected.

And thereupon the rule of the house, constitutional provision and second and third readings, of the 2d and 3d 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. Gaines carry the said bills to the Senate and request their concurrence.

Mr. Hanson from the committee of ways and means, made the following report:

The committee of ways and means, to whom was referred the enquiry into the expediency of providing by law a tax, upon sales of merchandise, at public auction; report the following, to-wit:

Resolved, That it is not expedient to raise any part of the public revenue, by a tax upon sales of merchandise, at auction.

Which being read was laid upon the table.

Mr. Hanson from the same committee also made the following report:
The committee of ways and means to whom was referred, the petition of sundry citizens of Owen county, praying for a reissue of the notes of the Bank of the Commonwealth of Kentucky, report the following resolution, to wit:

Resolved, That it is not expedient to authorize said bank to reissue any more of its notes, by way of loan, and that said petition be therefore rejected.

Which being read was laid upon the table.

The house took up for consideration the resolution for a removal of the seat of government, laid on the table on the 22d ultimo, by Mr. Harrison of Nelson: The said resolution was then amended by striking out after the word “Frankfort” the remaining words in said resolution.

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

The yeas and nays being required thereon by Messrs. Gorin and Waddle, were as follows, viz.


Mr. Wade read and laid on the table a joint resolution, for fixing on a day for the election of a Treasurer, Public Printer, President and Directors of the Bank of the Commonwealth and Branches, and a President and Directors of the Bank of Kentucky.

And then the house adjourned.

FRIDAY, JANUARY 5, 1827.

On motion,

Ordered, That Mr. James be added to the committee of enrollments on the part of this house.
Mr. Timberlake presented the petition of Samuel Hedges, praying that a law may pass, authorizing him to make sale of two negroes in whom his wife has a life estate, and hold the proceeds for the benefit of the reversioners.

Mr. Gaines presented the petition of sundry citizens of Boone county, praying that a law may pass to establish and open a state road from the Turnpike, near A. Gaines's, to the Ohio river, opposite Lawrenceburgh.

Mr. A. Wilson presented the petition of Joseph Reynolds, praying a divorce from his wife.

Which petitions were severally received, read and referred:

The 1st to the committee for courts of justice; the 2d to the committee of internal improvements; and the 3d, to the committee of religion.

Mr. Shepard from the joint committee of enrollments, reported, that said committee had examined an enrolled bill which originated in the Senate entitled "An act for the benefit of the judge of the 13th judicial district," and had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Shepard inform the Senate thereof.

Mr. Underwood from the committee for courts of justice made the following report:

The committee on courts of justice have had under consideration, various subjects to them referred, and have come to the following resolutions thereon, to wit:

1. Resolved, That the petition of John Pursley, praying a dissolution of the Kentucky Academy, and the confirmation of the sale of a tract of land to him by the trustees of said Academy, be rejected.

2. Resolved, That the petition of Alexander Anderson, executor of James Anderson, deceased, praying for the passage of a law, to authorize him to sell the real estate of his testator, be rejected.

3. Resolved, That the petition of Parthena K. Howard and others, heirs of James Howard, deceased, praying for the passage of a law, authorizing them to sell lands, be rejected.

4. Resolved, That the memorial of the citizens of Christian county, requesting such amendments to be made in our laws, as shall cause a distribution of assets in the hands of executors and administrators, among the creditors of the deceased, in proportion to the demands of the several creditors, is reasonable.

5. Resolved, That the petition of Richard L. Head and Thomas Breeze, praying compensation for the apprehension of Randall W. Smith, charged with the murder of Doctor Brown and Mr. Christopher, is reasonable.

Which being twice read, the 1st, 2d, 3d, and 4th, resolutions
were concurred in, and the 5th was recommitted to the committee for courts of justice.

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

Mr. D. White from the committee on internal improvements to whom was referred a bill providing for the appointment of an engineer to survey and examine certain rivers, reported the same with an amendment, which being twice read, was concurred in.

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

Mr. White from the committee on internal improvements to whom was referred "a bill to improve the navigation of Main Eagle creek," reported the following resolution.

The committee on internal improvement have, according to order had under their consideration a bill to them referred, declaring Main Eagle creek, from Sanders' lower mills, to the mouth thereof navigable, and providing for removing the obstructions therein, and have come to the following resolution thereon, viz.

Resolved, That said bill ought not to pass.

Which being twice read and amended by striking out the word "not," was concurred in: The said bill was then recommitted to a select committee of Messrs. Mullens, Samuel, Wingate, McMillan and E. Wells.

Mr. White from the same committee made the following report:

The committee on internal improvement, have according to order, had under their consideration a resolution of the house, instructing them "to enquire into the expediency of appointing commissioners, to view and mark a road from Columbus to the state line, in a direction to Paris" in the state of Tennessee, and have come to the following resolution thereupon, to-wit:

Resolved, That it is expedient to provide by law, for making a revenue and for marking said road.

Which being twice read was concurred in.

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

Mr. Breckenridge from the select committee to whom was referred a bill to amend the militia laws of this commonwealth, reported the same with an amendment, which being twice read, was concurred in; and the said bill with the amendments laid on the table.

Mr. Yantis moved the following resolution, viz:

Resolved, That the rule of this house, requiring the concurrence of two-thirds, to dispense with the orders of the day, or to take up a bill, resolution, or any other matter, be, and the same is hereby rescinded.

Which being twice read, was disagreed to.
Leave was given to bring in the following bills, to wit:

By Mr. Tarlton, 1—A bill for the benefit of William F. and Sarah G. Ward.

By Mr. Spalding, 2—A bill to authorize the clerk of the Union county court, to transcribe certain record books of said court.

By Mr. Morris, 3—A bill to appoint a reporter of the decisions of the Court of Appeals.

By Mr. C. Walker, 4—A bill to incorporate Jamestown, in the county of Russell, and for other purposes.

By Mr. D. Stephens, 5—A bill for the benefit of Eli Houston.

On the motion of Mr. Roberts, 6—A bill for the benefit of the Sheriff of Nicholas county.

On the motion of Mr. Morris, 7—A bill for the benefit of Frank Hogg.

On the motion of Mr. Owings, 8—A bill to authorize the county of Bourbon to permit gates to be erected across certain roads.

On the motion of Mr. Timberlake, 9—A bill for the benefit of the judge of the tenth judicial district: And,

On the motion of Mr. James, 10—A bill to authorize the sale of the balance of the lots in the town of Mayfield.

Messrs. Tarlton, Ward and True, were appointed a committee to prepare and bring in the 1st; Messrs. Spalding, McFarland and C. Walker the 2d; Messrs. Morris, Underwood, and C. Walker the 3d; Messrs. C. Walker, Yantis and Taylor the 4th; Messrs. D. Stephens, Rudd, and McFarland the 5th; Messrs. Roberts, Fulton, Booker and Lackey the 6th; Messrs. Morris, Dunlap and Owings the 7th; Messrs. Owings, Timberlake, Hutchinson and Sallee the 8th; Messrs. Timberlake, Hanson, Owings and Hutchinson the 9th; and Messrs. James, New and Campbell the 10th.

Mr. Nelson moved the following resolution, viz:

Resolved, That, for the purpose of introducing into the country, a wholesome circulating medium, to supply the place of our depreciated currency, and for the purpose also, of giving profitable employment to the industry and enterprise of our citizens; that the committee of ways and means be instructed to enquire into the expediency of borrowing from the General Government, or from some other source, a loan of one million of dollars on the faith and credit of the Commonwealth, for the purpose of turning the road from Maysville to the Tennessee line, and for other objects of internal improvement.

Which being twice read was disagreed to.

On motion,

Ordered, That the committee of the whole house be discharged from the further consideration of a bill, further to regulate the Bank of the Commonwealth; and of the report of the committee for courts of justice, relative to the claims of the officers
and soldiers of the Virginia state line, to lands west of the Tennessee river; that said bill be recommitted to a select committee of Messrs. Breck, Hanson, Daniel of Montgomery, Yantis, and Booker; and that said report be placed in the orders of the day.

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

Mr. D. White from the committee of internal improvements,

1.—A bill for the benefit of the representatives and securities of John Hackworth, deceased.

By Mr. Mullens, 2.—A bill to establish certain inspections of tobacco, hemp and flour, in Pendleton county; and,

By Mr. Nelson, 3.—A bill to enlarge the powers of the Trustees of the town of Maysville.

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 said bills having been dispensed with: the 3d was recommitted to the committee of propositions and grievances; and the 1st and 2d ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of the 1st and 2d 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. Mullens carry said bills to the Senate and request their concurrence.

Mr. L. Stephens moved the following resolution:

Resolved, That it is expedient to provide by law for the appointment of assistant judges to the circuit courts, in this Commonwealth; and that the committee on courts of justice be, and they are hereby instructed to prepare and report a bill, in pursuance of this resolution.

Which being twice read was laid upon the table.

On motion,

Ordered, That the committee appointed on the part of this house, to examine the Bank of the Commonwealth of Kentucky, have leave to sit during the session of this house.

On motion,

Ordered, That a bill regulating the granting of injunctions, be recommitted to the committee for courts of justice.

A message from the Senate by Mr. Given:

Mr. Speaker: The Senate concur in the passage of bills which originated in this house, of the following titles, viz:

An act to add a part of the county of Harrison to the county of Grant: An act to establish Todd’s warehouse in Louisville: An act to declare Little Barren navigable: An act for the benefit of John Bellamy and Samuel Johnson and others: An act for
the benefit of William Jackson, Asahel Carl, Samuel Carrol and George Kelly; and, An act to authorize certain counties to lay their county levy, and for other purposes; with an amendment to the latter bill: And they have passed bills of the following titles, viz:

An act to establish an election precinct in the county of Wayne;
An act to authorize sundry persons south of Walker's line to register their plats; An act to reduce the price of the vacant land between Walker's line, and the latitude 36° 30' north and east of Tennessee river; An act for the divorce of John and Catharine Cochran and others; and An act for the benefit of John McLaughlin; and, An act to authorize the clerk of Logan county to have rebound certain record books, and for other purposes; in which amendment and bills, they request the concurrence of this house.

The report of the committee of propositions and grievances made on the 18th ultimo, relative to the division line between the counties of Shelby and Spencer, was twice read and concurred in.

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

The amendments proposed by the Senate to bills which originated in this house of the following titles, were twice read and concurred in, viz:

An act authorizing the Trustees of the Washington Academy to sell their lands; and,
An act for the benefit of the Deaf and Dumb Asylum at Danville. Ordered, That Mr. Bainbridge inform the Senate thereof.

An engrossed bill entitled "An act to change the mode of taking in lists of taxable property," 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. Spalding and Joyes, were as follows:


NAYS—Messrs. Barbee, Cobb, Conner of Bath, Conner of Greenup, Daniel of Montgomery, Evans, Fulton, Gaines, Griffin, Hanson, Harris of Simpson, Hughes, Hutchinson, Lackey,

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

And then the house adjourned.

SATURDAY, JANUARY 6, 1827.

Mr. Waddle presented the petition of the county court of Mason, praying the passage of a law legalizing the appointment by said court of commissioners to take in the list of taxable property in said county and an allowance made to said commissioners, by said court for their services.

Mr. Watkins presented the petition of sundry citizens of Whitley county, praying that the boundary lines of said county may be changed.

Which petitions were severally received, read and referred: the 1st to a select committee of Messrs. Waddle, Nelson, and Shepard; and the 2d to the committee of propositions and grievances.

Mr. Blackburn 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 a part of the citizens of the county of Pendleton, praying to be added to the county of Grant, and have come to the following resolution thereupon, to-wit:

Resolved, That said petition be rejected.

Which being twice read was concurred in.

On motion,

Ordered, That leave be granted to withdraw the petition for, and remonstrance against the addition of part of Pendleton county, to the county of Grant.

Mr. Blackburn from the committee of propositions and grievances, to whom was referred a bill to enlarge the powers of the trustees of the town of Maysville, reported the same with an amendment, which being twice read was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time on Monday next.

A message from the Senate by Mr. O'Bannon.

Mr. Speaker: The Senate disagree to the passage of a bill which originated in this house, entitled "an act for the benefit of the devisees of John Evans, deceased; they concur in the passage of a bill which originated in this house, entitled "an act to au-
thorize the appointment of additional justices of the peace and constables, in certain counties, with amendments; and they have passed a bill for the benefit of Margaret A. Tracey, in which amendments and bill, they request the concurrence of this house.

Mr. Barbee 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 resolutions thereon:

Resolved, That the petition of Joseph Reynolds praying a divorce from his wife, is reasonable.

Resolved, That the petition of Vachel Hobbs praying a divorce from his wife Amelia Hobbs, be rejected.

Resolved, That the petition of Eliza Smither, praying a divorce from her husband James Smither, be rejected.

Which being twice read, and the second and third resolutions amended, by striking out the words “be rejected,” and inserting in lieu thereof the words, “is reasonable,” were concurred in.

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

Mr. Bainbridge from the joint committee of enrollments, reported that said committee had examined enrolled bills which originated in this house of the following titles, viz:

An act for the benefit of William Jackson, Asahel Carl, Samuel Carrol and George Kelly: An act to re-establish Todd's warehouse in Louisville: An act authorizing the trustees of the Washington, Hardin and Clay Seminaries, to sell their lands: An act for the benefit of John Bellamy and Samuel Johnson, and others: An act to declare Little Barren navigable: and An act to add part of the county of Harrison to the county of Grant; and had found the same truly enrolled: Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Bainbridge inform the Senate thereof.

Mr. Nuttall moved to obtain 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.

On motion,

Ordered, That the resolution offered by Mr. Underwood to cancel the notes of the Bank of the Commonwealth, by burning, be committed to the committee for courts of justice.

On motion,

Ordered, That the resolutions offered by Mr. Turner in relation to the power of Congress to make internal improvements; and the resolution offered by Mr. Wade fixing on a day for the election of public officers, be placed in the orders of the day.
On motion,
Ordered, That the following bills be placed in the orders of the day, viz:
A bill concerning the office of President of the Commonwealth's Bank: A bill relative to the liability of officers and attorneys who collect Bank notes, and refuse to pay the same to those entitled thereto: and a bill concerning the circuit courts.
Leave was given to bring in the following bills, viz:
On the motion of Mr. Wand, 1—A bill for the benefit of Peyton Brown.
On the motion of Mr. Flournoy, 2—A bill to prevent frauds upon the Treasury: and,
On the motion of Mr. Ward, 3—A bill for the benefit of Thomas Owings.
Messrs. Wand, Lackey and Trimble, were appointed a committee to prepare and bring in the 1st; Messrs. Flournoy, B. Harrison and Wilson the 2d; and, Messrs. Ward, H. Conner and Owings the 3d.
The following bills were reported from the several committees appointed to prepare and bring in the same:
By Mr. Blackburn from the committee of propositions and grievances, 1—A bill more certainly to establish the dividing line between the counties of Shelby and Spencer.
By Mr. Cunningham from the committee of claims, 2—A bill concerning the Lunatic Hospital, 3—A bill for the benefit of Michael Huffaker.
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 bill having been dispensed with; the said bill was ordered to be engrossed and read a third time on Monday next.
Mr. Henry Daniel moved the following resolution, viz:
“Resolved, by the House of Representatives, That his excellency, the Governor, in conformity with previous usage, be requested to order the Artillery company of Frankfort, to fire a national salute on the 8th instant, at sunrise, in commemoration of the memorable victory of New Orleans, of the 8th of January, 1815.”
Which being twice read, was adopted.
Ordered, That Messrs. Henry Daniel, Breckenridge, Haskin and Rudd be appointed a committee, to inform the Governor thereof.
The house took up the amendments proposed by the Senate to a bill which originated in this house, entitled “An act to authorize certain counties to lay their county levy,” and for other purposes; which being twice read, were concurred in.
Ordered, That Mr. Dorsey inform the Senate thereof.
The following engrossed bills were severally read a third time, viz:

An act for the benefit of Edmund M. Waggener and John Croghan; An act to enable Elizabeth Hall, executrix, and Nimrod Greenwood, executor of William Hall, deceased, to carry into effect the provisions of said decedent's will; and, An act for the divorce of Thomas Boyd and Catharine Ballard.

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 third bill, by Messrs. Breckenridge and Roberts, were as follows, viz:


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

And then the House adjourned.

MONDAY, JANUARY 8, 1827.

1. Mr. Forrest presented the petition of William Adams representing that he stands charged with the commission of a felony, in the county of Franklin; and that he verily believes that he cannot obtain in said county, a fair and impartial trial, owing to the undue prejudice existing against him, and praying a change of venue.

2. Mr. Rucker presented the petition of Samuel D. Waltman, praying a divorce from his wife Catharine L. Waltman.

3. Mr. Tarlton presented the petition of the county court of Scott county, praying to be authorized to appoint an additional constable for said county.

4. Mr. Dorsey presented the petition of the owners of a building erected for the purpose of a male and female Seminary and Orphan's Asylum at Middletown, in the county of Jefferson, praying to be incorporated.
5. Mr. Blackburn presented the petition of sundry citizens of Woodford county, praying the establishment of an election precinct in said county.

Which petitions were severally received, read and referred; the 1st, to the committee for courts of justice; the 2d to the committee of religion; the 3d to a select committee of Messrs. Tarlton, Ward and Gorin; the 4th to a select committee of Messrs. Dorsey, Joyes, and C. L. Harrison; and, the 5th to the committee of propositions and grievances.

The Speaker laid before the house a communication from the President and Managers of the Louisville Hospital, covering sundry documents and accounts exhibiting the situation of said institution.

Which was received and laid upon the table.

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

The committee for courts of justice have had under consideration various subjects to them referred, and have come to the following resolutions thereon to-wit.

Resolved, That the petition of John Gorin, is reasonable.

Resolved, That the petition of Samuel Hedges, is reasonable.

Which being twice read was concurred in.

Ordered, That said committee prepare and bring in bills in pursuance to said resolutions.

A message from the Senate by Mr. A. S. Hughes.

Mr. Speaker: The Senate have passed bills of the following titles, viz:

An act for opening a road from Cynthiana to Maysville: An act to alter the time of holding certain circuit and county courts: An act concerning the town of Carlisle: and, An act to establish a warehouse on the land of Price Roach, on Green river; in which bills they request the concurrence of this house.

And then he withdrew.

Mr. Underwood from the committee for courts of justice to whom was referred, a bill regulating the granting of injunctions, reported the same with an amendment, which being twice read, was disagreed to: The said bill having been further amended, was with the amendments, ordered to be engrossed and read a third time to-morrow.

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

By Mr. Underwood from the committee for courts of justice, 1—A bill relating to insurances in this state: 2—A bill to establish an additional judicial district, and to change the time of holding certain circuit courts: 3—A bill to provide for a just distribution of assets in the hands of administrators and executors.

By Mr. Barbee from the committee of religion, 4—A bill for
the benefit of Eliza Smither: 5.—A bill for the benefit of Joseph Reynolds: 6.—A bill for the divorce of Vachel Hobbs: and,
By Mr. D. White from the committee on internal improvement,
7.—A bill providing for viewing and marking a way for a road from Columbus to the state line in the direction to Paris in Ten
nessee.
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, second, and third bills having been dispensed with, the same were committed to the committee for courts of justice.
Ordered, That the Public Printer forthwith print 150 copies of the first bill, for the use of the members of this house.
Mr. Breck from the select committee to whom was referred a bill further to regulate the Bank of the Commonwealth; reported the same with an amendment:
Ordered, That the said bill with the proposed amendment be laid on the table:
And then the house adjourned.

TUESDAY, JANUARY 9, 1827.

Mr. Gorin presented the petition of Samuel B. Rodes, for himself and as guardian for the infant heirs of David Maxwell, deceased, praying that a law may pass authorizing them to rebuild a water grist mill on Beaver dam creek, in the county of Edmondson.
Mr. Wade presented the petition of sundry citizens of Perryville praying that a law may pass, authorizing a sale of a part of the public property of said town.
Which petitions were severally received, read and referred: the 1st to the committee for courts of justice; and the 2d to the committee of propositions and grievances.
Mr. Blackburn from the select committee to whom was referred a bill from the Senate entitled "an act to amend an act entitled an act to incorporate the trustees of the Augusta College; reported the same with an amendment, which being twice read, was concurred in: 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. Colglazier inform the Senate thereof and request their concurrence in said amendment.
Mr. Mullens from the select committee to whom was referred
a bill to improve the navigation of Main Eagle creek, reported the same with an amendment;
Which being twice read was concurred in.
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 the 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. Wingate carry the said bill to the Senate and request their concurrence.
Mr. Summers from the select committee, to whom was referred a bill to reduce the salary of circuit judges, and for other purposes, reported the same with amendments, the first of which having been concurred in: 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 affirmative.
The yeas and nays being required thereon by Messrs. Summers and Mullens, were as follows, viz.
Mr. Breckenridge from the select committee to whom was referred, a bill to incorporate the Maysville and Lexington Turnpike Road Company, reported the same with sundry amendments, Which being twice read were concurred in.
Ordered, That the said bill, as amended, be engrossed and read a third time to-morrow.
A message from the Governor by Mr. Loughborough:
Mr. Speaker: On the 6th instant the Governor approved and signed enrolled bills, which originated in the House of Representatives, entitled:

"An act to add a part of the county of Harrison, to the county of Grant."

"An act for the benefit of William Jackson, Asahel Carl, Samuel Carroll, and George Kelly."

"An act for the benefit of John Bellamy and Samuel Johnson and others."

"An act authorizing the Trustees of the Washington, Hardin and Clay Academies to sell their lands."

"An act to declare Little Barren navigable."

"An act to establish Todd’s Warehouse in Louisville."

And then he withdrew.

Ordered, That Mr. Bainbridge inform the Senate thereof.

A message from the Senate by Mr. C. Allan:

Mr. Speaker: The Senate have adopted a resolution fixing on a day for the election of public officers: and a resolution fixing on a day for the final adjournment of the General Assembly; in which resolutions they request the concurrence of this house.

And then he withdrew.

Mr. Rudd, from the select committee to whom was referred, an engrossed bill entitled, an act for the benefit of Frances Alvay, Agnes Tombs, Frances Shicdes and Tirsatha Barnes, reported the same with amendments;

Which being twice read, were concurred in.

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

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

By Mr. Gaines, from the committee on internal improvements, 1—A bill providing for opening a state road from the turnpike between Georgetown and Cincinnati to the Ohio river, near Lawrenceburg, in the state of Indiana.

By Mr. Timberlake, 2—A bill for the benefit of the judge of the 10th judicial district.

By Mr. Burr Harrison, 3—A bill for the benefit of Jonathan Downes.

By Mr. Spalding, 4—A bill to authorize the transcribing of certain records in the Union county court clerk’s office.

By Mr. C. Walker, 5—A bill to incorporate Jamestown, in Russell county, and for other purposes.

By Mr. Roberts, 6—A bill for the benefit of the sheriffs of certain counties.

By Mr. Morris, 7—A bill for the benefit of Frank Hogg. And

By Mr. Rucker, 8—A bill to authorize county courts to ap
point three fit persons to examine surveyors' offices, 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 the 1st, 3d, 5th and 7th bills, having been dispensed with, the 1st and 5th were severally ordered to be engrossed and read a third time. The 3d was committed to a select committee of Messrs. Booker, B. Harrison, Turner and Marksberry; and the 7th to a select committee of Messrs. H. Daniel, H. Conner, W. Conner and Morris.

And thereupon the rule of the house, constitutional provision and third reading of the 1st and 5th 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. Gaines carry the said bills to the Senate, and request their concurrence.

Mr. McFarland moved the following resolutions:

Resolved, That the rules of this house, requiring a majority of two-thirds, to dispense with the orders of the day, or a rule of the house, be rescinded.

Resolved, That the house will, for the balance of the session adjourn to meet at nine o'clock in the morning.

The first resolution was then amended by attaching thereto the following, viz:

Resolved, by the House of Representatives, That the following shall be considered a part of the rules of this house.

The Speaker shall set apart, not more than fifteen minutes every day, immediately preceding the call of the orders of the day, for the purpose of motions, and every member having a motion to make, shall reduce the same to writing, and deposit it with the clerk. When motions are called for, it shall be the duty of the clerk to rise and read the propositions deposited with him by the members, in the order in which they are deposited with him, and upon reading any one, the member offering the same may rise in his place, and state the object in view, without entering into a discussion of its merits, and thereupon the Speaker shall put the question.

The said first resolution as amended, was then disagreed to; and the second was adopted.

The amendments proposed by the Senate to a bill which originated in this house, entitled "an act to authorize the appointment of additional justices of the peace and constables in certain counties;"

Were twice read and concurred in.

Ordered, That Mr. Rucker inform the Senate thereof.
A message from the Senate by Mr. A. S. Hughes:

Mr. Speaker: The Senate have passed bills of the following titles, viz:

"An act for the benefit of Lucy Thomas;"
"An act for the benefit of Thomas Skaggs;" And,
"An act for the benefit of Rebecca Huett;" in which bills they request the concurrence of this house.

An engrossed bill entitled "an act for the benefit of Wiley C. Williams and others," was read the third time, and an engrossed clause by way of rider, added thereto.

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. Mullens and Lackey, were as follows viz:


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

An engrossed bill entitled "an act to amend the penal laws of this Commonwealth," was read the third time, and committed to the committee for courts of justice.

A bill from the Senate entitled "an act concerning writs of error and appeals, 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, the said bill was committed to the committee for courts of justice.

An engrossed bill entitled "an act to regulate the duties of freighters of produce," was read the third time.

It was then moved and seconded to lay the said bill on the table; and the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon, by Messrs. Maupin and Breck, were as follows, viz:

YEAS—Mr. Speaker, Messrs. Allin, Breck, Breckenridge, Conner of Bath, Cunningham, Daniel of Montgomery, Dorsey, Farmer, Griffin, Hanson, Harrison of Jefferson, Hutchinson, Joyes, Marksberry, Morris, Nuttall, Powell, Rudd, Sanders, Scott, Shepard, Spalding, Summers, Timberlake, Turner, Watkins, White of Franklin, and Yantis—29.


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. Joyes and Underwood, were as follows, viz:


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

Mr. Turner moved to dispense with the rules of the house, for the purpose of taking up a resolution from the Senate fixing on a day for the final adjournment of the Legislature; and the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Turner and Breck, were as follows, viz:


An engrossed bill entitled "an act further regulating the laying off constable's districts in the several counties in this Commonwealth," was read the third time, and an engrossed clause added thereto by way of rider; and the question being taken on the passage of said bill, it was decided in the negative.

And so the said bill was rejected.

Mr. James from the joint committee of enrollments reported, that the committee had examined an enrolled bill, entitled "an act for the benefit of the Deaf and Dumb Asylum, at Danville," and had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. James inform the Senate thereof.

An engrossed bill entitled "an act for building a bridge at the Falls of Ohio," was read a third time as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Richard Ferguson, John Thompson Gray, James C. Johnston, William D. Payne, John M. Talbott, Robert Grayham, James H. Overstreet, John I. Jacob, Levi Tyler, Daniel Felter and Daniel Smith, gentlemen, with their associates, be, and they are hereby created a corporation and body politic, by the name, style and title of "The Ohio Bridge Company," for the purpose of constructing a bridge across the Ohio river, at the falls of said river, from the Kentucky to the Indiana shore; and with their associates and successors, shall so continue and have perpetual succession, and by that name are hereby made as capable in law, as natural persons, to contract and be contracted with, to see and be sued, plead and be im-
pleaded, answer and be answered in all courts of law or equity, in this Commonwealth and elsewhere; to make use and have a common seal, and the same to break, alter or amend, at pleasure.

They shall also have the power to purchase and hold such real estate, as will be necessary for the site of said bridge, abutments and toll houses, and for such other purposes as may be necessary for the objects of said bridge; and to borrow money to any amount, not exceeding the capital stock hereinafter mentioned, but not to have or exercise the privilege of lending money, or of buying and selling bills of exchange, or other notes in action, or of issuing notes on banking principles; and also the power to ordain and establish such by-laws, ordinances and regulations, as shall be necessary for the well-being, conducting and government of the concerns of the said corporation, not contrary to the constitution and laws of this Commonwealth, or of the United States.

Sec. 2. Be it further enacted, That it shall be the duty of the commissioners appointed under the provisions of this act, to apply to the General Assembly of the state of Indiana, and endeavor to procure their adoption of this charter, and the appointment of a similar number of commissioners, on their part, to co-operate with the commissioners named in this act.

Sec. 3. Be it further enacted, That the capital stock of said company shall consist of five hundred thousand dollars, divided into shares of one hundred dollars each, to be subscribed for in the manner hereinafter mentioned.

Sec. 4. Be it further enacted, That within thirty days after the passage of the act of the Legislature of the state of Indiana, adopting and sanctioning this charter, and the appointment of commissioners on their part, the persons hereinafter named, and the commissioners on the part of Indiana, or a majority of them, shall cause a public advertisement to be made, of the time and places of opening books for the subscription of stock of said company; which books of subscription shall be kept open, under the direction of the aforesaid persons, or a majority of them, until, in the estimation of said commissioners, or a majority of them, a sufficient number of shares of said capital stock shall be subscribed to complete the said bridge, not exceeding the whole amount of the capital stock of said company.

Sec. 5. Be it further enacted, That whenever one thousand shares of the capital stock of said company shall have been subscribed, the commissioners aforesaid, or a majority of them, shall advertise a meeting of the stockholders of said company, giving at least fifteen days notice of the time and place of such meeting, and shall thereupon proceed to the election of a President and four Directors, who shall be shareholders in said company; and also fix what compensation they shall be entitled to, if any be allowed; and also to ordain and adopt such other by-laws for the
organization of said corporation, as they may deem needful; in which meeting, as well as all future meetings or elections, each share-holder shall be entitled to one vote for every share he may hold, to the number twenty, and one vote for every ten shares over twenty. Shares may be voted on by proxy duly recorded, and conforming to the rules and regulations of the company.

Sec. 6. Be it further enacted, That whenever the President and Directors for this company shall have been elected agreeably to the foregoing section, the powers of the commissioners named in this act, for the organization of the company, shall cease and terminate; and the management of the affairs of said company devolve on the said President and Directors, and their successors in office. Should the whole amount of the stock of this company not be taken at the time of the election of the President and Directors, the said President and Directors, and their successors in office, shall have the power of keeping the books for the subscription of stock open, until a sufficient amount is subscribed, not exceeding the whole amount of the capital stock of the said company.

Sec. 7. Be it further enacted, That the President and Directors first chosen, shall hold their offices one year from the day of their election, and until others shall be chosen in their places; and the day on which the first election is held shall be the day fixed for the succeeding annual elections, unless such day shall happen on a Sunday, then the election shall be held on the day succeeding. And at each of the annual elections thereafter, there shall be chosen a President and four Directors, in the same manner, and subject to the same regulations, governing the first election, upon fifteen days notice being given by the Secretary or Clerk of said company, in some public newspaper, of the time and place of holding such election. At the annual meeting, a statement of the affairs of the company shall be made out, and presented to the meeting by the President and Directors, and such dividend of the profits declared, as they may deem advisable.

Sec. 8. Be it further enacted, That the concerns of said corporation shall be under the control, superintendence and management of the board of President and Directors; a quorum of which to do business, shall consist of the President and three Directors, or in the temporary absence of the President, the Directors may appoint one of the number President pro tem. The President and Directors may, after they have been duly elected as aforesaid, make such assessments on the shares subscribed, and payable at such periods, as they may deem proper; with such conditions of forfeiture for non-compliance, not exceeding the amount of the stock delinquent, as they may deem advisable.

Sec. 9. Be it further enacted, That it shall be the duty of the said President and Directors to appoint a Clerk or Secretary, a Treas
surer, and such other officers or agents as they may think needful, for prosecuting the said undertaking, and to allow them such pay or compensation, as they may agree on; to make contracts, and do all things necessary for carrying the same into effect, and require and take such bond or other security, in their corporate name, from any person they may so appoint or contract with. In case of the death, resignation, or vacancy from any other cause, in the said board of President and Directors, the remaining members may proceed to appoint a stockholder or stockholders to supply the place or places so vacated, for the unexpired time for which he or they were elected.

Sec. 10. That the said President and Directors may sue out one or more writs of ad quod damnum, from the Jefferson County Court, in the manner prescribed by law, in cases of application for leave to erect water grist mills, directed to the Sheriff of said county, commanding him to impanel a jury of twelve discreet men of the county, to estimate the value of so much land adjacent to the commencement of said bridge, as may be deemed necessary for said abutment and toll houses for said bridge, by the said President and Directors; which valuation being reported to said court, by said inquest, shall be recorded therein, and shall vest in said company the fee simple estate in and to such land, upon the payment or tender of the estimated value to the original proprietor or proprietors thereof, or their agents. And the President and Directors of said company, by themselves, their agents or workmen, shall have full power to enter upon any land to survey and select such place as shall be deemed by them most practicable, for erecting a safe, convenient and permanent bridge. Provided always, That the said bridge shall not be constructed or erected in such manner as to obstruct the navigation of the Ohio river, or in any way interfere with the location and navigation of the Louisville and Portland Canal.

Sec. 11. Be it further enacted, That when the said bridge shall be completed, the said President and Directors, by themselves or their agents, shall have power and authority to demand and receive the following rates of toll for passing said bridge, to wit: For every foot passenger, 12 1-2 cents; for every horse and rider, 23 cents; for every horse, mare, mule or ass, 12 1-2 cents; for every head of cattle, where there are five or less in number, 10 cents; for every head of cattle, where there are more than five in number, 8 cents; for every head of sheep, goats or hogs, 3 cents; for every wagon and team, of 4, 5, or 6 horses, $1.00; for every wagon, with 2, or 3 horses, 75 cents; for every cart with 2 horses or oxen, 50 cents; for every cart with 1 horse, 37 1-2 cents; for every four wheel pleasure carriage and horses, 75 cents; for every wheel pleasure carriage and horse or horses, 50 cents: And the said President and Directors, shall cause the
foregoing rates of toll to be pasted up in some conspicuous place on the said bridge, and no other or greater rates shall be demanded, than those pasted up.

Sec. 12. *Be it further enacted,* That the stock in said company, shall and may be transferable in whatever manner the President and Directors may, by their by-laws, ordain and appoint.

Sec. 13. *And be it further enacted,* That the said President, Directors and Company, shall before they commence the erection of said bridge, execute bond to the county court of Jefferson, in the sum of $250,000; conditioned to secure and remunerate each and every individual, who may sustain any injury in passing up or down the Ohio river in any water craft whatever, by or because of the erection of said bridge, and the said President, Directors and Company, and their successors, shall be subject to be sued in their corporate character by any, and every person, who may have sustained any injury by, or because of the erection of said bridge, as aforesaid, as often as any person or persons may be injured thereby as aforesaid.

And the question being taken on the passage of said bill, it was decided in the negative;

And so the said bill was rejected.

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


An engrossed bill entitled "an act to establish the Cumberland Hospital," was read a third time.

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

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

An engrossed bill entitled "an act for the benefit of Charles Kennedy," was read a third time.
And the question being taken on the passage thereof, it was
declined in the negative; and so the said bill was rejected.

A message from the Senate by Mr. Given.

Mr. Speaker: The Senate have passed a bill which originated
in this house, entitled "an act to add part of the county of Cal-
dwell to the county of Trigg;" and have passed a bill, entitled "an
act further to regulate the sale of land west of the Tennessee ri-
ver;" in which bill they request the concurrence of this house.

And then he withdrew.
And then the house adjourned.

WEDNESDAY, JANUARY 10, 1827.

Mr. Tarlton presented the petition of Joel Smith, praying
compensation for his services and a remuneration of expenses in-
curred by him, in apprehending and bringing to justice a certain
William Dauly, charged with the commission of felony, in Galla-
tin county.

Mr. Stephens presented the remonstrance of sundry citizens
of Breckenridge county, to the petition of sundry citizens of the
same county, praying an enquiry into the conduct of the Attor-
ney for the Commonwealth for said circuit, and his removal from
office.

Which petition and remonstrance were received and read: The
former was referred to the committee of claims; and the latter
was laid on the table.

A message from the Senate by Mr. Yancey:

Mr. Speaker: The Senate have received official information,
that on the 5th instant the Governor approved and signed enrol-
led bills, which originated in the Senate, entitled,

"An act authorizing the trustees of the town of Millersburg,
to sell part of the public ground in said town."

"An act for the benefit of the judge of the 13th judicial dis-
trict."

And on the 6th instant, an act entitled "an act to incorporate
the Cumberland College at Princeton."

And then he withdrew.

A message from the Senate by Mr. Cockerill:

Mr. Speaker: The Senate have passed bills which originated
in this house, of the following titles:

"An act to provide for running the lines of Edmondson county."

"An act allowing additional justices of the peace to certain
counties in this Commonwealth."

"An act to allow an additional justice of the peace for Henry
county." and,

"An act to establish election precincts in certain counties;"
with amendments to the three latter bills, in which they request the concurrence of this house.

And then he withdrew.

Mr. Shepard 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 stockholders of the Bank of Limestone to elect an agent or commissioner: and,

An act to authorize certain counties to lay their county levy, and for other purposes.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Shepard inform the Senate thereof.

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

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

Resolved, That the petition of a part of the citizens of Whitley, praying for the establishment of the line between the counties of Whitley and Pulaski, is reasonable.

Resolved, That the petition of the citizens of Woodford county, praying that an election precinct may be established in said county, is reasonable.

Which being twice read, was concurred in.

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

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.

Mr. Underwood from the committee for courts of justice, made the following report:

The committee for courts of justice have had under consideration the petition of Thomas Wathen, and have come to the following resolution thereon:

Resolved, That the petition be rejected, and that the petition-er have leave to withdraw his petition.

Which being twice read, was concurred in.

Mr. Underwood from the committee for courts of justice to whom was referred a resolution for cancelling by burning a portion of the notes of the Bank of the Commonwealth; reported the same with an amendment;

Which being twice read was concurred in.

The said resolutions were then amended to read as follows, viz:

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, for the purpose of cancelling the notes of the Bank of the Commonwealth.

Resolved further, That said committee be, and they are hereby instructed, in conjunction with the officers of said Bank, to cancel, by burning, the total amount of notes in said Bank, which have been withdrawn from circulation, and which have been paid into the said Bank, either by individuals or the Bank of Kentucky; and that said committee, in conjunction with the officers of said Bank of the Commonwealth, proceed with all practicable despatch, to effectuate the object of this resolution.

Resolved further, That said committee, and the officers of said Bank, keep a correct account of the denominations and amounts of the notes which may be cancelled in pursuance of the foregoing resolution.

Resolved further, That said committee and the officers of said Bank, are hereby instructed to cancel, by burning, the whole amount of blank notes of said Bank which may be on hand.

It was then moved and seconded to amend the second resolution by inserting after the words, "cancel by burning," the words, "in the presence of the Senate and House of Representatives."

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

The yeas and nays being required thereon by Messrs. Maupin and Nuttal, were as follows:


NAYS—Mr. Speaker, Messrs. Bainbridge, Breckenridge, Dorsey, Ford, Gorin, Griffin, Hanson, Harris of Simpson, Hutchinson, James, Morris, Nelson, New, Owings, Reid, Rudd, Shepard, Street, Swope, Tarlton, Taylor, Thomas, True, Turner, Underwood, Waddell, Walker of Adair, Wand, White of Clay, Wilson of Lincoln, and Yantis—32.

The said resolution was then recommitted to the committee for courts of justice.

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

By Mr. Blackburn from the committee of propositions and gri
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A bill to authorize the sale of part of the public ground in the town of Perryville by commissioners; and

By Mr. Underwood, from the committee for courts of justice,

2-A bill for the benefit of the heirs of Robert K. Duval.

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 said bills, having been dispensed with, the 1st was ordered to be engrossed and read a third time, and the 2d was committed to the committee for courts of justice.

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

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

Mr. Breck moved the following resolution, viz:

Resolved, That the rule of this House, requiring two thirds to dispense with the rules of this House, be repealed.

Which being twice read was adopted.

A message from the Senate by Mr. Allen:

Mr. Speaker: The Senate have passed bills which originated in this house of the following titles:

"An act for the benefit of Elijah Adkins and Richard Tidings;"

"An act for the benefit of James Kash and William Trimble;"

And they have passed a bill entitled "an act for the benefit of Hay Battadle and others;" in which bill they request the concurrence of this house.

And then he withdrew.

A bill from the Senate entitled "an act to provide for the rebuilding of the capitol and for other purposes;" was read a second time and committed to the committee of propositions and grievances.

A bill from the Senate entitled "an act allowing additional justices of the peace and constables to certain counties;" was read a third time as amended.

Resolved, That the said bill as amended do pass.

Ordered, That Mr. Roberts inform the Senate thereof, and request their concurrence in said amendment.

Mr. Underwood from the committee for courts of justice, to whom was referred a bill from the Senate entitled, "an act concerning writs of error and appeals, and for other purposes;" reported the same without amendment.

The 4th section of said bill was then read as follows, viz:

Sec. 4. And be it further enacted, That in all cases where any appeal or writ of error has been dismissed in the Court of Ap-
peals, or in the court established by the act of the General Assembly, passed the 24th of December, 1824, because the record was not filed, it shall and may be lawful for the plaintiff in error, or appellant, as the case may be, to file the record with the clerk of the Court of Appeals, on or before the third day of the next session thereof; and on such record being filed as aforesaid, it shall be the duty of the clerk to certify that the record is so filed; and such certificate being filed in the clerk’s office of the inferior court, shall, in all cases in which bond and security shall have been given within the time prescribed by law, operate as a supersedeas to all proceedings on the case in the inferior court, or under the authority thereof, until the cause is tried or dismissed by the Court of Appeals.

It was then moved and seconded to amend said section by inserting in the third line, after the word “court” the words, “attempted to be;” and the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rudd and Swope, were as follows:


The said bill 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, the question was then put on the passage of said bill, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. B. Harrison and Wade, were as follows, viz:

YEAS—Messrs. Bainbridge, Barbee, Blackburn, Booker, Breck, Breckenridge, Butler, Campbell, Carson, Cobb, Colglazier, Conner of Bath, Conner of Greenup, Cunningham, Daniel of Jessamine, Davis, Dorsey, Dunlap, Evans, Farmer, Flournoy,


Ordered, That Mr. Booker inform the Senate thereof.

An engrossed bill entitled “an act to revive the cas. sa. on judg. ments in actions of tort;” was read the third time.

Resolved, That 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. Booker and Morris, were as follows:


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

The following engrossed bills were severally read a third time, viz:

1. “An act to add a part of Preston’s enlargement to the town of Louisville.”
2. “An act to extend the powers of the trustees of the town of Lexington.” And,
3. “An act to repeal parts of an act approved January 7, 1834, 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."

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

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

Ordered, That the second bill be recommitted to a select committee of Messrs. Breckenridge, Joyes and Breck; and the third to the committee for courts of justice.

Mr. James moved the following resolution, viz:

Resolved, That the committee of ways and means be instructed to inquire into the expediency and propriety of reducing the salary of the Receiver of Public Monies for the land district S. W. of the Tennessee River. Also the propriety of requiring said Receiver to report annually to the General Assembly, the amount of Monies received by him, &c.; and that said committee have leave to report by bill or otherwise.

Which being twice read was adopted.

Mr. D. Stephens from the select committee appointed for that purpose, reported a bill for the benefit of Eli Huston, 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.

The yeas and nays being required on the passage of said bill by Messrs. Sallee and Waddell, were as follows:


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

And then the house adjourned.

THURSDAY, JANUARY 11, 1827.

Mr. Patterson presented the petition of sundry citizens of the counties of Harrison and Bracken, praying that a law may pass to authorize a Lottery, for the purpose of building a bridge across Licking river, at Claysville.

Mr. Rucker presented the petition of Parriecia E. Leeper, praying a divorce from her husband, Thomas N. Leeper.

And Mr. Tarlton presented the petition of the heirs of Ann James, deceased, praying the passage of a law, authorizing the division of certain slaves devised to them by their ancestor.

Which petitions were severally received, read and referred: The 1st to the committee of propositions and grievances; the 2d to the committee of religion; and the 3d to the committee for courts of justice.

A message from the Senate by Mr. A. S. Hughes:

Mr. Speaker: The Senate concur in the amendments proposed by this house, to bills from the Senate of the following titles:

"An act to amend an act entitled an act to incorporate the trustees of the Augusta College;" and,

"An act to add a small part of Henry county to the county of Franklin." They have passed a bill which originated in this house entitled "an act to revive the cas sa on judgments in actions of tort," with an amendment; and have passed bills of the following titles:

"An act to establish an Academy in Russell county;" and,

"An act concerning the Allen Seminary;" in which amendment and bills they request the concurrence of this house.

And then he withdrew.

Mr. Underwood from the select committee to whom was referred, a bill to establish an additional judicial district, and to change the time of holding certain circuit courts; reported the same without amendment.

It was then moved and seconded to amend said bill by attaching thereto the following additional section, viz:

"Be it further enacted, That two assistant judges shall be added to the Circuit Courts in each county, in this Commonwealth, except those counties which now have assistant judges, and that they shall be entitled to the same salaries as assistant judges heretofore; and that they shall be regulated by the same laws, in force at the time the offices of assistant judges were repealed.

And the question being taken on adopting the said amendment it was decided in the negative.
The yeas and nays being required thereon, by Messrs. Hanson and Henry Daniel, were as follows, viz:


The said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Blackburn from the committee of propositions and grievances, reported a bill to establish the line between the counties of Whitley and Pulaski.

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. Cunningham, Watkins, Carson, Griffin and Sallee.

Mr. Underwood from the committee for courts of justice, to whom was referred resolutions providing for cancelling by burning a portion of the notes of the Bank of the Commonwealth, reported the same with an amendment.

Ordered, That the said resolutions with the amendment be laid on the table.

Mr. Bainbridge from the joint committee of enrollments, reported that the committee had examined an enrolled bill entitled an act concerning writs of error and appeals and for other purposes, and had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Bainbridge inform the Senate thereof.

Mr. Blackburn from the select committee to whom was referred, a bill from the Senate entitled “an act to provide for the rebuilding of the capitol and for other purposes,” reported the same without amendment.
The said bill was then ordered to be read a third time on this day: The bill was accordingly read a third time.

Mr. Breckenridge thereupon moved the following resolution.
Resolved, That the bill providing for rebuilding the capitol be committed to the committee for courts of justice, with instructions to report a substitute therefor, removing the seat of government to Lexington, but without an appropriation for rebuilding the capitol.

It was then moved and seconded to amend said resolution by striking out the word "Lexington;"

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

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


The said resolution was then laid on the table.

Mr. Booker then moved the following resolution.
Resolved, That the bill to rebuild the capitol, be recommitted to a select committee, with instruction to insert Harrodsburg in the place of Frankfort.

It was then moved and seconded to amend said resolution by striking out "Harrodsburg;"

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

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

YEAS—Mr. Speaker, Messrs. Blackburn, Breck, Breckenridge, Butler, Carson, Cobb, Colglazier, Couner of Bath, Couner of Greenup, Daniel of Montgomery, Dorsey, Dunlap, Evans, Part-


The said resolution was then laid on the table.

Mr. Joyes then moved the following resolution.

Resolved, That the bill making appropriations to rebuild the capital, be committed to a select committee, with instructions to amend the bill, so as to strike out Frankfort and insert Louisville in lieu thereof, without any appropriation of money from the treasury for that purpose.

Which being twice read was laid on the table.

Mr. Underwood then moved the following resolution:

Resolved, That the bill concerning the rebuilding the capital be committed to a select committee, with instructions to report a bill for building such houses as will be sufficient to accommodate the General Assembly, the public offices and executive, at a convenient and eligible site nearest the centre of the state.

Which being twice read was disagreed to.

Mr. Flournoy then moved the following resolution, viz:

Resolved, That the bill providing for rebuilding the capital, be committed to a select committee, with instructions to amend the bill so as to appoint commissioners, to inquire and ascertain the most eligible and convenient spot for the seat of government for this state, having due regard to the centre, as well the population as the territorial boundary thereof, and report the result of their deliberations at the next session of the General Assembly.

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. Sallee and Flournoy, were as follows:

YEAS—Mr. Speaker, Messrs. Allin, Blackburn, Breck, Breckenridge, Butler, Cobb, Colglazier, Conner of Greenup, Danlap, Evans, Frazier, Ford, Fulton, Gaines, Hanson, Harris of Simpson,
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Mr. Maupin moved the following resolution:

Resolved, That the bill making appropriation to rebuild the capitol, be recommitted to a select committee, with instructions so to amend the bill, as to strike out Frankfort, and insert some eligible point, within twenty-five miles of the geographical centre of the state, having regard to the present, and probable future population, and to provide in such amendment for the appointment of six commissioners to make such selections, which commissioners shall be chosen in the middle, northern, and southern districts of the state, equally in numbers, and to provide and require that said commissioners make report of their proceedings to the next legislature, during the first week of the session.

Which being twice read: It was then moved and seconded to lay the said resolution on the table.

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

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


NAYS—Messrs. Bainbridge, Barbee, Booker, Campbell, Carson, Cunningham, Daniel of Jessamine, Davis, Dorsey, Flournoy, Forrest, Gorin, Harris of Madison, Harris of Simpson, Harrison
Mr. B. Harrison then moved the following resolution:

Resolved, That the bill appropriating money for the building the capitol in Frankfort, be referred to a select committee, with instructions so to amend the bill as to take the sense of the good people of this state, at their next annual election, as to the expediency of removing of the seat of government from the town of Frankfort.

And the question being taken on the adoption thereof, it was decided in the negative; the house being equally divided:

The yeas and nays being required thereon by Messrs. B. Harrison and Spalding, were as follows, viz:


NAYS—Mr. Speaker, Messrs. Allin, Blackburn, Breck, Breckenridge, Butler, Cobb, Conner of Greenup, Daniel of Montgomery, Dunlap, Farmer, Ford, Fulton, Gaines, Hanson, Haskin, Hughes, Hutchinson, James, Jovis, Lackey, Marksberry, Mullens, Nelson, New, Nuttall, Owing, Patterson, Reid, Roberts, Samuel, Sanders, Shepard, Stephens of Campbell, Street, Summers, Tarlton, Timberlake, Trimble, Turner, Waddell, Ward, Wells of Morgan, White of Clay, White of Franklin, Wilson of Shelby, Wingate and Young—49.

Mr. Spalding then moved the following resolution, viz:

Resolved, That the bill appropriating money for the rebuilding the State House in Frankfort, be referred to a select committee, with instructions to so amend the bill as to take a vote of the people at the next annual election, as to removing the seat of government from Frankfort, within 25 miles of the centre of the state.

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 negative.
The yeas and nays being required thereon by Messrs. Wingate and Spalding, were as follows:


It was then moved and seconded at 40 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. Sallee and Summers, were as follows:


The question was then put on the adoption of said resolution, which was decided in the negative.

The yeas and nays being required thereon by Messrs. Spalding and McMillan, were as follows:


The question was then put on the passage of said bill, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Spalding, were as follows:

YEAS—Mr. Speaker, Messrs. Allin, Blackburn, Booker, Breck, Breckenridge, Butler, Cobb, Colglazier, Conner of Bath, Conner of Greenup, Cunningham, Daniel of Montgomery, Dorsey, Dunlap, Farmer, Ford, Forrest, Fulton, Gaines, Griffin, Hanson, Harris of Madison, Hughes, Hutchinson, James, Joyes, Lackey, Marksberry, Morris, Mullens, Nelson, New, Nuttall, Owings, Patterson, Reid, Roberts, Roundtree, Samuel, Sanders, Secrest, Shepard, Stephens of Breckenridge, Stephens of Campbell, Street, Summers, Tarlton, Timberlake, Trimble, Turner, Waddell, Ward, Wells of Morgan, Wells of Muhlenburg, White of Clay, White of Franklin, Wilson of Shelby, Wingate and Young—60.


Ordered, That Mr. White inform the Senate thereof.

And then the house adjourned.
FRIDAY, JANUARY 12, 1827.

1. Mr. Blackburn presented the petition of sundry citizens of Ohio county, praying to be incorporated under the firm of the Hartford Manufacturing Company.

2. Mr. Marksberry presented the petition of William Harrison, praying compensation for pursuing into the state of Ohio and apprehending Muntain Odey, charged with, and afterwards convicted of horse stealing.

3. Also the petition of sundry citizens of Grant county, praying to be allowed an additional justice of the peace for the said county.

4. Mr. Blackburn presented the petition of Ann W. McCreary, administratrix, and Richard Elliott, administrator of Charles McCreary, deceased, representing that John G. Brown conveyed to said decedent, a tract of land in Christian county with an agreement that the same should be sold and the proceeds thereof, after deducting $152 75 cents, due by said Brown to said decedent, to be paid over to the said Brown, and praying that a law may pass, authorizing the sale of said land, for the purpose aforesaid.

5. Mr. A. Wilson presented the petition of Thomas Potter, praying to be authorized by law, to sell spirituous liquors without obtaining a tavern license.

6. Mr. New presented the petition of sundry citizens of Todd county, praying to be allowed an additional constable in said county to reside in the town of Trenton.

7. The Speaker presented the petition of Edwin Hord, praying that means may be devised to give more efficiency to courts of Justice in enforcing their decisions.

Which petitions were severally received, read and referred: The 1st and 5th to the committee for propositions and grievances; the 2d to the committee of claims; the 3d, 4th, and 7th to the committee for courts of justice; and the 6th to a select committee of Messrs. New, W. Harris and Rucker.

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

An act to amend an act entitled an act to incorporate the trustees of the Augusta College.

An act to provide for the rebuilding of the capitol, and for other purposes.

An act to add a small part of Henry county to the county of Franklin.

An act for the benefit of James Kash and William Trimbles.

An act to provide for running the lines of Edmondson county.

An act for the benefit of Elijah Adkins and Richard Tidings.
An act to add a part of the county of Caldwell to the county of Trigg.
And had found the same truly enrolled.
Whereupon the Speaker affixed his signature thereto.
Ordered, That Mr. James inform the Senate thereof.
Mr. Barbee from the committee of religion made the following report, viz:
The committee of religion have had under consideration a petition to them referred, and come to the following resolution:
Resolved, That the petition of Samuel D. Waltman, praying to be divorced from his wife Catharine Waltman, is reasonable.
Which being twice read was adopted.
Ordered, That the said committee prepare and bring in a bill pursuant to said resolution.
Mr. Barbee from the same committee made the following report:
The committee of religion have had under consideration a bill to them referred, for the divorce of certain persons, and have come to a resolution thereon:
Resolved, That so much of said bill as relates to the divorce of James M. Bartlett, ought not to pass.
Which being twice read, was concurred in.
The said bill having been amended, was then ordered to be engrossed and read a third time to-morrow.
Mr. Hanson, from the committee of ways and means, reported a bill further to regulate the duties of the Auditor and Treasurer, and for other purposes;
Which was received 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. Hanson and Gorin, were as follows, viz:
NAVS—Messrs. Barbee, Corner of Bath, Daniel of Jessamine, Daniel of Montgomery, Davis, Dorsey, Fulton, Gorin, Griffin, Harrison of Nelson, Harrison of Jefferson, Haskin, Joyes, Lackey, Marksberry, Maupin, McMillian, Mullens, Nuttall, Patterson, Ray,
Roberts, Roundtree, Rucker, Samuel, Sanders, Secrest, Stephens of Campbell, Summers, Tarlton, Thomas, Wade, Wand, Wells of Morgan, White of Franklin, White of Green, Wingate and Young—38.

Mr. Hanson from the same committee reported a bill to provide for the recovery of certain monies illegally drawn from the public treasury.

Which was received and read the first time as follows, viz:

Whereas it is represented to the present General Assembly, that William T. Barry, James Haggin, John Trimble, and Rezin Davidge, pretending to be judges of the Court of Appeals of Kentucky, by virtue of the act, entitled "an act to repeal the law organizing the Court of Appeals," have drawn from the public Treasury, the sum of five thousand one hundred and fourteen dollars and thirty cents, by way of salary, to-wit: the said Barry, Haggin, and Trimble one thousand three hundred and twelve dollars and thirty-two cents each, and the said Davidge the sum of one thousand one hundred and seventy-five dollars: thirty-four cents: And whereas Richard Taylor has drawn from said treasury the sum of one hundred and sixty-one dollars and fifty cents, for his services attending as sergeant of the court attempted to be created by said recited act: And whereas Thomas B. Monroe, has also drawn from said treasury the sum of three hundred and seventy-three dollars and sixty cents, for reporting the decisions of said pretended court: And whereas it is deemed proper that the monies so drawn from said treasury, shall be refunded by said Barry, Haggin, Trimble, Davidge, Taylor and Monroe, respectively: Therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the attorney general forthwith to institute in the General Court, in the name of the commonwealth, any action or actions at law or equity, at his election, against the said William T. Barry, James Haggin, John Trimble, Rezin Davidge, Richard Taylor and Thomas B. Monroe, separately, and prosecute the same to a judgment or decree, agreeably to the rules prescribed by law or equity in other cases; and upon the judgment or decree rendered against the defendant, it shall be the duty of the attorney general to direct executions to issue, and the sergeant, sheriff or coroner, to whom such execution may be directed, shall proceed to collect the money as in other cases, and under the same penalties.

Sec. 2. Be it further enacted, That it shall be the duty of the clerk of the General Court, to issue all original mesne or final process, on the part of the commonwealth; and the sergeant of the Court of Appeals or other officer, shall execute the same without any fee or other compensation, unless the money shall be collected from the defendant in the suit, in which case said offic-
cer shall collect and receive the usual fees. And as soon as the executions which may be issued shall be returned satisfied, the clerk of said court shall certify the same to the auditor of public accounts; and the officer collecting said execution, shall, under the penalty of double the amount collected, within ninety days after the return aforesaid, settle with the auditor, and pay into the treasury the amount so collected.

It was then moved and seconded to postpone the further consideration of said bill until the first Monday in August next.

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

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


A message from the Senate by Mr. Slaughter.

Mr. Speaker: The Senate have adopted resolutions in relation to an amendment to the Constitution of the United States, in which they request the concurrence of this house.

And then he withdrew.

A message from the Senate by Mr. Wickliffe of Nelson.

Mr. Speaker: The Senate have adopted resolutions for the erection of a Tomb-stone in memory of Isaac Shelby, late Governor of Kentucky; in which resolutions they request the concurrence of this house.

And then he withdrew.

Mr. Booker from the select committee to whom was referred, a bill for the benefit of Jonathan Downs, reported the same with an amendment;

Which being twice read was concurred in.
Ordered, That the said bill be recommitted to a select committee of Messrs. B. Harrison, Blackburn, Underwood and Booker.

A message from the Governor by Mr. Loughborough.

Mr. Speaker: On the 9th inst. the Governor approved and signed an enrolled bill which originated in the House of Representatives, entitled,

An act for the benefit of the Deaf and Dumb Asylum at Danville.

On the 10th inst.

An act to authorize certain counties to lay their county levy, and for other purposes.

An act to authorize the stockholders of the Bank of Limestone to elect an agent or commissioner.

And then he withdrew.

Ordered. That Mr. James inform the Senate thereof.

Mr. Breckenridge from the select committee to whom was referred an engrossed bill entitled, an act to extend the powers of the trustees of the town of Lexington, reported the same with amendments;

Which being twice read, were concurred in.

And the said bill, as amended, ordered to be re-engrossed and again 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. Breckenridge carry the said bill to the Senate, and request their concurrence.

Mr. Helm, from the select committee to whom was referred a bill for the benefit of Lewis Rogers, late deputy sheriff of Ohio 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 said bill do pass, and that the title thereof be amended by adding thereto the words “and for the benefit of the sheriff of Estill county.”

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

Mr. Daniel of Jessamine, from the select committee to whom was referred, a bill requiring the judge of the 9th judicial district to hold a chancery term for the county of Jessamine, 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. Daniel carry the said bill to the Senate and request their concurrence.

Mr. Rudd from the select committee to whom was referred, the petition of John Hanks, preferring charges against Moses Olds, a justice of the peace of Henry county, and praying his removal from office, made the following report:

Resolved, That the charges exhibited against Moses Olds, a justice of the peace of Henry county, are unsupported by testimony. Which being twice read was concurred in.

A message from the Senate by Mr. Yancey:

Mr. Speaker: The Senate have received official information that, on the 11th inst. the Governor approved and signed an enrolled bill which originated in the Senate entitled,

"An act concerning writs of error and appeals, and for other purposes."

On this morning,

"An act for rebuilding the capitol, and for other purposes."

"An act to add a small part of Henry county to the county of Franklin."

And then he withdrew.

A message from the Senate by Mr. Gibson:

Mr. Speaker: The Senate have passed a bill which originated in this house entitled,

An act to render certain offices incompatible, with amendments.

In which they request the concurrence of this house.

And then he withdrew.

Mr. W. Conner from the select committee to whom was referred a bill for the benefit of Frank Hogg; reported the same with amendments, which being twice read, were concurred in.

The question was then taken on engrossing the said bill as amended, and reading it a third time, it was decided in the affirmative.

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

YEAS—Messrs. Barbee, Booker, Breck, Cobb, Colglazier, Conner of Bath, Conner of Greenup, Cunningham, Daniel of Jessamine, Daniel of Montgomery, Dorsey, Dunlap, Flournoy, Fulton, Gorin, Griffin, Hanson, Harris of Madison, Harris of Simpson, Harrison of Jefferson, Hart, Helm, Hughes, James, Joyes, Love, Marksberry, McFarland, McMillan, Morris, Mul-
Jan. 12.] HOUSE OF REPRESENTATIVES.


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

Resolved, That the said bill do pass, and that the title thereof be "an act for the benefit of Frank Hogg and others."

Ordered, That Mr. Morris 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. Blackburn from the committee of propositions and grievances, 1—A bill to erect an election precinct in the county of Woodford.

By Mr. Hanson from the committee of ways and means, 2—A bill to amend the act entitled "an act to provide for the sale of the vacant lands west of the Tennessee river."

By Mr. Breckenridge, 3—A bill to increase the powers of the trustees of Louisville.

By Mr. Tarlton, 4—A bill for the benefit of William F. and Sarah E. Ward.

By Mr. Timberlake, 5—A bill to authorize certain county courts, to permit gates to be erected across certain roads therein.

By Mr. Ward, 6—A bill for the benefit of Thomas Owens.

By Mr. Ward, 7—A bill for the benefit of Peyton Brown.

By Mr. Blackburn, 8—A bill for the benefit of the executors of William Steele, deceased.

By Mr. Waddell, 9—A bill to authorize the collection of the revenue tax of Mason county, and for other purposes.

By Mr. Morris, 10—A bill to appoint a reporter of the decisions of the Court of Appeals.

By Mr. Watkins, 11—A bill to amend an act, entitled "an act to establish a Turnpike by the way of Williamsburg, Whitley county," approved December 9, 1829.

By Mr. Wilson of Bullitt, 12—A bill further to regulate the taking of testimony in civil causes.

By Mr. Joyes, 13—A bill for the benefit of Silas McBee.
By Mr. Dorsey, 14—A bill to establish inspections of salt in this state.

By Mr. Blackburn, 15—A bill to establish the town of Vanceburg in Lewis county.

By Mr. New, 16—A bill to authorize the appointment of an additional constable in Todd county.

By Mr. Flourney, 17—A bill to prevent frauds on the Treasury.

By Mr. Wingate, 18—A bill for the benefit of Henry Spencer.

By Mr. James, 19—A bill to authorize the Soldier creek Baptist Society of the county of Calloway to enter part of a quarter section of land.

By Mr. Dorsey, 20—A bill to incorporate the Middletown Male and Female Seminary, and Orphans Asylum; and,

By Mr. Helm, 21—A bill to appropriate $1000 for the purpose of improving and paving Mulrow's Hill, near the mouth of Salt river on the road from Louisville to Bowlinggreen, by the way of Elizabethtown.

Which bills were received and read the first time, and (with the exception of the 10th and 21st, which were ordered to lie on the table) 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, 9th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th and 20th bills having been dispensed with, the 1st, 2d, 3d, 4th, 5th, 6th, 9th, 13th, 16th, 19th and 20th, (the 3d, 6th and 9th having been severally amended at the Clerk's table,) were ordered to be engrossed and read a third time; the 11th was committed to a select committee of Messrs. Cunningham, Carson, Watkins, Turner and Farmer; the 12th, 14th and 17th to the committee for courts of justice; the 15th to a select committee of Messrs. Cobb, Shepard and Breck; and the 18th to the committee of claims.

And thereupon the rule of the house, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th, 6th, 9th, 13th, 16th, 19th and 20th bills, having been dispensed with, and the same being engrossed.

Resolved, That said bills do pass and that the title of the 6th bill be amended, by adding thereto the words, "and John Harrison," and that those of the other bills be as aforesaid.

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

Mr. B. Harrison from the select committee to whom was referred a bill for the benefit of Jonathan Downs; 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 "an act for the benefit of Jonathan Downs, and for other purposes."

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

Mr. Underwood from the select committee to whom was referred, a bill to legalize the proceedings of the Warren county 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 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. Underwood carry the said bill to the Senate and request their concurrence.

Mr. James from the select committee to whom was referred, a bill for the benefit of William H. Wood; 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. James carry the said bill to the Senate and request their concurrence.

Mr. New from the select committee to whom was referred a bill to compel Sheriffs to give counter security; reported the same without amendment.

Ordered, That the said bill be recommitted to the committee for courts of justice.

Mr. Blackburn from the select committee to whom was referred, a bill for the benefit of John Todd; 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. Joyes carry the said bill to the Senate and request their concurrence.

Mr. Blackburn from the select committee to whom was referred a bill for the benefit of Cullam H. Bailey, reported the same without amendment.

Ordered, That the said bill be laid on the table.

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

The select committee to whom was referred the petition of Samuel Wilson, have had the same under consideration, and have come to the following resolution thereon:

Resolved, That the petition be rejected.

Which being twice read, was concurred in.

Mr. Morris from the select committee appointed for that purpose, reported a bill to repeal the law authorizing endorsements for Commonwealth's paper and for paper of the Bank of Kentucky.

Which was received and read the first time.

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

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

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


Mr. Breck from the select committee to whom was referred, a bill to establish the town of Vanceburg, in Lewis 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."

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

On motion,

Ordered, That leave be given the parties to withdraw the papers filed with the petition of James M. Bartlett, for a divorce.

Mr. Colglazier from the select committee to whom was referred a bill to change the mode of summoning grand and petit jurors, and to provide for their compensation, reported the same with an amendment.

And then the house adjourned.

SATURDAY, JANUARY 13, 1827.

Mr. Hart presented the remonstrance of sundry citizens of Ohio county, against the removal from office of John H. McHenry, the attorney for the commonwealth for the 14th judicial district.

And the Speaker laid before the house a communication, covering the annual report of the Louisville and Portland Canal Company.

Which were severally received, read and laid upon the table.

Mr. Blackburn, from the committee of propositions and grievances, made the following report:

Resolved, by the committee of propositions and grievances, that the petition of Thomas Potter, praying for the passage of a law, to authorize him to sell liquors without keeping a tavern, be rejected.

Resolved, That the petition of the citizens of Ohio county, at Hartford, praying to be incorporated as a manufacturing company, 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. Underwood, from the committee for courts of justice, made the following report, viz:

The committee on courts of justice have had under consideration several subjects to them referred, and have come to the following resolutions thereon, viz:

Resolved, That the petition of Edwin Ford be rejected.
Resolved, That the petition of the heirs of Ann James, deceased, be rejected.
Which being twice read was concurred in.
Mr. Underwood from the same committee, to whom was referred a bill for the benefit of the heirs of Robert K. Duvall, reported the same without amendment.
Ordered, That said bill be engrossed and read a third time on Monday next.
Mr. Underwood from the same committee, to whom was referred a bill to establish inspections of salt in this state, reported the same with an amendment;
Which being twice read was concurred in.
And the said bill as amended, was ordered to be engrossed and read a third time.
And thereupon the rule of the House, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed;
Resolved, That the said bill do pass, and that the title thereof be, an act to authorize the County Courts to establish inspections of salt in this state.
Ordered, That Mr. Dorsey carry the said bills to the Senate and request their concurrence.
On the motion of Mr. Wilson of Shelby,
Ordered, That leave be given to bring in a bill to authorize the appointment of a clerk for the Henry Circuit Court; and that Messrs. Wilson, Samuel and Nuttall be appointed to prepare and bring in the same.
A message from the Senate by Mr. Hickman:
Mr. Speaker: The Senate have passed a resolution for burning a part of the notes of the Bank of the Commonwealth of Kentucky; in which resolution they request the concurrence of this house.
And then he withdrew.
A message from the Governor by Mr. Loughborough:
Mr. Speaker: On the 12th instant the Governor approved and signed enrolled bills, which originated in the House of Representatives, entitled,
"An act to add a part of the county of Caldwell to the county of Trigg."
"An act for the benefit of James Kash and William Trimble."
"An act to provide for the running of the lines of Edmondson county."
"An act for the benefit of Elijah Adkins and Richard Tidings."
And then he withdrew.
Ordered, That Mr. Bainbridge inform the Senate thereof.
The following bills were reported from the several committees appointed to prepare and bring in the same, viz:
By Mr. T. P. Wilson, 1—A bill to authorize the appointment of a clerk for the Henry circuit court.

By Mr. Blackburn, 2—A bill to provide for the erection of a bridge across Licking river at Chaysville, in Harrison county.

By Mr. Underwood from the committee for courts of Justice.

3—A bill allowing an additional justice of the peace to Grant county.

4—A bill to authorize the administrators of Charles McCrery, deceased, to sell a certain tract of land.

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 reading of the 1st, 3d 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. Samuel carry the said bills to the Senate, and request their concurrence.

Mr. Underwood from the committee for courts of justice to whom was referred, an engrossed bill entitled “an act to repeal parts of an act approved January 7, 1824, entitled an act to revive and amend the champerty and maintenance laws, and more effectually to secure the bona fide occupants of land within this commonwealth,” reported the same with the following amendment in lieu of the bill, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all forfeitures of lands which have accrued to this commonwealth, under the provisions of an act, entitled “an act to revive and amend the champerty and maintenance laws, and more effectually to secure the bona fide occupants of land within this commonwealth,” approved January 7th, 1824; for a failure to improve the same as is therein required, shall be, and the same are hereby remitted to the respective proprietors of such lands: Provided, however, that nothing herein contained shall be so construed as to remit the forfeiture of any tract or parcel of land to any proprietor, so far as the same may interfere with the claim or claims of any person or persons, who were bona fide settlers, actually resident on such land, or improver or cultivator of the same, on the said 7th day of January, 1824, and who have a connected title in law or equity, deducible from this commonwealth, or the commonwealth of Virginia.

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

The yeas and nays being required thereon by Messrs. M. Wells and Summers, were as follows, viz:

YEAS—Mr. Speaker, Messrs. Barbee, Blackburn, Booker, Breck, Butler, Carson, Colglazier, Cunningham, Dunlap, Farmer, Flournoy, Gaines, Gorin, Griffin, Harris of Madison, Harris of
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 yeas and nays being required thereon by Messrs. Roberts and Summers, were as follows, viz:


The said bill was then ordered to be engrossed and read a third time on Monday next.

A resolution from the Senate fixing on a day for the election of officers was taken up, twice read and concurred in:

Ordered, That Mr. Turner inform the Senate thereof.

A message from the Senate by Mr. Allen of Henry.

Mr. Speaker: The Senate have passed a bill which originated in this house, entitled "an act to authorize the appointment of a clerk to the Henry circuit court, with an amendment," in which they request the concurrence of this house.
And then he withdrew.

The said amendment was then twice read and concurred in.

Ordered, That Mr. Samuel inform the Senate thereof.

A bill concerning the Lunatic Hospital was read a second time and committed to the committee of claims.

The house took up for consideration the resolution from the Senate for burning a part of the notes of the Bank of the Commonwealth of Kentucky; the said resolution was then twice read as follows, viz:

In Senate, January 12, 1827.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the President and Directors of the Bank of the Commonwealth of Kentucky, shall on or before the fourth Monday in February next, in the presence of the Governor, Auditor, and Treasurer, proceed to count and cancel by burning, six hundred thousand dollars of the notes, most defaced and unfit for circulation, which may be found in said bank: And that they make special report to the next Legislature, within the first week of their session.

Extract, &c.

Attest, J. STONESTREET, C. S.

Mr. Barbee thereupon moved the following in lieu of said resolution, viz:

Whereas, it is deemed expedient by this General Assembly, that some plan should be devised to avoid the possibility of a loss being sustained by the state, in case the paper of the Commonwealth's Bank should be purloined, or improperly drawn from the vaults thereof: Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the President of the Commonwealth's Bank, shall cause to be made two stamps, of cheap materials, on one of which shall be engraved the word "REDEEMED" in capital letters, and on the other the word "CANCELLED" in the same kind of letters.

Be it further resolved, That in the month of February next, all the notes of said Bank in her vaults, which are filled up and signed, shall be counted by the Cashier of said Bank, in the presence of the Governor and Auditor, and by the clerks of said Bank, in the presence of the Treasurer and President of the Bank, and all such notes as are deemed by those in whose presence it shall be counted, unfit for circulation, shall be stamped in their presence with the word "cancelled," and such notes as are fit for circulation, shall in the same manner be stamped with the word "redeemed," and the whole boxed up and carefully laid away in the vault of said Bank, until the next session of the General Assembly.
And the question being taken on adopting the said amendment, it was decided in the negative:

The yeas and nays being required thereon by Messrs. Forrest and Barbee, were as follows:


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

The yeas and nays being required thereon by Messrs. Summers and Davis, were as follows:


Ordered, That Mr. Turner inform the Senate thereof.

The amendments proposed by the Senate to a bill which originated in this house, entitled "an act declaring certain offices incompatible," and to a bill, entitled "an act to revive the ca. sa.
on judgments in actions on tort; were twice read and concurred in.

Ordered, That Mr. Gaines inform the Senate thereof.

A bill from the Senate entitled "an act further to regulate the sale of land west of the Tennessee river," was read the first time and ordered to 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 committed to the committee of ways and means.

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

On the motion of Mr. Davis, 1—A bill allowing additional justices of the peace to the county of Ohio, and for other purposes.

On the motion of Mr. W. Conner, 2—A bill for the benefit of William Ward, of Greenup county.

On the motion of Mr. Bainbridge, 3—A bill concerning Commonwealth's and county attorneys.

On the motion of Mr. B. Harrison, 4—A bill to amend the law regulating proceedings on petition and summons.

On the motion of Mr. Colglazier, 5—A bill to authorize the insertion of advertisements in the "Augusta Herald," and for other purposes.

On the motion of Mr. Mullens, 6—A bill to declare certain streams navigable in this Commonwealth.

On the motion of Mr. McFarland, 7—A bill to improve the state road leading from Owenborough to Franklin.

On the motion of Mr. Dorsey, 8—A bill to authorize the county courts to permit gates to be set up on public roads, in certain cases.

On the motion of Mr. Rucker, 9—A bill supplemental to an act allowing additional constables to certain counties in this commonwealth.

On the motion of Mr. Wade, 10—A bill supplemental to an act, entitled "an act to rebuild the capitol, and for other purposes."

On the motion of Mr. Helm, 11—A bill for the benefit of the heirs of Peter Abell, deceased; and,

On the motion of Mr. E. Wells, 12—A bill for the benefit of John Cooper of Morgan county.

Messrs. Davis, D. White and Wade were appointed a committee to prepare and bring in the 1st; Messrs. W. Conner, L. Stephens and Henry Daniel, the 2d; Messrs. Bainbridge, Rudd and Morris, the 3d; Messrs. B. Harrison, Turner and Underwood, the 4th; Messrs. Colglazier, Wingate and Gaines, the 5th; Messrs. Mullens, Davis, McMillan and E. Wells, the 6th; Messrs. McFarland, Hart, Helm, Trimble and Davis, the 7th; Messrs. Dorsey, Joyes and Breckenridge, the 8th; Messrs. Rucker, Vandis, and
The following engrossed bills were severally read a third time, viz:

1. An act for the benefit of Frances Alvey, Agnes Toombs, Francis Shicles, and Tirsatha Barnes; and,
2. An act to enlarge the powers of the trustees of the town of Maysville.

Resolved. That the said bills do pass, that the title of the first be "an act concerning idiots and lunatics;" and that of the second be "an act to enlarge the powers of the trustees of the several towns in this commonwealth."

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

Mr. Maupin moved the following resolution.

Resolved. That the Treasurer, Auditor and Register, be requested respectively, to report to this house, the items composing the amount charged under the head of fuel and stationary, in the Auditor's report, of the expenditures of the last year.

Which being twice read was adopted.

A bill for the benefit of the judge of the 10th judicial district, 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.

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

Mr. Underwood then moved the following resolution:

Resolved, That the committee appointed to examine the Auditor's office, on the part of this house, be, and they are hereby instructed to enquire into the propriety of allowing compensation to P. Clay, Auditor, for extra service in making out an estimate of the balance due the state upon head right claims; and also an estimate of the expenditures of the several counties in this state, done in pursuance of the resolutions of the Senate and House of Representatives; and also into the propriety of increasing the salaries of the Register and Treasurer.

Which being twice read was adopted.

Mr. Skiles moved the following resolution.

Resolved, That the committee of courts of justice be instructed to enquire into the expediency of appointing persons of the first legal attainments in the state, with an adequate salary, to supervise, digest and reduce into the smallest possible compass, the statute laws of Kentucky, with power to suggest entire or
partial alterations in the present code, with the view of submitting the system thus drafted to the next subsequent legislature, after the completion of their labors, to be finally acted upon by the representatives of the people.

Which being twice read, was adopted.

Mr. C. L. Harrison read and laid on the table the following resolution:

Resolved, That in the opinion of this legislature it would be expedient and of great public benefit for Congress, in conjunction with the Post Office Department, to establish a mail line on the Ohio and Mississippi rivers, to be carried by steam boats three times a week, between Louisville and New-Orleans, and to be extended as high up the river Ohio as Wheeling, Virginia, when in the opinion of the Post Master General the department requires it—and that our Senators in Congress be instructed, and our Representatives be requested to use their influence and exertions in carrying into effect the object of the foregoing resolution.

Mr. Trimble presented the petition of James Paton, late Deputy Sheriff of Harrison county, praying a remuneration of his expenses and losses, occasioned by the removal of Isaac B. Desha, for trial to said county of Harrison, to be discharged out of the amount due by him to the state, for the revenue of said county, collected by him.

Which was received and referred to the committee of propositions and grievances.

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

By Mr. Davis, 1—A bill allowing additional justices of the peace in the county of Ohio, and for other purposes.

By Mr. B. Harrison, 2—A bill to amend the laws regulating proceedings by petition and summons.

By Mr. Wingate, 3—A bill appointing trustees to the town of New-Liberty in the county of Owen.

By Mr. Rucker, 4—A bill supplementary to an act allowing additional constables to certain counties in this Commonwealth.

And, By Mr. Calglazier, 5—A bill to authorize the insertion of advertisements in the Augusta Herald, and for other purposes.

Which bills were severally received and read the first time and ordered to read a second 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. carry the said bills to the Senate, and request their concurrence.

And then the house adjourned.

2 H
The Speaker laid before the house the petition of the trustees and citizens of Paris, praying that a law may pass to authorize them to raise a sum of money by Lottery, for the purpose of sinking a well on the public square in said town.

Which was received, read and referred to the committee of ways and means.

A message from the Senate by Mr. Cratcher.

Mr. Speaker: The Senate have passed a resolution relative to the execution laws of the United States; in which they request the concurrence of this house.

And then he withdrew.

Mr. Bainbridge 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 authorize the appointment of a clerk for the Henry circuit court.

An act to render certain offices incompatible.

An act to revive the ca. sa. on judgments in actions of tort.

An act to authorize the appointment of additional justices of the peace and constables in certain counties.

A resolution fixing one day for the election of public officers.

And a resolution for burning a part of the notes of the Bank of the Commonwealth of Kentucky.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Bainbridge inform the Senate thereof.

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 Joel Smith, praying compensation for apprehending Wm. Darby, a fugitive from justice, be rejected.

Resolved, That the petition of William Harrison, praying that the expenses incurred by him in pursuing and apprehending Martin Odey, a fugitive from justice, is reasonable.

Resolved, That the petition of Silas W. Robbins, praying that the costs incurred by him, in defending a prosecution instituted against him as judge of the 11th judicial district by the legislature, in the year 1824, may be discharged out of the public treasury, is reasonable.

Which was twice read; It was then moved and seconded to amend the first resolution by striking out the words, “be rejected,” and to insert in lieu thereof, the words “is reasonable?”
And the question being taken thereon, it was decided in the negative:

The yeas and nays being required thereon by Messrs. Tarlton and...


The said resolution, as also the second, was concurred in, and the third was laid on the table.

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

A message from the Senate by Mr. Dudley:

Mr. Speaker: The Senate have passed a bill which originated in this house entitled "an act to erect and establish the county of Anderson, out of parts of the counties of Franklin, Washington and Mercer," with an amendment: They have passed a bill entitled "an act to legalize the proceedings of the Ohio county court" and they have received official information that the Governor did on the 12th instant, approve and sign an enrolled bill which originated in the Senate, entitled an act to amend an act entitled "an act to incorporate the trustees of the Augusta College."

And then he withdrew.

Mr. Cunningham from the committee of claims to whom was referred, a bill concerning the Lunatic Hospital, reported the same with an amendment;

Which being twice read was concurred in.

The question was then taken on engrossing said bill and reading the same a third time, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and Breckenridge, were as follows:

YEAS—Messrs. Allin, Bainbridge, Barbee, Blackburn, Booker, Breck, Breckenridge, Butler, Campbell, Carson, Colglazier, Con-
NAYs—Mr. Cunningham from the same committee, to whom was referred a bill for the benefit of Henry Spence; 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 "an act for the benefit of Henry Spence and John H. Hanna."

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

Mr. Hanson from the committee of ways and means, to whom was referred a bill from the Senate, entitled "an act further to regulate the sale of the land, west of the Tennessee river;" reported the same without amendment: The said bill 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 do pass, and the title thereof be as aforesaid.

Ordered, That Mr. James inform the Senate thereof.

Mr. Underwood from the committee for courts of justice, to whom was referred, a bill to amend the penal laws of this Commonwealth, reported the same with an amendment:

Which being twice read was concurred in.

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

Mr. Booker from the joint committee appointed to examine the Bank of the Commonwealth, made the following report, viz:

The joint committee to whom was referred the examination of
the Bank of the Commonwealth of Kentucky; having discharged
the duties assigned them, beg leave to submit the following re-
port:
We find the amount of stock to be $123,218,63 cents; The
literary fund $140,917,44 cents; Notes payable to the institu-
tion $2,070,414,6 cents; The net profits of the last year, end-
ing the 10th of October, 1826, $38,841,26 cents; Individual de-
posits $155,428,35 cents; Legislative deposits, or notes with-
drawn from circulation and boxed up $422,212,46 cents; Notes
under discount $238,770,63 cents; In suit $333,238,5 cents;
Real estate $32,397,26 cents; Debts due to other banks $279,478,
8 cents; Debts due from other banks $293,305,92 cents.
The two last items are composed of debts due from the parent
to the branches, and from the branches to the parent bank. Your
committee are not apprised that this institution is indebted to any
other, nor are there other institutions indebted to it. The gen-
eral expenses of the institution for the last year, amounted to
$28,081,9 cents. The Treasury to meet its demands during
the last year, was compelled to call on the resources of the state
in the bank, during which time there was drawn from the bank
$54,121,95 cents, over and above its deposits; all of which was
returned on the 1st October, except the amount of $18,826,83
cents: this was the balance against the Treasury on that day;
since which time, that amount has been extinguished, and the ba-
 lance on the 1st of January, 1827, on deposit, in favor of the
Treasury, amounted to $44,055,44 cents. We find on deposit
in the mother bank, on the 5th instant $1190 of eastern notes,
$681,25 cents, notes of the Bank of Kentucky; $3653,27 cents
specie and notes of the Bank of the United States; $1011,569
38 cents; notes of the mother bank and branches, now on hand.
It is here proper to remark, that the estimates are taken from
the returns made by the branches, on the 1st October, 1826, no
returns having been made since that period, exhibit (A) will shew
the amount the parent bank and each of her branches, contribu-
ted to form the aggregate here given.
Your committee before they proceed farther, think it due to
candor to state, they did not strictly conform to the order of the
General Assembly, in counting all the money in the vaults of the
bank. To have done this, would have protracted their labors to
a period beyond the time they hope to see this session protracted.
Early after their creation, they directed the officers of the bank to
count and pack up in bundles, one hundred notes of each denom-
ineation, with labels on each bundle, shewing the amount it con-
tained. This requisition was complied with, by the officers as
soon as the tattered condition of the small notes and tickets
would permit. After this was done, your committee drew from
the packages, ten bundles each, and counted three bundles out of
every ten, and on finding them correct, they then assumed the fact, that that class of notes as counted by the officers, contained a fair estimate of the amount of that description of paper; counting each denomination in this way, the committee was enabled to ascertain the entire amount of cash on hand to be on that day $1,017,093.90 cents.

The attention of your committee was then called to the amount of paper thrown into circulation by the institution, which they found was $2,943,620.5 cents. The annual reduction of that sum may be fairly computed at $320,000. On the 1st of October last, the amount in circulation had been reduced from $2,943,620.5 cents to $1,111,531.12 1-2 cents: This amount has been reduced from the 1st of October, 1826, to the 1st of January, 1827, say $80,000, which left in circulation on that day $1,031,531 12 1-2 cents: During the present year, from calls and the receipts of stock, it is calculated the latter sum will be reduced 320,000; which will leave in circulation on the 1st of January, 1828, $711,531 12 cents: The amount of debts due from individuals on the 1st of January, 1827, was $1,547,008.63 cents. This amount, it is calculated, will be reduced during the present year, by call, at least $260,000: The receipts of this amount will leave yet due and owing from individuals, on the 1st of January, 1828, $1,287,008.68 cents: whilst there will be only in circulation of the notes of the Bank of the Commonwealth and Branches, to pay that sum, $711,531 12 cents, leaving the debtors of the institution to pay in specie for Commonwealth's paper borrowed $575,477.56 cents. In making this estimate, no attention has been paid to the probable amount of insolvencies, having no data on which to base a certain calculation, they thought it most prudent not to hazard a conjecture. The liabilities, so far as your committee have been informed, are generally well secured, the sums are small, and to each liability three signatures are required; which repels the idea that the bank can possibly sustain ultimately any very considerable loss, should only ordinary care and attention be exerted by her officers.

Exhibit (B) shews the situation of the bank up to the 5th of January, 1827. Table (C) shews the number and amount of each denomination of notes now on hand, not boxed and sealed up. The 6 1-4, 12 1-2, 25 and 50 cent tickets amount to $8 most of which are so worn and mutilated as to be unfit for circulation. Out of the $820,000 one dollar notes, something like a tenth are in the same situation. Threes and fives are less battered, and so as you rise in denomination, those of large amounts have not undergone the same mutation in their circulation, as those of less value. In passing on, your committee feel restrained to remark, that in many instances the list of general expendi-
tures, have been burthened with improper and unnecessary items. In making this remark, they do not intend to cast any reflections on the officers of the bank, nor do they intend to stop to make an enumeration of the improper expenditures. The General Assembly have had the lists of expenditures of each branch before them since nearly the commencement of the session, and have no doubt perused them. Those lists furnish a complete account of the various items, which your committee think extravagant. The parent bank has been well managed. From some of the branches your committee have heard complaints; whether they are well or ill founded, they have had no means of judging beyond the reports made to the mother bank. Should the branches be continued, your committee would think it advisable that the president should be required to visit the branches once a year, for the purpose of examining minutely their situation. Should this regulation be complied with, he will then have it in his power to give to the General Assembly at each session, a more minute and exact account of the situation of the institution. Your committee had presented to them the petition of the officer of the branch at Louisville, praying that a compensation might be allowed to Mr. Blair, their former clerk, who they continued in office during the last year. From the statements of the petitioner, your committee were convinced, from the great press of business at that branch, the officers acted correctly in continuing Mr. Blair. They would therefore recommend that a resolution be adopted by this General Assembly, authorizing the branch at Louisville to pay to him the sum of six hundred dollars, as a compensation for his services. Until after the appointment of Mr. Waggener, as president, the mother bank continued Mr. Edmund Taylor, as second clerk—a period of months. For that time, they were also of opinion Mr. Taylor should be paid the sum of $275.

SAML. DAVEISS, Ch. S.
WM. B. BOOKER, Ch. H. R.
THOS. S. SLAUGHTER,
ALEXANDER LACKEY,
ZACHARIAH TAYLOR,
DANIEL J. STEPHENS.

Which was received, read and laid on the table.

The house took up a resolution from the Senate fixing on a day for a final adjournment of the Legislature; which was twice read as follows, viz:

IN SENATE, JANUARY 9, 1827.

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on Saturday the 20th instant, they will adjourn without day.

Extract, &c.

J. STONESTREET, C. S.
It was then moved and seconded to amend said resolution by striking out "the 20th," and leave the same blank:

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

The yeas and nays being required thereon by Messrs. Turner and B. Harrison, were as follows, viz:


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. Breck and Hanson, were as follows, viz:


It was then moved and seconded to lay the said resolution on the table until Friday next:
And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, they were as follows, viz:


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

By Mr. Blackburn from the committee of propositions and grievances, 1—A bill to incorporate the Hartford Manufacturing Company.

By Mr. W. Conner, 2—A bill for the benefit of William Ward, of Greenup county.

By Mr. McFarland, 3—A bill to improve the state road leading from Owenborough to Franklin.

By Mr. Joyes, 4—A bill to amend an act, entitled "an act to extend the powers of the trustees of Shippingport, approved 4th December, 1822, and to increase the powers of said trustees.

By Mr. Forrest, 5—A bill allowing an additional justice of the peace and constable to the county of Washington.

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 said bills having been dispensed with, the 1st, 2d, 4th and 5th bills were ordered to be engrossed and read a third time; and the 3d was committed to the committee on internal improvements.

And thereupon the rule of the house, constitutional provision, and third reading of the 1st, 2d, 4th 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 aforesaid.

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

A message from the Senate by Mr. McConnell:

Mr. Speaker: The Senate disagree to a bill which originated in this house entitled "an act to restrict the county court of Jefferson in laying their levy." They have passed a bill from this house entitled "an act to allow additional trustees to the Seminary of Newcastle." They concur in the amendments proposed by this house to a bill from the Senate, entitled "an act allowing additional justices of the peace and constables to certain counties, with amendments;" and have passed bills of the following titles: "An act for the benefit of the clerk of the Lawrence Circuit Court and for other purposes;" "An act for the benefit of Nicholas Seminary, and to establish Wilson Seminary, at the Lower Blue-Licks;" and "an act to amend the several acts more effectually to suppress the practice of duelling;" in which amendments and bills they request the concurrence of this house.

And then he withdrew.

An engrossed bill entitled "an act to incorporate the Maysville and Lexington Turnpike Road Company," 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. Samuel and Rucker, were as follows, viz:


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

The amendments proposed by the select committee to a bill to
authorize the citizens of Oldham county to select by vote a permanent seat of justice, were twice read and concurred in.

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

On motion,

Ordered, That the constitutional provision, rules of the house, and first and second reading of a bill from the Senate, entitled "an act for the benefit of the clerk of the Lawrence circuit court, and for other purposes;" and of a bill, entitled "an act to amend the law concerning the action of detinue," be dispensed with: That the former be committed to a select committee of Messrs. Daniel of Montgomery, Cunningham, Sallee and Young; and the latter to the committee for courts of justice.

The following bills were severally read a second time:
1. A bill for the benefit of securities on private contracts.
2. A bill for the benefit of the Sheriffs of certain counties; and
3. A bill for the divorce of Vacel Hobbs.

The first was committed to a select committee of Messrs. Maupin, C. Walker, Cunningham, Morris and Flournoy; the 2d to a select committee of Messrs. Wilson of Bullitt, Sallee, Roberts and Walker; and the third, was ordered to be engrossed and read a third time to-morrow.

A message from the Senate by Mr. Woods:
Mr. Speaker: The Senate have passed bills which originated in this house, of the following titles:
"An act concerning the court-house and public square in the town of Eddyville, Caldwell county."
"An act for the benefit of the creditors of Margaret Roberts, deceased," with an amendment to the latter bill:
And they have passed a bill, entitled "an act to authorize the trustees of the town of Glasgow, to sell certain streets and alleys in said town," in which amendment and bills they request the concurrence of this house.

And then he withdrew.

A resolution from the Senate for the erection of a tombstone, in memory of Isaac Shelby, late Governor of Kentucky; was twice read and concurred in:

Ordered, That Mr. Mullens inform the Senate thereof.

Mr. Henry Daniel from the select committee to whom was referred, a bill from the Senate, entitled "an act for the benefit of the clerk of the Lawrence circuit court, and for other purposes;" reported the same with amendments:
Which being twice read were 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. Daniel inform the Senate thereof, and request their concurrence in the said amendments.

The amendments proposed by the Senate to a bill from this house, entitled "an act to establish the county of Anderson, out of parts of the counties of Franklin, Washington and Mercer, were twice read and concurred in:

Ordered, That Mr. Bainbridge inform the Senate thereof.

The following engrossed bills were severally read a third time:

1. An act for the benefit of the heirs of Johnston Dysart, deceased.

2. An act regulating the granting of injunctions and other restraining orders in chancery.

3. An act to establish an additional judicial district and to change the time of holding certain circuit courts.


5. An act for the divorce of Pamela Lester; and,

6. An act to amend the laws in relation to absent defendants.

Resolved, That the 1st, 2d, 3d, 4th and 5th bills do pass, that the titles of the 1st 2d, 3d and 5th bills be as aforesaid, and that of the 4th be amended by adding thereto the words "and of Willsby Scott."

The yeas and nays being required on the passage of the 5th bill by Messrs. Breckenridge and Griffin, were as follows:


NAYS—Mr. Speaker, Messrs. Bainbridge, Barbee, Breck, Breckenridge, Butler, Dunlap, Evans, Flournoy, Ford, Gaines, Hanson, Harris of Madison, Harrison of Jefferson, Hutchinson, Maupin, McFarland, Morris, Nelson, New, Owings, Reid, Roundtree, Shepard, Skiles, Swope, Taylor, Timberlake, True, Turner, Underwood, Waddell, Wilson of Bullitt and Yantis—34.

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

Ordered, That the sixth bill be committed to the committee for courts of justice.

Leave was given to bring in the following bills:
On the motion of Mr. Tarlton, 1—A bill for the benefit of Matthews W. and Henrietta Flournoy; and,
On the motion of Mr. Farmer, 2—A bill to suppress the practice of setting the woods on fire in this commonwealth.

Messrs. Tarlton, Ward and Trimble, were appointed a committee to prepare and bring in the 1st; and Messrs. Farmer, Breck, Lackey, A. White and L. Stephens, the 2d.
And then the house adjourned.

TUESDAY, JANUARY 16, 1827.

Mr. Patterson presented the petition of sundry citizens of Harrison county, praying that a law may pass to release Johnse Berkshire from the payment of a small sum of money due by him to the Bank of the Commonwealth.

Which was received and read; and the question being taken on referring the said petition to the proper committee, it was decided in the negative, and so the said petition was rejected.

Mr. Underwood from the committee for courts of justice, to whom was referred a bill from the Senate entitled, an act to amend the law concerning the action of detinue, reported the same without amendment.

The said bill was then ordered to be read a third time.
And thereupon the rule of the House, constitutional provision, and third reading of the said bill having been 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.

Mr. Underwood from the same committee, to whom was referred a bill relating to insurances, reported the same without amendment.

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

Mr. Underwood, from the same committee, reported a bill for the benefit of William Adams, which was received and read the first time;
And the question being taken on reading the said bill a second time, it was decided in the negative; and so the said bill was rejected.

Mr. Barbee, from the committee of religion, made the following report:
The committee of religion have had under consideration petitions to them referred, and come to resolutions thereon:
Resolved, That the petition of Parnelia E. Leeper, praying a divorce from her husband, Thomas N. Leeper, be rejected.
Resolved, That the petition of Mary Drisdale, praying to be divorced from her husband Reuben Drisdale, is reasonable.
Which being twice read, the first resolution was concurred in, and the second was disagreed to.

Mr. Maupin, from the select committee to whom was referred, a bill for the benefit of securities on private contracts, reported the same without amendment.

Ordered, That the said bill be laid on the table, and that the Public Printer forthwith print 150 copies of said bill, for the use of the members of this house.

Mr. Shepard from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles:

An act to erect and establish the county of Anderson, out of parts of the counties of Franklin, Washington and Mercer.

An act to allow additional trustees to the Seminary of New-Castle.

An act concerning the Court House and Public Square in the town of Eddyville, Caldwell county. And

An act further to regulate the sale of lands west of the Tennessee river.

And had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Bainbridge inform the Senate thereof.

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

By Mr. Underwood, from the committee for courts of justice, 1—A bill to provide for the revision of the statute laws. 2—A bill for the benefit of the heirs of David Maxwell, deceased.

By Mr. Barbee, from the committee of religion, 3—A bill for the benefit of Samuel D. Waltman.

By Mr. Tarlton, 4—A bill for the benefit of Matthews W. and Henrietta Flournoy and Matilda Dillard. And,

By Mr. Wade, 5—A bill supplemental to an act to rebuild the capitol.

Which bills were severally received and read the first time, and (with the exception of the 5th, which was laid upon the table,) were ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second and third readings of the 4th bill having been dispensed with, and the same being amended and engrossed;

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

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

Mr. Daniel of Montgomery, read and laid on the table the following resolution:

Resolved, by the General Assembly of the Commonwealth of Ken-
Jan. 16.] HOUSE OF REPRESENTATIVES. 268

Tacky, That the Public Printing of this Commonwealth be divided as follows, viz:

Part I. The Journals of both Houses, the documents inserted in the Journals and ordered to be printed separately, non-residents list, and public advertisements.


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

The yeas and nays being required thereon by Messrs. Underwood and H. Daniel, were as follows, viz:


It was then moved and seconded to lay the said resolution on the table 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. Hanson and Underwood, were as follows, to-wit:

YEAS—Mr. Speaker, Messrs. Bainbridge, Blackburn, Breck, Breckenridge, Butler, Carson, Cobb, Colglazier, Conner of Greenup, Cunningham, Dunlap, Evans, Farmer, Flournoy, Ford, Gaines, Hanson, Harris of Madison, Harris of Simpson, Hart, Helm, Hughes, Hutchinson, James, Love, McFarland, Morris, Nelson, New, Owings, Powell, Reid, Rudd, Sallee, Skiles, Stephens of Breckenridge, Street, Swope, Taylor, Timberlake, True,
Mr. C. Walker moved the following resolution, viz:

Resolved, That the committee of claims be instructed to prepare and report a bill for the appropriation of money.
Which being twice read was adopted.

Mr. Morris from the joint committee appointed to examine and report the situation of the bank of Kentucky, made the following report:

The joint committee raised to examine the Bank of Kentucky, have performed that duty, and make the following report, viz:

_A Statement of the situation of the Bank of Kentucky, December 30th, 1826._

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<th>DEBTOR</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Due to other Banks</td>
<td>9,242 59</td>
</tr>
<tr>
<td>Notes issued</td>
<td>-83,375 14</td>
</tr>
<tr>
<td>Surplus profits</td>
<td>235,091 52</td>
</tr>
<tr>
<td>Current profits since 1st July</td>
<td>17,648 62</td>
</tr>
<tr>
<td>Stock,</td>
<td>838,552 08</td>
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<tr>
<td>Stock, (residuary,)</td>
<td>196,960 00</td>
</tr>
<tr>
<td>Treasurer United States</td>
<td>27,363 12</td>
</tr>
<tr>
<td>Due to individuals</td>
<td>255,273 95</td>
</tr>
<tr>
<td></td>
<td><strong>$1,651,416 94</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CREDITOR</th>
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</thead>
<tbody>
<tr>
<td>Current expenses since 1st July</td>
<td>-6,611 30</td>
</tr>
<tr>
<td>Due from other Banks</td>
<td>-2,945 92</td>
</tr>
<tr>
<td>Real Estate</td>
<td>396,963 38</td>
</tr>
<tr>
<td>Due from individuals</td>
<td>1,109,453 82</td>
</tr>
<tr>
<td>Defalcations at the Branches</td>
<td>29,870 11</td>
</tr>
<tr>
<td>Cash on hand, viz:</td>
<td>2,515 38</td>
</tr>
<tr>
<td>Notes of other Banks</td>
<td>2,477 25</td>
</tr>
<tr>
<td>Kentucky Notes</td>
<td>44 75</td>
</tr>
<tr>
<td>Commonwealth's Bank Notes</td>
<td>100,627 03-105,604 41</td>
</tr>
<tr>
<td></td>
<td><strong>$1,651,416 94</strong></td>
</tr>
</tbody>
</table>

The Bank holds notes for rent of property, which have not been carried into the general accounts, amounting to **$3,829 00**.

We were informed by the President, that some time since the Cashier discovered a deficit in his cash accounts, in specie to the amount of $779, and in Commonwealth Bank Notes $2,563 65; and after a full examination of his books, became satisfied that it had been stolen from the bank. The suspicions of the officers were immediately directed to their Porter, John Taylor, who, about the 1st instant, confessed the fact. The bank has been able to secure the amount of the specie deficit, in cash and a mortgage on a negro girl, and a cash bond. For the deficit in Commonwealth's paper, they have not been able to secure any indemnity. It may not, however, be improper to state, that some years since, a surplus of cash appeared in the bank, which was...
charged to the account of the Cashier, which more than covers the recent deficit of Commonwealth paper, which was, by order of the board, entered to the credit of the Cashier. We esteem it due to the House, before closing this report, to state, that we were not able strictly to comply with the resolution under which we acted, in counting the whole of the cash on hand: it would have protracted our labors to a period beyond that at which we anticipated the legislature would rise.

JAS. CRUTCHER, Ch. Senate,
SAM'L W. WHITE,
DICKSON GIVEN,
CHILTON ALLAN.
ROBT HARRIS,
RICHARD FORREST,
JOHN YANTIS,
WM. SPALDING.

Which report was received, read and laid upon the table.

Mr. New read and laid on the table, a joint resolution concerning the American Colonization Society, approbatory thereof.

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

Resolved, That it is the opinion of the members of the present Legislature, that one thousand dollars ought to be appropriated to each county in this state to be applied to the purposes of internal improvements.

The house took up a resolution offered on Saturday last by Mr. C. L. Harrison, relative to the transportation of the mail between Louisville and New Orleans in Steam Boats: Which being twice read was adopted.

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

On the motion of Mr. Sanders leave was given to bring in a bill concerning public books: and Messrs. Sanders, D. White and Morris, were appointed a committee to prepare and bring in the same:

Whereupon Mr. Sanders from the said committee reported a bill under the title aforesaid, which was received and read the first and ordered to be read a second time.

Mr. McMillan moved the following resolution:

Resolved, That it is the deliberate opinion of the House of Representatives, that the good people of this Commonwealth have not confidence in William Owsley and Benjamin Mills, as Judges of the Court of Appeals, nor do they wish them to remain on the Appellate bench any longer.

It was then moved and seconded to amend said resolution by substituting in lieu of said resolution, the following, viz:

\begin{quote}
Resolved, That it is the deliberate opinion of the House of Representatives, that the good people of this Commonwealth have not confidence in William Owsley and Benjamin Mills, as Judges of the Court of Appeals, nor do they wish them to remain on the Appellate bench any longer.
\end{quote}
Resolved, That it is the deliberate sense of the House of Representatives, that the good people of this Commonwealth, have not confidence in Joseph Desha, as Governor of Kentucky, nor do they wish him to remain in office any longer.

It was then moved and seconded to lay the said resolution with the proposed amendment on the table:

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

The yeas and nays being required thereon by Messrs. Henry Daniel and Marksberry, were as follows, viz:


Mr. McMillan read and laid upon the table the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of from the House of Representatives, and of the Senate, be appointed to enquire into the facts attending the late loss of money, said to have taken place in the Bank of Kentucky, and that they report the facts to both houses of the General Assembly.

Mr. Skiles read and laid upon the table the following resolution:

Resolved, That the present incumbents of the Court of Appeals of Kentucky, do enjoy the entire confidence of the members of the present Legislature, and that all good citizens ought to view the recent appointment, as a just and honorable compromise of party feeling, and a final settlement of our late judicial controversy.

A message from the Senate by Mr. Carneal.

Mr. Speaker: The Senate have passed a resolution approbatory of the American Colonization Society; And they have pas-
The following bills were reported from committees appointed to prepare and bring in the same, viz:

By Mr. Blackburn from the committee of propositions and grievances, 1—A bill for the benefit of James Patton; and,

By Mr. Farmer, 2—A bill to prohibit setting on fire the woods 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 reading of said bills having been dispensed with, the 1st was committed to the committee on claims; and the 2d to a select committee of Messrs. Underwood, Farmer, Skiles and Forrest.

A message from the Senate by Mr. Pope:

Mr. Speaker: The Senate have passed a resolution for dividing the public printing of this Commonwealth, in which they request the concurrence of this house.

And then he withdrew.

The said resolution was then taken up and twice read, as follows, viz:

In Senate, January 16, 1827.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the public printing of this Commonwealth be divided as follows, to-wit:

Part 1st: The journals of both houses, the documents inserted in the journals and ordered to be printed separately, non-resident lists, and public advertisements.

Part 2d: The acts of assembly, rules of both houses, bills, rolls of members of both houses, lists of acts, and blanks for public offices.

Extract, &c.

Attest,

J. STONESTREET, C. S.

It was then moved and seconded to lay said resolution on the table 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. Turner and Hanson, were as follows, viz:

YEAS—Mr. Speaker, Messrs. Bainbridge, Blackburn, Breck, Breckenridge, Butler, Carson, Cobb, Colglazier, Conner of Greenup, Cunningham, Dunlap, Evans, Farmer, Flournoy, Ford, Gaines, Hanson, Harris of Madison, Harris of Simpson, Hart, Helm, Hughes, Hutchinson, James, Love, McFarland, Morris,


Mr. Rucker read and laid upon the table the following resolution, viz:

Resolved by this General Assembly, That it is expedient that our Senators in Congress be instructed and our Representatives requested to vote for the passage of a law to establish an armory at Louisville, in this state.

A message from the Senate by Mr. Dudley:

Mr. Speaker: The Senate have received official information that the Governor did, on the 14th inst. approve and sign enrolled resolutions entitled,

“A resolution fixing a day for the election of public officers,”

And a “Resolution for burning a part of the notes of the Bank of the Commonwealth of Kentucky.”

And then he withdrew.

The amendments proposed by the Senate to bills which originated in this house, of the following titles, were twice read and concurred in, viz:

An act establishing election precincts in certain counties.

An act allowing additional justices of the peace to certain counties in this Commonwealth. And,

An act for the benefit of the creditors of Margaret Roberts, deceased.

Ordered, That Mr. Tarlton inform the Senate thereof.

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 the town of Carlisle; and.

2. An act to authorize sundry persons south of Walker’s line to register their plats.

And thereupon the rule of the house, constitutional provision, and second and third readings of said bills having been dispensed with, and the latter having been amended at the clerk’s table;

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.
Ordered, That Mr. Roberts inform the Senate thereof and request their concurrence in the amendments to the second bill.

The following bills were severally read a second time, viz:
1. A bill to improve the navigation of Rough creek; and, 2—A bill providing for the improvement of the road leading from Louisa in Lawrence county, by West Liberty to the Beaver Iron works.

The 1st was committed to the committee on internal improvements; and the 2d to the committee of propositions and grievances.

A bill from the Senate entitled "an act to regulate the militia correspondence of this commonwealth;" 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, the same was committed to a select committee of Messrs. New, Yantis and Dunlap.

An engrossed bill entitled "an act for the divorce of Vachel Hobbs," was read a third time.

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

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

Mr. Turner from the select committee to whom was referred, a bill to amend an act entitled "an act to establish a turnpike by the way of Williamsburgh, Whitley county," approved December 9, 1820; 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. Watkins carry the said bill to the Senate and request their concurrence.

On the motion of Mr. Sanders:

Ordered, That leave be given to bring in a bill supplemental to an act entitled "an act to erect and establish the county of Anderson, out of parts of the counties of Franklin, Washington and Mercer;" and that Messrs. Sanders, D. White and Wade, be appointed a committee to prepare and bring in the same.

Mr. Sanders from the said committee thereupon presented 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. Sanders 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 for the benefit of Hay Battale and others."
2. "An act for the divorce of John and Catharine Cochran, and others." And,
3. "An act for the benefit of Thomas Skaggs."

And thereupon the rule of the House, constitutional provision, and second and third readings of the 1st, and 3d bills having been dispensed with:

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

Ordered, That Mr. Barbee inform the Senate thereof.

A message was received from the Senate, informing this house, that the Senate was then ready by a joint vote with this house, to proceed to the election of a Treasurer, Public Printer, a President and Directors of the Bank of Kentucky, and a President and Directors for the Bank of the Commonwealth and each of its branches and containing a list of the persons nominated in the Senate to fill those several offices.

Ordered, That Mr. Underwood inform the Senate that this House is now ready, by a joint vote with the Senate, to proceed to the said election.

The House then proceeded to the said election, and after taking votes for those officers respectively, and appointing a committee on their part to meet a committee from the Senate to compare the joint vote, and report the result thereof.

The House adjourned.

WEDNESDAY, JANUARY 17, 1827.

Mr. Blackburn, from the committee of propositions and grievances, to whom was referred, a bill providing for the improvement of the road leading from Louisa, in Lawrence county, by West Liberty, to the Beaver Iron Works, 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 the 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. Lackey carry the said bill to the Senate, and request their concurrence.

Mr. Cunningham, from the committee of claims, to whom was referred a bill for the benefit of James Paton, reported the same without amendment.

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

Mr. Morris, from the committee for courts of justice, to whom was referred a bill to amend the law in relation to absent defendants, 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 said bill do pass, and that the title thereof be as aforesaid.

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

Mr. Underwood, from the same committee, to whom was referred a bill to regulate the taking of testimony in civil causes, 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, the said bill was recommitted to a select committee of Messrs. B. Harrison, Underwood, Haskin, T. Q. Wilson, Trimble and Mau- pin.

A message was received from the Senate, announcing the passage of bills which originated in this house, of the following titles:

An act supplemental to an act entitled an act to erect and establish the county of Anderson, out of parts of the counties of Franklin, Washington and Mercer.

An act to amend the law concerning the town of Henderson.

An act to allow an additional constable in the county of Boone.

An act to change the time of holding the Casey county court.

An act for the benefit of the representatives and securities of John Hackworth, deceased.

An act to annex a part of Warren to Barren county.

An act for the benefit of Thomas Cull, late sheriff of Washington county.

An act for the benefit of certain sheriffs of this Commonwealth.

An act to incorporate the Maysville and Lexington Turnpike Road Company. And,
An act to add two justices of the peace for the county of Christian, and for other purposes.

With amendments to the three latter bills.

And the passage of bills of the following titles.

An act for the benefit of Simon Kenton.

An act making appropriation to defray the expenses of running and marking the charted line between this state and the state of Tennessee.

An act concerning conveyances.

An act to amend the penal laws.

An act concerning the public ground in the town of Danville, and for other purposes.

And their concurrence in the amendments proposed by this House to a bill from the Senate entitled, an act for the benefit of the clerk of the Lawrence circuit court, and for other purposes.

Mr. Yantis from the select committee to whom was referred, a bill to amend the law concerning public roads, reported the same without amendment.

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

Mr. Bainbridge from the joint committee of enrolments, 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 amend the law concerning the action of detinue."

A resolution for the erection of a tombstone in memory of Isaac Shelby, late Governor of Kentucky.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Bainbridge inform the Senate thereof.

Mr. Yantis from the select committee to whom was referred a bill to amend the laws relative to the turnpike and wilderness road, reported the same with an amendment;

Which being twice read was concurred in.

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

Mr. New from the select committee to whom was referred a bill from the Senate, entitled "an act to regulate the militia correspondence of this Commonwealth; reported the same without amendment: the said bill was then ordered to be read a third time, and was accordingly read a third time:

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

Ordered, That Mr. New inform the Senate thereof.

Mr. T. Q. Wilson from the select committee to whom was referred, a bill concerning certain sheriffs; reported the same with sundry amendments;

Which being twice read, were concurred in.
Ordered, That the said bill as amended, be recommitted to a select committee of Messrs. Flournoy, Maupin, and T. Q. Wilson.

Mr. Underwood from the joint committee appointed to compare the votes for public officers given on yesterday, made the following report:

The joint committee of the Senate and of the House of Representatives, have compared the votes given in both Houses for the election of public officers, and find them to stand thus:

For James Davidson, as Treasurer, 114.
For Public Printer—Jacob H. Holman, 70; Amos Kendall, & Co. 56; J. G. Dinno, & Co. 5.
For John Harvie, President Bank of Kentucky, 109;
Robert Alexander, Daniel Weisiger, Peter Dudley, and N. Hart, Directors Bank of Kentucky, 123 each.
Oliver G. Waggener, President Bank Commonwealth, 72; Daniel Weisiger, Do. 43; Thomas Triplitt, Do. 14.
For Directors Bank of the Commonwealth—James Shannon, 12; Benjamin Johnson, 50; G. E. Russell, 52; Robert Johnson, 108; F. P. Blair, 54; J. G. Roberts, 55; B. Hickman, 22; E. Evans, 2; Jacob Swigert, 83; James Downing, 23; William Gerard, 74; Willis Fields, 120; George B. Knight, 123; Price Nuttall, 117; J. Wright, 107; W. O. Butler, 107; L. Wilkinson, 17; H. Wingate, 41; John J. Crittenden, 110; Jos. Smith, 72; Thomas S. Page, 75; James Davidson, 65; A. W. Dudley, 84.
Whole number of votes given 133.
And that the following persons are duly elected, viz:
Jacob H. Holman elected Public Printer.
James Davidson elected Treasurer.
John Harvie elected President Bank of Kentucky.
Daniel Weisiger, Robert Alexander, Nathaniel Hart and Peter Dudley elected Directors of said Bank.
O. G. Waggener, elected President Bank of the Commonwealth of Kentucky.
Edmonston Branch—Francis Chalfant, President; J. Wilson, James Naylor, John McKee, Thomas G. Hall, Wm. W. Southgate, Lewis Webb, Enoch Worthen and Absalom Skervin, Directors.
Winchester Branch—James Anderson, President; L. Grigsby,
Whereupon the persons reported to have been elected, were declared to be duly elected to fill the offices which they were respectively elected to fill.

Mr. Underwood, from the select committee to whom was referred a bill to prohibit the firing of the woods in this Commonwealth, reported the same with an amendment.

Which, being twice read was concurred in.

Ordered, That the said bill be recommitted to a select committee of Messrs. McFarland, Farmer, Marksberry, Helm, Underwood, Skiles and Breck.

Mr. Trimble, from the select committee appointed for that
purpose, reported a bill to improve the road from Cynthiana to Augusta.
Which was received and read the first time.
And the question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was rejected.
Mr. Flournoy, from the select committee to whom was referred a bill for the relief of certain sheriffs, reported the same with amendments;
Which being twice read, were concurred in.
Ordered, That the said bill be engrossed and read a third time tomorrow.
The following bills were reported from the several committees appointed to prepare and bring in the same, viz:
By Mr. Cunningham, from the committee of claims, 1—A bill for the appropriation of money.
By Mr. Mullens, 2—A bill to declare certain streams in this Commonwealth navigable.
By Mr. Waddle, 3—A bill to regulate the appropriation of fines and forfeitures in the county of Mason.
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 said bills having been dispensed with, the first was committed to the committee of claims, and the second and third ordered to be engrossed and read a third time.
And thereupon the rule of the House, constitutional provision and third reading 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. Waddell carry the said bills to the Senate, and request their concurrence.
Mr. Haskin moved to take up for consideration, a resolution from the Senate, in relation to an amendment to the constitution of the United States.
And the question being taken thereon, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Rudd and Haskin, were as follows:
YEAS—Messrs. Allin, Barbee, Booker, Butler, Campbell, Conner of Bath, Conner of Greenup, Daniel of Jessamine, Daniel of Montgomery, Dorsey, Flournoy, Forrest, Fulton, Gorin, Griffin, Harris of Simpson, Harrison of Nelson, Harrison of Jefferson, Haskin, Helm, Hughes, James, Joyes, Lackey, Marksberry, Maupin, McMillan, Mullens, Patterson, Powell, Ray, Roberts, Roundtree, Rucker, Samuel, Sanders, Secrest, Shepard, Spalding,
The said resolutions were then taken up and read as follows, viz:

IN SENATE, JANUARY 11, 1827.

1. Resolved by the General Assembly of the Commonwealth of Kentucky, That they deem an amendment to the Constitution of the United States expedient.

2. Resolved, That it is expedient so to amend the Constitution of the United States, as to cause the people of each State to vote directly for the President and Vice President, instead of voting for electors, and to provide against an election by Congress, or by either house thereof; retaining in the first vote by the people the relative number of electoral votes of the several States, composed of the representation in the House of Representatives and Senate as now established by the Constitution; and in every subsequent vote by the people, the equality of the States.

3. That our Senators be instructed and our Representatives be requested to submit to the Congress of the United States, a proposition for an amendment to the Constitution, conformable to the principles of the foregoing resolution, and use their best efforts to cause the proposition for amendment to be proposed by Congress to the Legislatures of the several States for adoption, according to the provision contained in the Constitution.

4. That the Governor of this Commonwealth be requested to transmit a copy of the foregoing resolutions to the Governors of each State, with a request that they be laid before the Legislature thereof, and to each of our Senators and Representatives in the Congress of the United States.

Attest,

J. STONE STREET, C. S.

Mr. B. Harrison then moved to amend the second resolution by attaching thereto the following proviso:

Provided however, That nothing in the foregoing resolutions is intended to convey the idea, that the charges of corruption which have been imputed to the present administration, of improper practices in the election of President at the last election by Congress, are founded in truth, or are believed by this General Assembly.
It was then moved by Mr. Ward, and seconded, to amend said proviso, by striking out the whole thereof after the word "Provided," and insert in lieu thereof the following words:

That nothing in the foregoing resolutions shall be understood as censuring or approving the conduct of those who voted for the present Chief Magistrate of the United States in the late election.

Mr. Underwood then moved to commit said resolutions, with the proposed amendments, to a select committee, with the following instructions:

Resolved, That the resolutions be committed to a select committee, with instructions so to amend them as to restore the provisions of the Constitution of the United States, in relation to the election of President and Vice President, as originally made by the convention, with the exception that the people of each state shall directly elect their President and Vice President; and that each state shall have the same number of votes for President and Vice President, that such state has Senators and Representatives in Congress; and that the election of President and Vice President shall in no event be made by the House of Representatives or Senate.

It was then moved and seconded to lay the said resolutions 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. Breckenridge and Henry Daniel, were as follows, viz:


The question was then taken upon committing said resolutions and amendments to a select committee, with the above instructions, which was decided in the negative.
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The yeas and nays being required thereon by Messrs. Underwood and Tarlton, were as follows, viz:


It was then moved and seconded at 6 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. Cobb and Sallee, were as follows:


It was then 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. Colglazier and Sallee, were as follows:


And the house then adjourned.

THURSDAY, JANUARY 18, 1827.

Mr. Bainbridge 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 creditors of Margaret Roberts, deceased.

An act for the benefit of the Representatives and securities of John Hackworth, deceased.

An act to amend the law concerning the town of Henderson.

An act allowing additional justices of the peace and constables to certain counties in this commonwealth.

An act to annex part of Warren to Barren county.

An act to change the time of holding the Casey county court.

An act supplemental to an act, entitled "an act to erect and establish the county of Anderson, out of parts of the counties of Franklin, Washington and Mercer.

An act for the benefit of Thomas Cull, late Sheriff of Washington county.

An act to allow an additional constable in the county of Boone.

Engrossed, bills of the following titles, viz:

An act more certainly to establish the dividing line between the counties of Shelby and Spencer; and,
An act to authorize the citizens of the county of Oldham to select by vote, a permanent seat of justice; were severally read a third time.

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

Ordered, That Mr. T. Q. Wilson carry the said bills to the Senate and request their concurrence.

A bill from the Senate entitled, "an act to amend the penal laws," 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, and the same having been amended;

It was then moved by Mr. D. Stephens, and seconded, to attach to said bill as an additional section, the following, viz:

"Be it further enacted, That hereafter, on the trial of any criminal prosecution, after the venire shall be empanelled and sworn, it shall not be in the power of the Attorneys for the Commonwealth, in the several judicial districts in this state, to instruct such venire, to find a verdict in favour of the accused, without hearing the evidence in open court.

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

The yeas and nays being required thereon by Messrs. D. Stephens and Sumners, were as follows, viz:


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

Ordered, That Mr. Morris inform the Senate thereof, and request their concurrence in the said amendment.

The amendments proposed by the Senate to bills which originated in this house, of the following titles, were severally twice read and concurred in, to-wit:

An act to incorporate the Maysville and Lexington Turnpike Road Company.

An act to allow an additional justice of the peace for Henry county.

An act concerning county and circuit court clerks, of this Commonwealth.

An act to add two additional justices of the peace for the county of Christian, and for other purposes.

An act for the benefit of certain sheriffs in this Commonwealth.

An act to authorize the sale of the lands of Fanny Hoy, and Sophia H. Sullivan, and for other purposes.

Ordered, That Mr. Bainbridge inform the Senate thereof.

The house proceeded to the consideration of the amendments proposed by the Senate, upon concurring in the amendments proposed by this house to a bill which originated in the Senate, entitled "an act allowing additional justices of the peace, and constables to certain counties;"

Which being twice read were concurred in.

Ordered, That Mr. Bainbridge inform the Senate thereof.

Bills from the Senate of the following titles, were severally read the first time, and ordered to be read a second time, to-wit:

1. An act concerning the public ground in the town of Danville, and for other purposes.
2. An act to regulate ferries on the Tennessee river, and part of the Cumberland river.
3. An act to amend the several acts more effectually to suppress the practice of duelling.
4. An act to authorize the clerk of Logan county court, to have rebound certain record books, and for other purposes:

And thereupon the rule of the house, constitutional provision, and second and third readings of the 1st, 2d, and 4th bills having been dispensed with;

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

Ordered, That Mr. Wade inform the Senate thereof.

The Speaker laid before the house, a letter from John Bradford, Chairman of the Board of Trustees of the Transylvania University, relative to the concerns of said institution, which was read and referred to a select committee of Messrs. New, Breckenridge, Flournoy and True.
An engrossed bill, entitled "an act concerning the Lunatic Asylum," was read the third time.

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

The yeas and nays being required on the passage thereof by Messrs. Hughes and Sallee, were as follows, viz:


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

A message from the Governor by Mr. Loughborough:

Mr. Speaker: On the 15th inst. the Governor approved and signed enrolled bills which originated in the House of Representatives, entitled,

An act to render certain offices incompatible.
An act to authorize the appointment of a clerk for the Henry circuit court.
An act to authorize the appointment of additional justices of the peace and constables in certain counties.
An act to revive the causa on judgments in actions of tort.
On the 16th inst.
An act to erect and establish the county of Anderson, out of parts of the counties of Franklin, Washington and Mercer.
An act concerning the court house and public square in the town of Eddyville, Caldwell county.
An act to allow additional trustees to the Seminary of New-Castle.

And then he withdrew.

Ordered, That Mr. Bainbridge inform the Senate thereof.

An engrossed bill entitled, "an act for the benefit of James Paton," was read the third time, and the question being taken on the passage thereof, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Breckenridge and Trimble, were as follows, viz:


And so the said bill was rejected.

Mr. T. Q. Wilson, from the majority by which the said bill was rejected, moved a reconsideration of said vote, and the question being taken thereon it was decided in the affirmative.

The said bill was then committed to a select committee of Messrs. Trimble, Patterson and Underwood.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That James W. Callaway, John Byran and Reuben E. Rowland, Esq. be, and they are hereby appointed commissioners for the purpose of examining the condition of the books, &c. which belong to the office of Receiver of Public Monies for the Land District west of the Tennessee river; and that said commissioners report to the next General Assembly the condition of the same, and that they, after making such examination, may report also to the Governor, if to them it shall seem necessary.

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

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

A message from the Senate by Mr. Hughes.

Mr. Speaker: The Senate concur in the amendments proposed by this house, to a bill which originated in the Senate, entitled "an act to authorize sundry persons south of Walker's line, to register their plats." They concur in the passage of bills, which originated in this house, of the following titles:

An act to incorporate Jamestown in the county of Russell.
An act regulating the granting of injunctions, and other restraining orders in chancery.

An act to authorize the sale of the lands of Fanny Hoy and Sophia H. Sullivan, and for other purposes; and,

An act to enable Elizabeth Hall, executrix, and Nimrod Greenwood, executor of William Hall, deceased, to carry into effect the provisions of said decedent's will, with amendments to the two latter bills; and they have passed bills, entitled "an act to authorize the county court of Wayne to appropriate land to open a road in said county;" and,

An act for the benefit of Samuel South; in which amendments and bills they request the concurrence of this house.

And then he withdrew.

A message from the Senate by Mr. McConnell:

Mr. Speaker: The Senate concur in the amendments proposed by this house, to a bill which originated in the Senate, entitled "an act to amend the penal laws," with an amendment, in which amendment they request the concurrence of this house.

And then he withdrew.

Mr. T. Q. Wilson presented the petition of sundry citizens of Meade county, praying the passage of a law, authorizing a sale to be made of three lots purchased by James Wheeler, for the benefit of John Johnson, his security; the said Wheeler having died without heirs or property of any description except the lots aforesaid.

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

The house resumed the consideration of the resolutions from the Senate, proposing an amendment to the constitution of the United States; and the amendments offered thereto.

On the motion of Mr. Ward, leave was given him to withdraw the amendment offered by him on yesterday.

Mr. Daniel of Montgomery, thereupon moved to attach to the proviso offered by Mr. B. Harrison on yesterday, the following amendment—add thereto:

This General Assembly at the same time owe it to their republican character, and the vital elective principle of this government, which distinguishes it from a monarchy, to declare that all men who are elevated to public stations in this free government, should emanate from the public will; and that our members in Congress in the last Presidential election, were right in voting for Mr. Adams, if their constituents were for him; if their constituents preferred General Jackson, they ought to have voted for General Jackson—the will of the people should be regarded in such elections.

It was then moved and seconded to lay the said resolutions, and the amendments offered thereto on the table.
And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Tarlton and C. Walker, were as follows, towit:


The question was then taken on the adoption of the amendment to the amendment offered by Mr. Henry Daniel, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Henry Daniel and Hanson, were as follows, towit:


Mr. Helm then moved to commit said resolutions and amend-
ments to the committee for courts of justice, with the following instructions:

Resolved, That the resolution on the table from the Senate, proposing an amendment to the constitution of the United States of America, be referred to the committee for courts of justice, with instructions to report some specific plan, by which the President of the United States should be elected in accordance to the principles of the proposed amendment; and that it is proper to postpone any further consideration of the subject until the next August election, in order that the same may be submitted to the good people of this Commonwealth for their consideration.

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

The yeas and nays being required thereon by Messrs. Helm and Spalding, were as follows:


Mr. Henry Daniel then moved further to amend said amendment by attaching thereto the following additional proviso:

Provided further, That it is the opinion of this General Assembly, that the resolution of the General Assembly, passed in 1824, in which the opinion is expressed that a very large majority of the people of Kentucky preferred General Jackson to Mr. Adams or Mr. Crawford, and that our members in Congress, in voting for General Jackson, would truly and faithfully represent the feelings and wishes of Kentucky, was true.

It was then moved and seconded to lay the said resolutions 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. Tarlton and Summers, were as follows, viz:


A motion was then made to postpone the further consideration of the last amendment, until the first day of June next.

The house then adjourned.

FRIDAY, JANUARY 19, 1827.

Mr. McFarland presented the petition of the trustees of the Daveiss Seminary, praying that a law may pass to authorize them to sell the lands of said seminary, and for the appropriation of $500 out of the “literary fund,” to enable them to pay for a building which they have erected in the town of Owenton.

Which was received, read and referred to a select committee of Messrs. McFarland, Davis and Hart.

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.

Mr. Cunningham, from the same committee, made the following report:

Resolved, That the committee of claims be discharged from the further consideration of the memorial of the Synod of the Presbyterian Church in Kentucky, to them referred.

Which being twice read was concurred in.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the President and Directors of the Bank of the Commonwealth at Louisville be, and they are, hereby authorized and
directed to pay to James Blair, their clerk, the sum of six hundred dollars, in the paper of said bank, for his services as clerk to that institution during the last year, at the special instance, request and engagement of said President and Directors.

Resolved further, That the sum of $250 be paid by the President and Directors of the mother bank to Edmund H. Taylor, for services rendered by him as second clerk to that institution, for five months of the last year.

Mr. Watkins, from the select committee to whom was referred a bill to establish the line between the counties of Whitley and Pulaski, reported the same without amendment.

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

Mr. Rucker, from the select committee to whom was referred, a bill further to regulate the registering of plats and certificates of surveys on military land warrants south west of Tennessee river, reported the same with an amendment.

Ordered, That the said bill and amendment be laid on the table.

Mr. White, from the committee on internal improvements, to whom was referred a bill to improve the navigation of Rough creek, and a bill to improve the state road leading from Owenborough to Franklin, reported the same without amendment.

Ordered, That the said bill be laid on the table.

Mr. Underwood, from the select committee to whom was referred, a bill for the benefit of James Paton, reported the same with an amendment;

Which being twice read, was concurred in.

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

The House took up a resolution from the Senate, approbatory of the American Colonization Society.

Which being twice read, was concurred in.

Ordered, That Mr. New inform the Senate thereof.

The House took up the resolution laid on the table on the 18th ult. by Mr. Trimble, relative to the jurisdiction of the Courts of the United States;

Which was twice read and adopted.

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

Ordered, That a bill for the benefit of securities on private contracts be recommitted to a select committee of Messrs. Mau-pin, D. White, Turner and Underwood.

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

By Mr. Samuel, 1—A bill to establish an election precinct in the county of Henry.
By Mr. McFarland, 2—A bill to authorize the trustees of the Daviess County Seminary to sell their land. And,

By Mr. James, 3—A bill to authorize the sale of the balance of the lots in the town of Mayfield.

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 reading of the 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. Samuel 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:

An act to establish the Cumberland Hospital.
An act for the benefit of Silas McBee.
An act providing for opening a state road from the turnpike between Georgetown and Cincinnati, to the Ohio river, near Lawrenceburg, in the state of Indiana.
An act for the benefit of Matthews W. and Henrietta Flournoy, and Matilda Dillard.

They disagree to a bill which originated in this house, entitled
An act for the divorce of Thomas Boyd and Catharine Ballard: They have adopted a resolution, relative to the Law Books belonging to the Commonwealth.

A message from the Governor by Mr. Loughborough:

Mr. Speaker: The Governor yesterday approved and signed enrolled bills, which originated in the House of Representatives, entitled,
An act for the benefit of the representatives and securities of John Hackworth, deceased.
An act to amend the law concerning the town of Henderson.
An act for the benefit of the creditors of Margaret Roberts, deceased.
An act allowing additional justices of the peace and constables, to certain counties in this Commonwealth.
An act to annex part of Warren to Barren county.
An act to allow an additional constable to the county of Boone.
An act supplemental to an act, entitled An act to erect and establish the county of Anderson, out of parts of the counties of Franklin, Mercer and Washington.
An act to change the time of holding the Casey county court.
An act for the benefit of Thomas Cull, late Sheriff of Washington county.

And then he withdrew.

Ordered, That Mr. Bainbridge inform the Senate thereof.
The house took up a resolution from the Senate, fixing on a day for the final adjournment of the Legislature: It was then moved and seconded to amend said resolution by striking out the "20th" and leave the same a blank:

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

The yeas and nays being required thereon by Messrs. Thomas and Marksberry, were as follows:


The said resolution was then laid on the table.

The amendments proposed by the Senate to a bill which originated in this house, entitled "an act to enable Elizabeth Hall, executrix, and Nimrod Greenwood, executor of William Hall, deceased, to carry into effect the provisions of said decedent's will;" were twice read and concurred in.

Ordered, That Mr. Wade inform the Senate thereof.

The amendments proposed by the Senate upon concurring in that proposed by this house, to a bill from the Senate, entitled "an act to amend the penal laws;" were twice read and concurred in.

Ordered, That Mr. Wade inform the Senate thereof.

Mr. Bainbridge 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 concerning the town of Carlisle.
An act to regulate ferries on the Tennessee river, and part of the Cumberland river.
An act to authorize the clerk of Logan county court, to have rebound certain Record Books, and for other purposes.
An act concerning the public ground in Danville, and for other purposes.
An act for the benefit of Hay Battaille and others.
An act to authorize sundry persons, south of Walker's line, to register their plans.

An act for the benefit of the clerk of the Lawrence circuit court, and for other purposes.

An act for the benefit of Thomas Skaggs.

An act for the benefit of certain Sheriffs in this Commonwealth.

An act establishing election precincts in certain counties.

An act allowing an additional justice of the peace for Henry county.

An act to add two additional justices of the peace for the county of Christian, and for other purposes, and,

An act concerning county and circuit court clerks, and for other purposes.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Bainbridge inform the Senate thereof.

An engrossed bill entitled, an act to restrain the sale of public offices, was read a third time.

It was then moved and seconded to amend said bill, by attaching thereto the following engrossed clause, by way of rider:

Provided, That nothing contained in this act shall be construed to prevent sheriffs from farming their offices to their deputy or deputies, as heretofore.

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

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


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. Wells and Sallee, were as follows:
YEAS—Mr. Speaker, Messrs. Bainbridge, Blackburn, Breck, Breckenridge, Butler, Campbell, Cobb, Conner of Greenup, Cunningham, Davis, Dorsey, Dunlap, Farmer, Flournoy, Ford, Fulton, Gaines, Griffin, Hanson, Harris of Madison, Harris of Simpson, Harrison of Nelson, Hart, Helm, Hutchinson, James, Love, Marksberry, Maupin, McMillan, Morris, Mullens, Owings, Patterson, Powell, Reid, Roberts, Sallee, Sanders, Secrest, Shepard, Skiles, Spalding, Stephens of Breckenridge, Stephens of Campbell, Street, Summers, Swope, Tarlton, Thomas, Timberlake, Trimble, True, Turner, Underwood, Waddell, Wade, Ward, White of Franklin, Wilson of Bullitt, Wingate, Yantis and Young—64.


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

A bill from the Senate entitled, an act for the benefit of Greenwell Williams and others;

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

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

The following engrossed bills were severally read a third time, viz:

1. An act for the benefit of the sheriffs of certain counties.
2. An act to amend the laws in relation to bail in civil cases.
3. An act regulating conveyances, and better securing the rights to land in this Commonwealth.

Resolved, That the 1st and 2d bills do pass, and that the titles thereof be as aforesaid.

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

Ordered, That the third bill, with the riders adopted thereto, be laid on the table.

A bill for the benefit of the heirs of David Maxwell, deceased, was read a second time, and ordered to be engrossed and read a third time To-morrow.

And then the House adjourned.
The House took up a resolution from the Senate, fixing on a day for a final adjournment of the General Assembly. The blank therein was filled with the "25th;" and the resolution, as amended, was then concurred in.

Ordered, That Mr. Hanson inform the Senate thereof, and request their concurrence in the said amendment.

Mr. Maupin, from the select committee to whom was referred a bill for the benefit of securities on private contracts, 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 on Monday next.

Mr. Spalding, from the select committee to whom was referred a bill from the Senate entitled, an act concerning idiots, 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 having been dispensed with, the said bill was read a third time.

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

The yeas and nays being required on the passage of said bill, by Messrs. Breckenridge and Spalding, were as follows:


NAYS—Mr. Speaker, Messrs. Breckenridge, Dunlap, Flourney, Owings and Rudd—6.

Ordered, That Mr. Spalding inform the Senate thereof, and request their concurrence in said amendment.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Re...
Jan. 20.] HOUSE OF REPRESENTATIVES.

Representatives be requested, to use their best exertions to get an appropriation of $100,000 from the general government, to be applied to improving the road from Danville, by Perryville, thro' Springfield and Bardstown to Louisville.

Resolved further, That the Governor of this Commonwealth be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

Mr. Farmer, from the select committee to whom was referred, a bill to prohibit the setting on fire the woods 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. Farmer 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. Underwood, 1—A bill concerning the Bowlinggreen Branch Bank: And;

On the motion of Mr. Rucker, 2—A bill for the benefit of Clement Biddle.

Messrs. Underwood, Skiles and Wm. Harris were appointed a committee to prepare and bring in the first; and Messrs. Rucker, C. Walker and Wand, the second.

Mr. Breckenridge, from the committee on internal improvements, reported a bill supplemental to an act entitled, an act to incorporate the Maysville and Lexington Turnpike Road Company;

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 having been amended and engrossed;

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

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

An engrossed bill entitled, an act providing for the appointment of an engineer to survey and examine certain rivers, was read the third time.

It was then moved and seconded to lay the said bill upon the table.
And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Underwood and D. White, were as follows, viz:


NAYS—Mr. Speaker, Messrs. Blackburn, Booker, Campbell, Carson, Cobb, Colglazier, Dunlap, Gaines, Gorin, Harris of Simpson, Joyes, Maupin, Morris, Nelson, Nuttall, Sanders, Shepard, Skiles, Stephens of Campbell, Street, Thomas, Underwood, Waddell, Wand, Wells of Morgan, White of Clay, White of Franklin and Wilson of Shelby—19.

The amendments proposed by the Senate to a bill which originated in this House entitled, "an act to amend an act entitled an act to establish a turnpike by the way of Williamsburg, Whitley county, approved Dec. 9, 1820," were taken up, twice read, and concurred in.

Ordered, That Mr. Nelson inform the Senate thereof.

An engrossed bill entitled, an act relating to insurances in this state, was read the third time, and laid upon the table.

Engrossed bills of the following titles, were severally read a third time, viz:

An act to exempt surveyors or overseers of public roads from serving on venires or petit juries; and
An act to repeal parts of an act approved January 7th, 1824, entitled, an act to revive and amend the champerty and maintenance laws, and more effectually to secure the bona fide occupants of land within this Commonwealth.

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

The yeas and nays being required on the passage of the second bill, by Messrs. Morris and Underwood, were as follows, viz:

YEAS—Mr. Speaker, Messrs. Bainbridge, Barbee, Blackburn, Breck, Butler, Campbell, Carson, Colglazier, Cunningham, Dunlap, Farmer, Flournoy, Forrest, Gorin, Griffin, Harris of Madison, Harris of Simpson, Harrison of Nelson, Hart, Hughes, James, Love, Maupin, McFarland, McMullan, Morris, Powell, Ray, Reid, Rudd, Sallee, Skiles, Stephens of Breckenridge, Street, Swope, Taylor,


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

An engrossed bill entitled, "an act to amend the law concerning public roads," was read the third time, and an engrossed clause added thereto by way of rider.

It was then moved and seconded to lay the said bill, as amended, upon the table.

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

The yea's and nay's being required thereon by Messrs. Blackburn and Maupin, were as follows, viz:


An engrossed bill entitled, "an act for the benefit of James Paton," was read the third time, as follows:

Whereas it is represented to the present General Assembly, that James Paton, by agreement with the high sheriff of Harrison county, under took, as deputy sheriff, to transact all the business of said county for the years one thousand eight hundred and twenty-five and one thousand eight hundred and twenty-six; and that in consequence of Isaac B. Desha's being removed to said county by change of venue, said Paton was put to great trouble.
and expense, for which the ordinary allowance made to sheriffs for their ex-officio services, is an inadequate compensation: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of four hundred dollars be, and the same is hereby allowed to William Ardery, late sheriff of Harrison county, for his extraordinary ex-officio services, for the years one thousand eight hundred and twenty-five and one thousand eight hundred and twenty-six; and that the Auditor, in settling with said late deputy of said Ardery, for the revenue still due for said years, be directed to give him a credit for that sum.

And the question being taken upon the passage of said bill, it was decided in the negative.

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


And so the said bill was rejected.

A message from the Senate, by Mr. White.

Mr. Speaker: The Senate concur in the passage of bills which originated in this house, entitled,

An act more certainly to establish the dividing line between the counties of Shelby and Spencer; and,

An act to amend an act entitled, an act to establish a turnpike by the way of Williamsburg, Whitley county, approved December 9, 1820, with an amendment to the latter bill, in which they request the concurrence of this House.

And then he withdrew.

An engrossed bill entitled, an act to amend the laws relative to the Turnpike and Wilderness Road, was read a third time, and an engrossed clause added thereto by way of rider.

And the question being taken upon the passage of said bill, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Forrest and Farmer, were as follows, viz:


And so the said bill was rejected.

Mr. Henry Daniel from the majority, by which said bill was rejected, moved for a reconsideration of said vote, which was decided in the affirmative.

The question was then again taken on the passage of said bill.

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

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


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

On motion,

Ordered, That the committee of propositions and grievances
be discharged from the further consideration of the petition of
the citizens of the town of Paris, praying the passage of a law
authorizing them to raise by Lottery, a sum of money for the
purpose of sinking a well on the public square in said town, and
that said petition be referred to a select committee of Messrs.
Timberlake, Hutchinson and Owings.

Mr. Rucker from the select committee appointed to prepare
and bring in the same, reported a bill for the benefit of Clement
Biddle, which was received and read the first time, and ordered
to be read a second time.

Engrossed bills of the following titles, viz:

An act to establish the line between the counties of Whitley
and Pulaski; and,

An act for the benefit of the heirs of David Maxwell, de-
ceased.

And the question being taken on the passage thereof, it was
decided in the negative.

And so the said bills were rejected.

Bills from the Senate of the following titles, viz:

1. An act for the benefit of Eleanor and Julia Harrison.
2. An act to reduce the price of the vacant land between Wal-
kers line, and the latitude 36° 30' north and east of Tennessee
river.
3. An act to establish an election precinct in the county of
Wayne.
4. An act for the benefit of Obediah Woodrum.
5. An act for the benefit of Margaret A. Tracey.
6. An act for the benefit of John McLaughlin.
7. An act to establish a warehouse, on the land of Price Roach
on Green river.
8. An act to alter the time of holding certain circuit and coun-
ty courts.
10. An act for the benefit of Lucy Thomas.
11. An act for benefit of Rebecca Huett.
12. An act to establish an academy in Russell county.
14. An act to legalize the proceedings of the Ohio county
court.
15. An act for the benefit of Nicholas Seminary and to estab-
ish Wilson Seminary at the Lower Blue-Licks; and,
16. An act to authorize the trustees of the town of Glasgow
to sell certain streets and alleys in said town; were severally read
the first time, and (with the exception of the 14th, which was
laid upon the table,) 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, 8th, 9th,
1oth, 11th, 12th, 13th, 15th and 16th bills having been dispensed with, the first was amended; the 7th was committed to a select committee of Messrs. Barbee, S. White and Henry Daniel; and the 8th was committed to a select committee of Messrs. James, Hanson, Campbell, Shepard, Booker, Street, and Henry Daniel.

And thereupon the rule of the house, constitutional provision, and the third reading of 1st, 2d, 3d, 4th, 5th, 6th, 9th, 10th, 11th, 12th, 13th, 15th and 16th bills having been dispensed with:

Resolved, That the said bills do pass, and that the titles thereof (with the exception of the 1st, which was amended by adding thereto the words "and others") be as aforesaid.

The yeas and nays being required upon the passage of the 11th bill, by Messrs. Bainbridge and Colglazier, were as follows, viz:


NAYS—Mr. Speaker, Messrs. Bainbridge, Barbee, Booker, Cobb, Evans, Farmer, Flournoy, Hanson, Hart, Hutchinson, James, Lackey, Nelson, Reid, Roundtree, Sallee, Shepard, Timberlake, Waddell, Walker of Adair, Watkins, Wilson of Shelby, Wilson of Bullitt and Young—25.

Ordered, That Mr. Tarlton inform the Senate thereof.

Mr. Booker from the select committee to whom was referred, a bill from the Senate entitled "an act to alter the time of holding certain circuit and county courts," reported the same with amendments;

Which being twice read were concurred in.

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

Ordered, That Mr. Booker inform the Senate thereof, and request their concurrence in the amendments.

Mr. B. Harrison from the select committee to whom was referred, a bill to provide for a just distribution of assets in the hands of administrators and executors, reported the same with an amendment.

A message from the Senate by Mr. McConnell:

Mr. Speaker: The Senate concur in the passage of a bill which originated in this house, entitled "an act providing for the improvement of the road leading from Louisa in Lawrence county;
by West Liberty, to the Beaver Iron works, with an amendment, in which amendment they request the concurrence of this house.

And then he withdrew.

A bill for the benefit of Eliza Smither, was read the second time.

And thereupon the rule of the house, constitutional provision, and third reading of the said bill having been dispensed with; and the same being engrossed, (two engrossed clauses having been attached thereto by way of Ryder.)

Resolved, That said bill do pass, and that the title thereof be amended, by adding thereto the words, "and others."

The yeas and nays being required on the passage of said bill by Messrs. Waddell and Sanders, were as follows, viz:


NAYS—Mr. Speaker, Messrs. Bainbridge, Barbee, Butler, Carson, Cobb, Cunningham, Evans, Flournoy, Hanson, Harris of Simpson, Hutchinson, Lackey, Nelson, Reid, Roundtree, Sallee, Street, Timberlake, Turner, Waddell, Wade, Walker of Adair, Watkins, Wells of Muhlenburg, Wilson of Bullitt and Young—27.

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

And then the house adjourned.

MONDAY, JANUARY 22, 1827.

Mr. Booker presented the petition of John Galloway, of Washington county, praying to be exempted from the operation of the act of assembly, imposing a forfeiture for not paying the taxes due on a tract of land;

Which was received, read and referred to the committee for courts of justice.

The Speaker laid before the house a letter from David White, Esq., announcing his resignation of his seat as a member of this house, from the county of Franklin;

Which was received, read and laid upon the table.

A message from the Senate by Mr. Garrard.

Mr. Speaker: The Senate concur in the amendments proposed by this house to a resolution fixing on a day for the final adjournment of the Legislature.

And then he withdrew.

Mr. Booker read and laid upon the table the following resolution, viz:
Resolved by the General Assembly of the Commonwealth of Kentucky, That the President and Directors of the Bank of the Commonwealth, shall hereafter burn quarterly, all the defaced bank notes, not fit to be put in circulation; which may be taken up by the mother bank, or any of its branches, and that the officers of the bank keep an account of the notes burnt, agreeable to the provisions of a resolution for burning the notes of said bank, passed and approved at this session of the Legislature.

Mr. Booker also read and laid upon the table the following resolution, viz:

Whereas, it is represented to this Legislature that the Bank of Kentucky is now indebted, the sum of fifty-six thousand dollars in specie; and it is also represented, that said Bank has of its own notes now in circulation eighty-four thousand dollars. And it is further represented, that there is no funds in hand in said bank; nor none at the command of the Board of Directors that can be made applicable to the payment and discharge of the aforesaid demands, or either of them. And that great evil is likely to result to the bank from the aforesaid causes: For remedy whereof;

Be it resolved, That the Board of Directors be, and they are hereby authorized, to make calls upon the debtors to said bank, (at a rate not exceeding the limits already prescribed by law,) and the payment of such calls shall be demanded either in the notes of said bank, or in specie, until the aforesaid sum of specie is paid and satisfied; and also, until the aforesaid amount of notes in circulation are paid and taken in.

Be it further resolved, That the Board of Directors proceed to sell and dispose of the real estate of said bank, either by private, or public sale, for prompt payment, or on a credit as they may deem most proper; and that they proceed in all respects, to settle up the concerns of said bank, with as much expedition as the nature of the business of said bank and its best interest may require.

Be it further resolved, That the business of said bank shall, in future, be conducted by the Cashier, and with not more than two clerks.

Leave was given Mr. Breckenridge to bring in a bill supplemental to an act passed at the present session, entitled, "an act to allow three additional terms to the county courts of Scott and Harrison, and to change the time of holding the Scott circuit and county courts;" and Messrs. Breckenridge, Ward and Trimble were appointed a committee to prepare and bring in the said bill.

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

By Mr. Timberlake, 1—A bill to authorize a lottery in the town of Paris.
By Mr. Helm, 2—A bill for the benefit of the heirs of Peter Abel.

By Mr. McMillan, 3—A bill for the benefit of F. Harris, of Monroe county.

By Mr. Darsey, 4—A bill to authorize the county courts to permit the erection of gates over certain roads.

By Mr. Breckenridge, 5—A bill supplemental to an act passed at the present session, entitled, "an act to allow three additional terms to the county courts of Scott and Harrison, and to change the time of holding the Scott circuit and county courts;"

And by Mr. McFarland, 6—A bill concerning county courts.

Which bills were severally received and read the first time, and the 1st, 2nd, 4th and 5th bills ordered to be read a second time: the 6th was laid upon the table;

And the question being taken upon the second reading of the 3d bill, it was decided in the negative.

And so the said bill was rejected.

And thereupon the rule of the House, constitutional provision, and second reading of the 5th bill having been dispensed with, the said bill was recommitted to a select committee of Messrs. Ward, Breckenridge, Trimble and Rucker.

Mr. Henry Daniel, from the select committee to whom was referred a bill from the Senate entitled "an act to establish a warehouse on the land of Price Roach, on Green river," reported the same with amendments;

Which being twice read, were concurred in.

Ordered, That the said bill, as amended, 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 said bill, as amended, do pass.

Ordered, That Mr. Barbee inform the Senate thereof, and request their concurrence in said amendments.

Mr. B. Harrison, 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 of the several counties within this Commonwealth, and have agreed to the following report, to-wit:

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, &c. Cyrus Walker and Zachariah Taylor; from the county of Allen, Walter Thomas; from the county of Barren, Robert D. Maupin and John Gorin; from the county of Bath, Harrison Conner; from the county of Bourbon, Henry Timmerlake, William Hutchinson and Thomas C. Owings; from the county of Boone, John P. Gaines; from the county of Bracken,
John Colglazier; from the county of Breckenridge, Daniel J. Stephens; from the county of Bullitt, Thomas Q. Wilson; from the county of Butler, James Wand; from the county of Caldwell, James W. Rucker; from the county of Campbell, Leonard Stephens; from the county of Clarke, Samuel Hanson and Silas Evans; from the county of Casey, Lindsey Powell; from the county of Christian, John P. Campbell; from the county of Cumberland, George Swope; from the county of Daviess, John S. McFarland; from the county of Estill, Jesse Cobb; from the county of Fayette, Robert J. Breckenridge, James True and Matthew E. Mourny; from the county of Fleming, Jesse Summers and Joseph Secrest; from the counties of Floyd and Pike, Alexander Lackey; from the county of Franklin, David White and Lewis Sanders; from the counties of Grayson and Edmonston, Iredell Hart; from the county of Greenup, William Conner; from the county of Gallatin, Thomas S. Butler; from the county of Garrard, George Robertson and John Yantis; from the county of Green, Samuel White and Elias Barbee; from the counties of Grant, John Marksberry; from the counties of Hardin and Meade, John L. Helm and William Love; from the county of Harrison, Joseph Patterson and John Trimble; from the county of Henry, Robert Samuel and Elijah P. Nutall; from the county of Henderson, George Morris; from the county of Hopkins, John Ray; from the counties of Hickman, Graves, Calloway and McCracken, Thomas James; from the county of Hart, Dudley Roundtree; from the counties of Jefferson and Oldham, Thomas Joyes, Charles G. Dorsey and Charles L. Harrison; from the county of Jessamine, Harrison Daniel; from the county of Lincoln, Adam Wilson; from the county of Logan, James T. Walker; from the county of Livingston, Joseph Hughes; from the county of Lewis, Chauncey B. Shepard; from the counties of Lawrence and Morgan, Edward Wells; from the county of Madison, Robert Harris, Daniel Breck and Squire Turner; from the county of Mason, Thomas Nelson and James W. Waddell; from the county of Mercer, John J. Allin, Joseph Haskin, and William Wade; from the county of Muhlenburg, Micajah Wells; from the county of Montgomery, Henry Daniel and Aquilla Young; from the county of Monroe, James McMillan; from the county of Nelson, Richard Rudd and Burr Harrison; from the county of Nicholas, Samuel Fulton and Heiny Roberts; from the county of Ohio, William M. Davis; from the county of Owen, Cyrus Wingate; from the county of Pendleton, Stephen Mullens; from the county of Pulaski, Charles M. Cunningham and John Griffin; from the county of Rockcastle, William Carson; from the county of Scott, Robert J. Ward and James Tarlton; from the county of Shelby, Alexander Reid, James Ford and Thomas P. Wilson; from the county of Simpson, William Harris;
from the county of Trigg, George Street; from the county of Todd, Richard B. New; from the county of Union, William Spalding; from the county of Woodford, William B. Blackburn and Alexander Dunlap; from the county of Warren, Joseph R. Underwood and James R. Skiles; from the county of Wayne, Moses Sallee; from the county of Washington, Wm. B. Booker, John W. Bainbridge and Richard Forrest; from the county of Clay, Alexander White; from the county of Knox and Harlan, James Farmer; and from the county of Whitley, Baker E. Watkins.

B. HARRISON,

JESSE COBB,

JOSEPH HUGHES,

WILLIAM WADE,

JESSE SUMMERS,

A. DUNLAP,

STEPHEN MULLENS,

DANIEL J. STEPHENS,

GEORGE SWOPE.

Which being read, was laid on the table.

Mr. Timberlake, from the joint committee of enrollments, reported that said committee had examined sundry enrolled bills, of the following titles, and had found the same truly enrolled, viz:

An act more certainly to establish the dividing line between the counties of Shelby and Spencer.

An act to amend an act entitled, "an act to establish a turnpike by the way of Williamsburg, Whitley county, approved Dec. 9, 1820."

An act to incorporate the Maysville and Lexington Turnpike Road Company.

An act for the benefit of Greenwell Williams and others.

An act to amend the penal laws.

An act to regulate the militia correspondence of this Commonwealth.

An act allowing additional justices of the peace and constables to certain counties.

An act to establish an election precinct in the county of Wayne.

An act for the benefit of Margaret R. Tracy.

An act for the benefit of Obadiah Woodrum.

An act to reduce the price of the vacant land between Walker's line and the latitude 36° 30' north and east of the Tennessee river.

An act to incorporate Jamestown, in Russell county, and for other purposes.

An act for the benefit of Lucy Thomas.

An act for the benefit of Rebecca Huetl. And.

An act for the benefit of Silas McBee. And,
A resolution approbatory of the American Colonization Society. Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Timberlake inform the Senate thereof.

A message from the Senate by Mr. Cockerill:

Mr. Speaker: The Senate concur in the passage of a bill which originated in this house, entitled,

"An act for the benefit of the devisees of Hugh Emerson, deceased."

They concur in the amendments proposed by this house, to bills which originated in the Senate, of the following titles, viz:

An act concerning idiots.

An act to alter the time of holding certain circuit and county courts.

An act to establish a warehouse on the land of Price Roach, on Green river. And,

An act for the benefit of Eleanor and Julia Harrison.

And they have passed a bill entitled,

"An act to authorize a lottery for the benefit of Lodge No. 17, in the town of Russellville;"

In which they request the concurrence of this house.

And then he withdrew.

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 James Rouse.

An act to authorize the sale of part of the public ground in the town of Perryville, by commissioners.

An act to erect an election precinct in the county of Woodford.

An act for the benefit of William F. and Sarah E. Ward.

An act to authorize the appointment of an additional constable in Todd county.

An act for the benefit of William H. Wood.

An act to repeal the laws requiring property taken under execution to sell for three-fourths of its value, and for other purposes.

An act to amend the act, entitled "an act to provide for the sale of the vacant lands west of the Tennessee river."

An act to extend the powers of the trustees of the town of Lexington.

An act for the benefit of Thomas Owens and John Harrison; and,

An act for the benefit of Lewis Rogers, late Deputy Sheriff of Ohio county, and for the benefit of the Sheriff of Estill county, with amendments to each of the five latter bills.

Their disagreement to a bill which originated in this house, entitled an act for the benefit of the Sheriffs of certain counties; and the passage of bills of the following titles:

An act concerning Sheriffs' returns upon executions.
An act for the benefit of Elijah Combs; and,
An act to amend the law in relation to the relinquishment of dower.

The house then according to the standing order of the day, resolved itself into a committee of the whole house, Mr. Yantis in the chair; and after some time spent therein, the Speaker resumed the chair, and Mr. Yantis 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, several of which having been twice read were concurred in.

The following item proposed by said committee as an amendment to said bill, was read as follows, viz:

To the Auditor of Public Accounts, the sum of five hundred dollars, for extraordinary services rendered in compliance with two resolutions of the Senate and House of Representatives, calling upon him for information in relation to the revenue and public lands.

It was then moved and seconded to amend said amendment, by striking out five hundred dollars and inserting in lieu thereof two hundred and fifty dollars: A division of the question was called for, and the question first put on striking out $500 which was decided in the negative.

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


The said amendment was then agreed to.

The following amendment was also read, viz:

To the commissioners of the Lunatic Asylum at Lexington, for the support of the Lunatics in the Asylum, for the year 1827, the sum of Dollars.
It was then moved and seconded to fill the said blank with the sum of $6500 dollars.

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

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


The said blank was then filled with $6000. And the said amendment, as amended, together with the remaining amendments reported by said committee to the bill, was 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 the 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. carry the said bill to the Senate, and request their concurrence.

And then the House adjourned.

TUESDAY, JANUARY 23, 1827.

Mr. Helm presented the petition of sundry citizens of the counties of Hardin, Meade, Jefferson and Bullitt, praying for the formation of a new county, out of parts of each of said counties.

Which was received and referred to the committee of propositions and grievances.

On motion,

Leave was given to withdraw the petition of William Cheno-
with and others, together with the documents filed therewith.

The amendments proposed by the Senate, to bills which originated in this house of the following titles, were twice read and concurred in, viz:

An act for the benefit of Lewis Rogers, late deputy sheriff of Ohio county.

An act to extend the powers of the trustees of the town of Lexington.

An act to amend the act entitled an act to provide for the sale of the vacant lands west of the Tennessee river.

An act for the benefit of Thomas Owens and John Harrison.

An act providing for the improvement of the road leading from Louisa, in Lawrence county, by West Liberty to the Beaver Iron Works.

Ordered, That Mr. New inform the Senate thereof.

A message from the Senate by Mr. M. H. Wickliffe.

Mr. Speaker: The Senate have passed a bill which originated in this house, entitled,

An act for the benefit of Jonathan Downs and for other purposes, with amendments;

In which 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. New inform the Senate thereof.

The house took up the amendments proposed by the Senate to a bill from this house, entitled, "an act to repeal the laws requiring property taken under execution to sell for three-fourths of its value, and for other purposes."

The said amendments were then taken up, and read as follows, viz:

Be it further enacted, That when any land shall be offered for sale by a Sheriff, or other officer, it shall and may be lawful for the plaintiff and defendant, their agent or attorney, each to name one disinterested house-keeper who is in no way related to either party, to act as appraisers, and on the failure of either party to attend and make such nomination, or the person nominated failing to act, the Sheriff shall substitute another person or two other persons, as the case may be, to act as appraiser on behalf of the party or parties with whom the failure happens. The said Sheriff or other officer shall administer to such appraisers on oath, that they will well and truly estimate the value of said land in gold or silver, without favor or partiality to either party; and thereupon said appraisers shall proceed to estimate the value of said land, and if they agree, shall report the same to the Sheriff or other officer. But if they cannot agree, said officer shall act as umpire, and fix the value; and in either case, he shall endorse
the valuation of the land on the process under which the sale is made.

Sec. 6. Be it further enacted, That if said land, or such part thereof as shall be sold, does not bring two-thirds of its value, the defendant or defendants, their heirs or executors shall have a right to redeem the same at any time within one year from the day of sale, by paying to the purchaser or his assigns the original purchase money, with interest thereon, after the rate of ten per centum per annum: and when any defendant shall redeem his land as aforesaid, he shall take from the purchaser a receipt, which shall be lodged with the clerk, to be filed away with the process in the case. But if, on the defendant tendering payment to the purchaser or his agent, if in the county in which such land lies, and if known to the said defendant, his administrators, &c. or heirs, of his purchase money and interest as aforesaid, the purchaser refuses to receive the same, it shall be lawful for the defendant at any time within the year, to go before the clerk of the court from which the process issued, and make affidavit of the tender and refusal aforesaid, or that the plaintiff or his agent, does not reside within the county where the land lies, as he believes, and pay over the same to said clerk, for the use of said purchaser: and the clerk shall thereupon give a receipt for the same and file the said affidavit as above provided.

Sec. 7. Be it further enacted, That if the Sheriff shall have conveyed the land so sold, before the same is redeemed as above provided, it shall be the duty of the purchaser on the repayment of the purchase money, and interest within the year as above provided, to re-convey the land to the defendant by deed of release: Provided, however, that nothing in this act shall be construed to allow a redemption of land which is sold for two-thirds of its value; nor shall the valuation and redemption principle apply to any sale under an execution issued at the request of a defendant, in pursuance of the sixth section of an act, entitled "an act to reduce into one the several acts, subjecting lands to the payment of debts," approved January 12th, 1798: Provided however, that nothing in this act contained, shall be construed to extend to cases in which the execution may be endorsed, that bank paper will be received in discharge thereof, as now allowed by law.

Sec. 8. Be it further enacted, That the right of redemption herein provided for, shall be subject to be sold under execution; and the same shall be subject to be redeemed by the defendant at any time within one year from the time of the first sale.

Amend the title to read, "an act to amend the laws requiring property taken under execution to sell for three-fourths of its value, and for other purposes."

The question was then taken on concurring in the said amend-
ments of the Senate, which was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Forrest and Summers, were as follows, towit:


Ordered, That Mr. New inform the Senate thereof.
Mr. Booker then moved that the house resume the consideration of the resolutions from the Senate, in relation to an amendment of the Constitution of the United States.

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

The yeas and nays being required thereon by Messrs. Henry Daniel and Booker, were as follows, viz:


A bill from the Senate, entitled, an act to amend the several
acts more effectually to suppress the practice of duelling, was read a second time.

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

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

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


A message from the Senate by Mr. Beaty.

Mr. Speaker: The Senate have passed a bill which originated in this house, entitled,

An act to authorize certain county courts to permit gates to be erected across certain roads therein, with amendments,

In which they request the concurrence of this house.

And theche withdrew.

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

Ordered, That Mr. New inform the Senate thereof.

Mr. Bainbridge, from the joint committee of enrollments, reported that said committee had examined sundry enrolled bills of the following titles, and had found the same truly enrolled, viz.

An act regulating the granting of injunctions and other restraining orders, and for other purposes.

An act for the benefit of Matthews W. and Henrietta Flournoy and Matilda Dillard.

An act providing for opening a state road from the turnpike between Georgetown and Cincinnati and the Ohio river, near Lawrenceburgh, in the State of Indiana.

An act to establish the Cumberland Hospital.

An act to authorize the sale of the lands of Fanny Hoy and Sophia H. Sullivan, and for other purposes.

An act to enable Elizabeth Hall, executrix, and Nimrod
Greenwood, executor of William Hall, deceased, to carry into effect the provisions of said decedent's will.

An act for the benefit of John M'Laughlin.
An act for opening a road from Cynthia to Maysville.
An act concerning idiots.
An act concerning the Allen Seminary.
An act to establish an academy in Russell county.
An act for the benefit of Eleanor and Julia Harrison and others.
An act to authorize the trustees of the town of Glasgow to sell certain streets and alleys in said town.
An act to legalize the proceedings of the county court of Mason.
An act to alter the time of holding certain circuit and county courts.
An act to establish a ware house on the land of Price Roach, on Green river, and to establish an inspection of tobacco on the lands of Horatio Cadett, at the mouth of Big Sandy.
An act for the benefit of Simon Kenton.
An act to authorize certain county courts to permit gates to be erected across certain roads therein.
An act to authorize the Soldier creek Baptist Society of the county of Calloway to enter part of a quarter-section of land; and
An act concerning the Lunatic Hospital.
Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Bainbridge inform the Senate thereof.

A bill from the Senate entitled, an act for the benefit of Simon Kenton, 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.

The yeas and nays being required on the passage of said bill, by Messrs. Secrest and Summers, were as follows:


NAYS—Messrs. Breckenridge, Conner of Bath, Daniel of Jes-
Ordered, That Mr. Shepard inform the Senate thereof.

A bill from the Senate, entitled, an act for the divorce of John and Catharine Cochran and others;

Was read a second time, and ordered to be read a third time. Bills from the Senate of the following titles, viz:

1. An act to legalize the proceedings of the county court of Mason.
2. An act concerning conveyances.
3. An act making appropriation for defraying the expenses of running and marking the line between this State and the State of Tennessee.
4. An act to authorize the county court of Wayne to appropriate land to open a road in said county.
5. An act for the benefit of Samuel South.
6. An act to authorize a lottery for the benefit of Lodge No. 17th, in the town of Russellville.
7. An act for the benefit of Elijah Combs.
8. An act to amend the law in relation to the relinquishment of Dower.
9. An act concerning sheriffs' returns on executions.
10. An act to amend an act establishing the town of Covington, approved December 14th, 1824.

Were severally read the first time, and (with the exception of the 6th and 9th, which were laid upon the table,) were ordered to be read a second time.

The yeas and nays being required upon reading the 5th bill a second time, by Messrs. Wade and Henry Daniel, were as follows, viz:


And thereupon the rule of the House, constitutional provision, and second reading of the 1st, 8th and 10th bills having been dis-
pensed with, the 8th was committed to a select committee of Messrs. Daniel, Ward, Flournoy, Breckenridge, Underwood, Booker, Cunningham and D. Stephens.

And thereupon the rule of the house, constitutional provision, and third reading of the 1st, and 10th bills having been dispensed with;

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

Ordered, That Mr. New inform the Senate thereof.

A resolution from the Senate, relative to the law books belonging to the commonwealth;

Was twice read and concurred in.

Ordered, That Mr. New 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 to authorize the collection of the revenue tax of Mason county, and for other purposes.

An act to authorize the Soldier creek Baptist Society of the county of Calloway, to enter part of a quarter-section of land; and

An act concerning the Lunatic Asylum;

With amendments to the latter bill.

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

Ordered, That Mr. Spalding inform the Senate thereof.

A bill for the benefit of mechanics, was read the second time. It was then moved and seconded to lay the said bill on the table.

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

The yeas and nays being required thereon by Messrs. McFarland and Tarlton, were as follows:


An amendment having been offered to said bill, it was again moved and seconded to lay the said bill and amendment upon the table.
Jan. 23.] HOUSE OF REPRESENTATIVES.

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

The yeas and nays being required thereon by Messrs. D. Stephens and McFarland, were as follows, viz:


The said bill was then laid on the table.

A message was received from the Senate, announcing the passage of bills which originated in this house, of the following titles:

An act appointing trustees to the town of New Liberty, in the county of Owen.
An act to authorize the insertion of advertisements in the Augusta Herald, and for other purposes.
An act to amend the law regulating proceedings by petition and summons.
An act to establish the town of Vanceburg, in Lewis county.
An act to establish inspections of salt in this state.
An act for the benefit of the heirs of Johnston Dysart, dec'd.
An act for the benefit of the judge of the tenth judicial district; And,
An act for the benefit of William Ward, of Greenup county.

With amendments to the two latter bills.

Their disagreement to a bill which originated in this house, entitled,
An act to authorize the administrators of Doctor Charles McCreery, deceased, to sell a certain tract of land.

And the passage of a bill entitled,
An act to regulate the mode of getting fuel for the General Assembly and Public Offices.

It was then moved and seconded, that the house take up for consideration the resolution from the Senate, proposing an amendment to the constitution of the United States, and the amendments proposed thereto.

And the question being taken thereon, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Breck and Maupin, were as follows, viz:


The said resolutions and amendments were again read.
It was then moved and seconded, at 10 minutes after 6 o'clock P. M. that the 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. Rucker and Tarlton, were as follows, viz:


It was also moved and seconded, at 40 minutes after 8 o'clock P. M. that the 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. Maupin and Rucker, were as follows, viz:


It was also moved and seconded, at 9 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. W. Conner and Cobb, were as follows:


And the house accordingly adjourned.
Mr. Samuel presented the petition of sundry citizens of Henry county, praying that a law may pass authorizing the appointment of an additional justice of the peace for said county.

Also, the petition of Nancy Long, praying a divorce from her husband, Henry Long.

Which petitions were severally received, read and referred: the first to the committee of propositions and grievances; and the second to the committee of religion.

Mr. Ward, from the select committee to whom was referred, a bill supplemental to an act passed at the present session, entitled, an act to allow three additional terms to the county court of Scott and Harrison, and to change the time of holding the Scott circuit and county courts, reported the same with an amendment.

The original bill and amendment were then read, as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the third section of an act, passed at the present session, entitled, "an act to allow three additional terms to the county courts of Scott and Harrison, and to change the time of holding the Scott circuit and county courts;" be, and the same is hereby repealed.

Strike out the whole of the bill after the enacting clause, and in lieu thereof insert—

That hereafter the chancery term of the Fayette circuit court shall commence on the fourth Monday in January, in every year, and continue four weeks, as heretofore.

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

The yeas and nays being required thereon, by Messrs. Breckenridge and Ward, were as follows:


The said bill was then ordered to be engrossed and read a third time to-morrow.

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

Whereas many of the citizens of this commonwealth possess a considerable number of slaves, which are secured to them by the constitution and laws of this state, as property; and owing to our proximity to the possessions of his Britannic Majesty in the provinces of Canada, many of them are enabled to make their escape from the United States, and enter the limits of these provinces, by reason whereof, many of their owners have suffered great loss, and the continuance of the evil may become a serious injury to the community; wherefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the attention of the President of the United States be respectfully invited to the consideration, whether it be, or not, expedient and proper to open a negotiation with the British Government, on this subject; and endeavor to obtain thereby, a stipulation, providing for the surrender of all such slaves, as are already in the provinces of Canada, belonging to the citizens of the United States, and those which shall in future escape thither; and adopting efficient measures to check the continuance of this growing evil.

Resolved, That his excellency the Governor of this Commonwealth be requested to transmit a copy of the foregoing resolutions to the President of the United States; and also to each of our Senators and Representatives in Congress.

The said resolution was then taken up, twice read and adopted. Ordered, That Mr. Owings carry the said resolution to the Senate, and request their concurrence.

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 taken up and read as follows, viz:

Gentlemen of the Senate,

and of the House of Representatives:

In compliance with a request from the Governor of the State of Georgia, I submit to your consideration, a preamble and resolution of the legislature of that State, adopted on the 22d of December last, relative to an amendment of the Constitution of the United States, with a view of preventing the election of President from devolving in any event upon the House of Representatives.

JOSEPH DESHA.

January 24, 1827.

In the House of Representatives, 20th December, 1826.

Whereas in every government truly republican, it is highly important, that the affections of the people should be secured to the
Constitution and laws, by giving to them the right of bestowing all offices, and especially those which place great power and patronage in the hands of those who fill them, on men in whose virtue and intelligence they can place the most unbounded confidence: And whereas, from the past history of our government, it is to be feared that under the provisions at present embraced in the Federal Constitution, the office of President of the United States, (one giving to the incumbent a power, which may be effectually used for the best or for the worst of purposes,) may sometimes be bestowed upon a man whom the suffrages of the people would not elevate to that high office, and whose only hope of a continuance therein will be derived from an artful use of the patronage of the government, a dangerous instrument in the hands of an ambitious man:

And whereas those evils which we have already partly felt, and which we have reason to fear will be much more seriously felt in future, can only be remedied by an alteration of the Federal Constitution; and though all the efforts that have been heretofore made to effect that alteration have failed, yet it is believed that the good sense and patriotism of the great mass of the nation, will ensure success to an amendment to that instrument, which will give to it so much firmer an interest in the hearts of the people.

Be it therefore resolved by the Senate and House of Representatives, That our Senators in Congress be instructed, and our Representatives requested, to promote such an alteration of the Constitution of the United States, as will prevent the election of President from devolving in any event on the House of Representatives, and which at the same time will preserve inviolate, all the rights of the states, growing out of the compromises of the Constitution.

And be it further resolved, That the Governor be requested to forward copies of the foregoing preamble and resolution, to each of our Senators and Representatives in Congress, and to the Governors of the several states.

IRBY HUDSON, Speaker.

Attest,

Wm. C. Dawson, Clerk.

In Senate, unanimously concurred in, 22d December, 1826.

THOMAS STOCKS, President.

Attest,

Wm. Y. Hansell, Secretary.

Approved, 22d December, 1826.

G. M. Troup, Governor.

Leave was given to bring in the following bills:

On the motion of Mr. James, 1—A bill to change the time of holding certain courts in the 7th judicial district.
On the motion of Mr. Gorin, 2—A bill to secure actual settlers; and, On the motion of Mr. Lackey, 3—A bill to repeal the act allowing the county court of Lawrence to lay an additional levy.

Messrs. James, New and Hughes were appointed a committee to prepare and bring in the first; and Messrs. Gorin, Underwood and Maupin, the second; and Messrs. Lackey, Wells and Wade the third.

Whereupon bills of the titles of the two former, were presented, and read the first time, 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 the said bills do pass, and that the titles thereof be as aforesaid.

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

Mr. Underwood from the select committee appointed for that purpose, reported a bill concerning the Bowlinggreen Branch Bank; 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,

It was then moved and seconded to amend said bill by attaching thereto the following section:

Be it further enacted, That the salary of the President of the Commonwealth's Bank shall hereafter be three hundred and fifty dollars annually, payable as heretofore.

And the question being taken thereon it was decided in the negative:

The yeas and nays being required thereon by Messrs. Spalding and Summers, 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 annual salary of the President of the Bank of the Commonwealth of Kentucky shall hereafter be five hundred dollars in the paper of the said Bank.*

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

The yeas and nays being required thereon by Messrs. Spalding and Maupin, were as follows:


NAYS—Mr. Speaker, Messrs. Bainbridge, Blackburn, Breck, Butler, Campbell, Carson, Cunningham, Dorsey, Dunlap, Evans, Farmer, Flournoy, Hanson, Harris of Madison, Harris of Simpson, Harrison of Nelson, Hart, Haskin, Helm, Hutchinson, James, Love, Owings, Reid, Rudd, Shepard, Skiles, Street, Taylor, True, Underwood, Walker of Adair, White of Clay, Wilson of Shelby, Wilson of Ballard and Yantis—37.

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 amended by adding thereto the words “and to reduce the salary of the President of the Bank of the Commonwealth.”

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

Mr. Flournoy from the committee appointed for that purpose made the following report:

In pursuance of the resolution requiring this committee to ascertain the claims of the Auditor for extraordinary services, and also the propriety of increasing the salary of the Auditor, Treasurer and Register, we have met at their respective offices, and have made enquiries, and received statements, and therefrom report as follows:

The Auditor in obedience to a resolution of the Senate, of the year 1824, requiring a statement of the revenue of each and every county in this commonwealth, and also, the expenses and disbursements of each; had a considerable and troublesome increase.
of business cast upon him, that in performing the duty thus required, much labour and time was expended, which, your committee, consider and report as extraordinary and out of the common course of official duty; this duty having been done for two several years in a satisfactory manner, your committee consider, the Auditor ought to be paid therefor, and that the sum of $250 stated in account furnished by request, herewith accompanied, is reasonable.

Your committee moreover find, that by a joint resolution of the last session, the Auditor was required to calculate and ascertain the amount of debt due for vacant and unappropriated land, discriminating between entire claims, and those partly paid, that this duty has likewise been performed; that the labour was complicated and tedious: to perform which, it has been necessary to examine minutely each, and every unsettled claim, due the Commonwealth, which were contained in five folio volumes, consisting of upwards of 2500 pages; that balances were to ascertain, and interest to calculate upon the whole unsettled land claims, amounting to 14112 tracts, which at 4 cents, produces the sum of $564 48, which statement and account, also, obtained by request, your committee consider reasonable, and ought to be paid.

Upon the other branch of the resolution as to increase of salary, your committee have no hesitation in saying, that the sum of $1500 in Commonwealth's paper, is inadequate to the ordinary duties of the Auditor, and that the salary should be raised to $2000, from which it was reduced at the last session of the Legislature. Your committee is well assured, that the present incumbent, cannot and does not maintain his family out of the residue, after the indispensable disbursments for clerk hire; that such has been the restricted state of his funds, and the rigid system of economy that he has had to adopt, to keep within his salary, he has had to relinquish the independence of a house keeper, and is now with his family private boarders in the town of Frankfort; that notwithstanding the care and economy he has used, he is now, as he states in arrears for clerk hire, and doctors fees to a considerable amount, and is actually unable to pay the same. We believe that no member of society that is equal to the duties of Auditor, can long be had to keep the office as it should be kept for the present salary.

Your committee find that the Treasurer is satisfied for the present with the allowance now made by law. The Register is not so; he presents a statement in which, he shows succinctly a considerable increase of business resulting from the various acts appropriating land; that from such increase, the present state and duties of the office, makes at least seven clerks necessary and indispensable. Your committee not having time fully to examine the labours and duties thereof, (owing to the advanced stage of
the session,) have been enabled only to say that the present salary of $1500 in commonwealth's paper is inadequate, and ought to be raised at least to the sum from which it was reduced at the last session, to-wit: Therefore,

Resolved, That the extraordinary services rendered by the Auditor as herein stated, ought to be paid for, in addition to his annual salary, and that the sum of $814 48 as stated, is reasonable.

Resolved, That the wages of both Auditor and Register ought to be raised, to the sum of $2000 each.

M. FLOURNOY,
HENRY TIMBERLAKE,
JAMES TARLTON,
GEO. L. LOCKER,
JOHN MARKSBERRY,
JAMES TRUE, JR.

The Commonwealth of Kentucky, to Porter Clay,

To making report to the Legislature of the amount drawn from the Treasury by each county throughout this state, agreeably to a resolution of the Senate, at their October session, 1824,

To making report to the Legislature, in obedience to a joint resolution of both houses, passed at the last session, requiring the Auditor to ascertain "the amount of debts due for the sale of vacant and unappropriated land in this Commonwealth, discriminating between those claims which have been partially paid for, and those on which nothing has been paid," to-wit: 14,112 tracts, at 4 cents per tract, $814 48

PORTER CLAY, Auditor.

3d January, 1827.

To making report to the Legislature of the amount drawn from the Treasury by each county throughout this state, agreeably to a resolution of the Senate, at their October session, 1824,

To making report to the Legislature, in obedience to a joint resolution of both houses, passed at the last session, requiring the Auditor to ascertain "the amount of debts due for the sale of vacant and unappropriated land in this Commonwealth, discriminating between those claims which have been partially paid for, and those on which nothing has been paid," to-wit: 14,112 tracts, at 4 cents per tract, $564 48

Dr.

$250

PORTER CLAY, Auditor.

3d January, 1827.

LAND-OFFICE, 18th January, 1827.

Dear Sir: In obedience to your request relative to the business of said office, I would respectfully make known, that the duties of the Register have been greatly increased.

Under the laws for granting Kentucky Land Office Warrants, we have numbered 16555, by virtue of which warrants, more than 12100 plats and certificates of surveys have been returned to said office, and grants issued, or soon to be issued thereon; those grants are very lengthy, owing to the multiplicity of courses and distances, indeed the increase of business under this head, can be only well understood, by an examination of the records and papers pertaining to the same. The laws for appropriating the vacant lands south of Walker's line and west of Tennessee
river, constitute other items of increase to the business of said office which are very oppressive. The grants being due, that moment the survey or certificate for the state price on the land is presented, the applicant generally far from home, and threatened with the lash of tavern bills, will not feel disposed to give the Register a good name, unless the work be done immediately. The headright business has latterly increased very much, and owing to the great increase of Record books and alphabets, the common business of searching and copying, requires much more time and experience to satisfy the enquirer, than it did some years ago.

Issuing and recording thirteen different kind of grants would require the reasonable services of three clerks—recording surveys, two—issuing, recording and listing warrants with the reception of surveys, one—making out alphabets, checking warrants and delivering grants, one—searching, copying, entering caveats, &c. one—the presence of two being always necessary in this branch of business, for the purpose of comparing the copies with the originals. I verily believe it would employ the aforesaid number of clerks to do the business of the Land-Office at this time, in a neat careful manner—but little over half that number have done the work for some time past, by writing in the night as in the day, under the influence of so much hurry, that I humbly conceive it increases greatly the Register's responsibility.

I would further state, that the press of business during the year before last, drove me to the anticipation of funds, which the reduction of salary prevented me from realizing; this connected with the weight I had to sustain through the last twelve months, has brought me much in debt—to my imagination, the most terrible thing in existence.

Yourself, and the committee over which you preside, will confer a singular favor by comparing the foregoing remarks, with the facts, so far as they exist in the Land-Office.

Respectfully,

Your obedient servant,

JOHN M. FOSTER, R. L. O.

Mr. Trimble moved for leave to bring in a bill, giving further time to redeem real estate, purchased by the bank of the Commonwealth of Kentucky.

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

A message was received from the Senate, announcing the passage of bills which originated in this house of the following titles:

An act to legalize the proceedings of the Warren county court and for other purposes.
An act for the benefit of the heirs of Robert K. Duvall and of Willoughby Scott.
An act for the divorce of Vachel Hobbs.
An act for the benefit of Henry Spence and John H. Hanna.
An act for the benefit of Frank Hogg and others.
An act for the benefit of James Williamson and Sally Reynolds and others.
An act for the benefit of the infant children of James Johnson deceased.
An act to establish certain inspections of tobacco, hemp and flour in Pendleton county.
An act to declare certain streams in this Commonwealth navigable.
An act for the divorce of Pamela Lester.
An act to regulate the appropriation of fines and forfeitures in the county of Mason.
An act to amend an act entitled, "an act to extend the powers of the trustees of Shippingport," approved 4th December, 1822, and to increase the powers of said trustees.
An act to incorporate the Middletown Male and Female Seminary and Orphans Asylum.
An act for the benefit of Eli Huson.
An act to authorize the trustees of the Daviess county Seminary to sell their land.
An act to authorize the sale of the balance of the lots in the town of Mayfield.
An act supplemental to an act to incorporate the Maysville and Lexington turnpike road company.
An act to change the time of holding certain courts in the seventh judicial district.
An act to amend the law in relation to absent defendants.
An act allowing an additional justice of the peace to Grant county.
An act to establish an election precinct in the county of Henry.
An act requiring the judge of the 9th judicial district to hold a chancery term for the county of Jessamine.
An act to amend the laws relative to the turnpike and wilderness road.
An act for the benefit of John Todd, with amendments to the six latter bills—their disagreement to the bill which originated in this house entitled, an act to incorporate the Hartford Manufacturing Company—their concurrence in resolutions from this house of the following titles:
A resolution concerning the establishment of a mail line between Louisville and New-Orleans on the Ohio and Mississippi rivers.
A resolution concerning the office of receiver of public money for the land district west of the Tennessee river.

A resolution requesting the President of the United States to call the attention of the British government to the slaves which make their escape into the provinces of Canada; and the passage of bills of the following titles:

An act to authorize the Treasurer to pay silver from the Treasury in certain cases.

An act for the benefit of the sheriff of Rockcastle and other counties; and,

An act to authorize Christopher Haynes and others to erect mill dams across Big Barren river.

The house resumed the consideration of a resolution from the Senate in relation to an amendment to the constitution of the United States; and the amendments offered thereto.

It having been on yesterday moved and seconded to postpone indefinitely the last amendment offered by Mr. Daniel of Montgomery: Mr. Daniel objected to the said motion as out of order: The Speaker declared it as his opinion that the said motion was in order; from which opinion, Mr. Daniel appealed to the house: The question was then put—is the decision of the chair correct? which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daniel and Nutall, were as follows:


The question was then taken on postponing indefinitely the said amendment, which was decided in the affirmative:

The yeas and nays being required thereon, by Messrs. Breckenridge and Daniel, were as follows:

YEAS—Mr. Speaker, Messrs. Bainbridge, Blackburn, Breck, Breckenridge, Carson, Cobb, Colglazier, Conner of Greenup,
It was then moved and seconded to postpone indefinitely the amendment proposed by Mr. B. Harrison, as amended by the house:

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

The yeas and nays being required thereon by Messrs. Booker, and B. Harrison, were as follows:


The question was then put upon the adoption of the said amendment as amended, which was decided in the affirmative:

The yeas and nays being required thereon by Messrs. Hanson and B. Harrison, were as follows, viz:


The question was then taken on concurring in the first resolution of the Senate, which was decided in the affirmative:

The yeas and nays being required thereon by Messrs. Henry Daniel and Breckenridge, were as follows:


The second resolution as amended, was then again read.

It was then moved and seconded further to amend said second resolution, by adding thereto the following proviso:

Provided, The contemplated change can be reduced to practice.
without introducing evils of greater magnitude, than those which now exist.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Morris and Henry Daniel, were as follows:


The question was then taken on concurring in the second resolution as amended, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. W. Conner and B. Harrison, were as follows:


The 3d and 4th resolutions were then concurred in.
Ordered, That Mr. B. Harrison 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:

An act for the benefit of William Ward of Greenup county.

An act for the benefit of the judge of the tenth judicial district.

An act to establish an election precinct in Henry county.

An act allowing an additional justice of the peace to Grant county.

An act to amend the law in relation to absent defendants; and,

An act requiring the judge of the 9th judicial district to hold a chancery term for the county of Jessamine.

An act for the benefit of John Todd.

An act to amend the laws relative to the Turnpike and Wilderness road.

Ordered, That Mr. Wilson inform the Senate thereof.

A bill from the Senate entitled an act for the divorce of John Cochran and others was read a third time, and an engrossed clause added thereeto as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage between John Cochran and Catharine Cochran, shall be, and the same is hereby dissolved, and they are restored to all the rights and privileges of unmarried persons.

Sec. 2. Be it further enacted, That the marriage between Joseph Hethcart and Sally Hethcart be, and the same is hereby dissolved, and that the said Sally be restored to all the rights and privileges of a feme sole.

Be it further enacted, That the marriage between Thomas Boyd of Nicholas county and Catharine Ballard of Bath county be, and the same is hereby totally dissolved.

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. Mullens and Joyes, were as follows, viz:


NAYS—Messrs. Barbee, Blackburn, Booker, Breck, Campbell, Carson, Cobb, Comer of Greenup, Dunlap, Evans, Fleurnoy, Ford, Gaines, Hanson, Harris of Madison, Harris of Simpson,
The following bills were severally read a second time and ordered to be engrossed and read a third time, viz:

1. A bill for the benefit of Peyton Brown.
2. A bill to allow a fish dam across Salt river, at Clark's ripple.
3. A bill for the benefit of Joseph Reynolds; and,
4. A bill to authorize the opening of a road from the mouth of Salt river, by the way of Litchfield to Bowling green.

And thereupon the rule of the house, constitutional provision, and third reading of the 1st, 2d and 3d 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. Wilson carry the said bills to the Senate and request their concurrence.

A bill from the Senate entitled an act for the benefit of Elijah Combs, was read a second time 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 do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. White inform the Senate thereof.

A bill from the Senate entitled an act for the benefit of the Sheriff of Rockcastle and other counties; 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. Rucker inform the Senate thereof.

A bill from the Senate entitled an act making appropriation for defraying the expenses of running and marking the line between this state and the state of Tennessee; was read a second time.

It was then moved and seconded to amend said bill by attaching thereto, the following section.

Be it further enacted, That the Auditor of Public Accounts shall be and he is hereby directed to issue a warrant to Herman Bowmar and Robert Steele, executors of William Steele dec'd, for the sum of six hundred and fifty-four dollars ninety-five cents, which shall be in full for the expenses incurred by him in run-
ning the line between the states of Kentucky and Tennessee, in the year eighteen hundred and twenty-five, which sum the Treasurer is directed to pay out of any money in the Treasury not otherwise appropriated.

And the question being taken on adopting the said amendment it was decided in the negative.

The yeas and nays being required thereon by Messrs. McMillan and Blackburn, were as follows:

YEAS—Messrs. Allin, Blackburn, Breckenridge, Butler, Campbell, Daniel of Jessamine, Davis, Dunlap, Evans, Gaines, James, Sanders, Tarlton, Timberlake and Waddell—15.


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

Ordered, That Mr. Flournoy inform the Senate thereof.

On motion,

Resolved, That this house will reconsider the vote, by which an engrossed bill entitled an act for building a bridge at the Falls of Ohio—was rejected.

Whereupon the said bill was recommitted to a select committee of Messrs. Joyes, C. L. Harrison, B. Harrison, Blackburn, Waddell, Helm, and Wilson of Bullitt.

On the motion of Mr. Hanson,

Ordered, That leave be given to bring in a bill concerning executions from the Court of Appeals and for other purposes;

Whereupon Mr. Hanson 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 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. Hanson 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 for the benefit of Peyton Brown.
An act to allow a fish dam across Salt river, at Clarks ripple; And an act to secure actual settlers.
A message from the Governor by Mr. Loughborough.
Mr. Speaker: On the 19th inst. the Governor approved and signed enrolled bills which originated in the House of Representatives, entitled:
An act to establish election precincts in certain counties.
An act to allow an additional justice of the peace for Henry county;
An act for the benefit of certain sheriffs of this Commonwealth.
On the 20th inst.
An act regulating the times of performing certain duties in the Auditor's office.
An act to add two additional justices of the peace in the county of Christian and for other purposes.
On the 22d inst.
An act more certainly to establish the dividing line between the counties of Shelby and Spencer.
An act to amend an act entitled, "an act to establish a turnpike by the way of Williamsburg Whitley county," approved December 9th, 1820.
On the 23d inst.
An act to authorize the sale of the lands of Sophia H. Sullivan, and for other purposes.
An act to establish the Cumberland Hospital.
An act providing for opening a state road from the turnpike between Georgetown and Cincinnati, to the river near Lawrenceburg in the state of Indiana.
An act for the benefit of Matthews W. and Henrietta Flournoy and Matilda Dillard.
An act to enable Elizabeth Hall, executrix and Nimrod Greenwood executor of William Hall deceased, to carry into effect the provisions of said decedent's will.
An act to incorporate Jamestown in Russell county, and for other purposes.
An act for the benefit of Silas M'Bee.
January 24, 1824.
And then he withdrew.
Ordered, That Mr. Bainbridge inform the Senate thereof.
Mr. Bainbridge 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 appointment of an additional constable in Todd county.
An act for the benefit of William H. Wood.
An act to erect an election precinct in the county of Woodford.

An act concerning the receiver of public money for vacant lands west of the Tennessee river.

An act for the benefit of Thomas Owens.

An act for the divorce of Vachel Hobbs.

An act for the benefit of the heirs of Robert K. Duvall and of Willoughby Scott.

An act to amend the laws requiring property taken under execution to sell for three fourths of its value and for other purposes.

An act to amend the law regulating proceedings by petition and summons.

An act for the benefit of the heirs of Johnston Dysart deceased.

An act to authorize the county courts to establish inspections of Salt.

An act to establish the town of Vanceburg in Lewis county, and for other purposes.

An act to authorize the insertion of advertisements in the Augusta Herald, and for other purposes.

An act appointing trustees to the town of New-Liberty in the county of Owen.

An act for the benefit of Lewis Rogers, late sheriff of Ohio county, and for the benefit of the sheriff of Estill county.

An act for the benefit of Jonathan Downs and for other purposes.

An act to authorize the collection of the revenue tax of Mason county, and for other purposes.

An act to authorize the sale of a part of the public ground in the town of Perryville, by commissioners.

An act providing for the improvement of the road from Louisa in Lawrence county, by West Liberty to the Beaver Iron Works.

An act for the benefit of the devisees of Hugh Emerson, deceased.

An act for the benefit of James Rouse.

An act for the benefit of William F. and Sarah E. Ward.

And an act for the benefit of Nicholas Seminary and to establish Wilson Seminary at the Lower Blue Licks.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Bainbridge inform the Senate thereof.

And then the house adjourned.
A message from the Senate by Mr. Garrard:

Mr. Speaker: I am directed by the Senate to withdraw the report of the Senate on a bill from this house entitled, an act to incorporate the Hartford Manufacturing Company, and to withdraw said bill.

And then he withdrew.

Ordered, That the said bill be returned to the Senate in pursuance of said message.

A bill from the Senate entitled, "an act for the benefit of Samuel South;"

Was read a second time 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 do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill, by Messrs. Maupin and Tarlton, were as follows:


A bill for the improvement of the navigation of Rough creek, was read a second time.

It was then moved and seconded to amend said bill by attaching thereto the following section, viz:

Be it further enacted, That fifty dollars be appropriated to clear out the navigation of Grassy creek, in the county of Pendleton.

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. Mullens and Rucker, were as follows, viz:

YEAS—Mr. Speaker, Messrs. Blackburn, Campbell, Cobb, Conner of Bath, Cunningham, Dunlap, Ford, Griffin, Harrison of Nelson, Harrison of Jefferson, Helm, Maupin, McMillan, Mullers, New, Owings, Patterson, Samuel, Sanders, Shepard, Spalding, Stephens of Breckenridge, Street, Summers, Timberlake, Trim-
Mr. C. L. Harrison read and laid on the table the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That Andrew Muldrow of Woodford county, Jas. Parks Sr. of Nicholas, Robert Taylor of Mason, William McClanahan of Madison, Jefferson Phelps of Boone, Yelister O'Bannon of Fleming and Thompson Ward of Greenup, be, and they are hereby appointed commissioners, whose duty it shall be to meet at Louisville, between the first of September and the first of October next, for the purpose of viewing and examining the site proposed, for the purpose of erecting a bridge over the Ohio river at the Falls; the said commissioners shall have power to employ an engineer for the purpose of ascertaining the propriety and practicability of erecting said bridge, and make report to the next General Assembly, with the probable cost and the danger of impeding the navigation of said river.

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

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

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.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on this day, the Speaker of each house will meet in the street between the two houses, and the members of each house will march in their rear; from thence march in town to the Mansion house, and there take their leave of each other;

Resolved further, That the Governor be invited to march with the members of the Legislature.

Resolved further, That the judges of the Court of Appeals be invited to join in the procession.
And thereupon the rule of the house being dispensed with, the said resolution was taken up and 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. Mullens and Rucker, were as follows, viz:


The house took up the amendments proposed by the Senate, to bills which originated in this house of the following titles:

An act to add a part of Preston's enlargement to the town of Louisville; and,

An act to increase the powers of the trustees of Louisville.

Which being twice read, were concurred in.

Ordered, That Mr. New inform the Senate thereof.

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

1. An act to authorize the county court of Wayne to appropriate land to open a road in said county.
2. An act concerning conveyances.

And thereupon the rule of the house, constitutional provision, and third reading of the first bill having been dispensed with;

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

Ordered, That Mr. Walker inform the Senate thereof.

A resolution from the Senate relative to the execution laws of the United States, was twice read;

And the question being taken on the adoption thereof, it was decided in the affirmative.

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

YEAS—Messrs. Allin, Blackburn, Booker, Carson, Cobb, Conner of Bath, Conner of Greenup, Daniel of Montgomery, Davis, Ford, Forrest, Gorin, Griffin, Hanson, Harris of Simpson, Harri


Ordered, That Mr. Hanson inform the Senate thereof.

The following bills from the Senate were severally read the first time, viz:

1. An act to regulate the mode of getting fuel for the General Assembly and public offices.
2. An act to authorize a lottery for the benefit of Lodge No. 17, in the town of Russellville.
3. An act to authorize the Treasurer to pay silver from the Treasury in certain cases.
4. An act to authorize Christopher Haynes and others to erect mill dams across Big Barron river.
5. An act supplemental to an act adding a part of Henry county to Franklin county.

The 1st, 2d, 3d, and 5th were severally ordered to be read a second time, and the 4th was laid on the table.

And thereupon the rule of the house, constitutional provision, and second and third readings of the 1st and 5th bills having been dispensed with, (the first having been amended.)

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

Ordered, That Mr. Nuttall inform the Senate thereof, and request their concurrence in the amendments proposed to the first bill.

A bill from the Senate entitled, "an act for the benefit of Rebecca Atwood;"

Was read the first time and ordered to be read a second time.

It was then moved and seconded that this house dispense with the constitutional provision which requires bills to be read on three several days, and the second and third reading of said bill.

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

The yeas and nays being required thereon by Messrs. Breckenridge and Skiles, were as follows:

YEAS—Mr. Speaker, Messrs. Allin, Blackburn, Breck, Campbell, Carson, Cobb, Conner of Bath, Conner of Greenup, Cunningham, Daniel of Montgomery, Davis, Dunlap, Farmer, Ford, Forrest, Gorin, Griffin, Harris of Madison, Harris of Simpson,
The question was then put on the passage of said bill, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Mullens and Breckenridge, were as follows:


The question was then put on the passage of said bill, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Mullens and Breckenridge, were as follows:


Ordered, That Mr. Helm inform the Senate thereof.

Mr. Hughes moved the following resolution.

Resolved by the House of Representatives, That the Public Printer be, and he is hereby authorized to furnish each member of this house with fifteen copies each, of a list of the acts passed by the present General Assembly.

Which being twice read, was adopted.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the trustees of the town of Frankfort be, and they are hereby authorized to pay to the persons who under contracts with said trustees, have done work in the Methodist meeting house in said town, their respective claims out of the sum of three thousand dollars, which was appropriated to said trustees during the last session of the General Assembly: Provided however, that nothing herein contained shall be so construed as to sanction any demand which said trustees, or the citizens of said
town may, at any time hereafter, prefer against the Legislature, for the sum so taken out of said three thousand dollars.

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

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

Leave was given to bring in the following bills:

On the motion of Mr. B. Harrison 1 — A bill for the benefit of the jailor of Nelson county; and,

On the motion of Mr. Underwood 2 — A bill concerning head right lands.

Whereupon by consent of the house, bills of the aforesaid titles were presented, severally 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. Underwood 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:

An act to incorporate the Hartford Manufacturing Company.

An act to authorize the citizens of the county of Oldham to select by vote a permanent seat of justice.

An act for the benefit of Jemima Duncan and children.

An act concerning executions from the Court of Appeals and for other purposes.

An act for the benefit of the jailor of Nelson county.

An act to increase the powers of the trustees of Louisville.

An act to add a part of Preston's enlargement to the town of Louisville; and,

An act for the appropriation of money, with amendments to the three latter bills; and the passage of bills of the following titles:

An act for the benefit of Rebecca Atwood; and,

An act supplemental to an act adding a part of Henry to Franklin county.

A message from the Senate by Mr. Hughes.

Mr. Speaker: The Senate disagree to the amendments proposed by this house, to a bill from the Senate entitled, an act to regulate the mode of getting fuel for the General Assembly and public offices. They disagree to a resolution from this house authorizing the trustees of Frankfort to make payment for the repairs done on the Methodist Church — and they have adopted
a resolution relative to the Maysville and Lexington Turnpike Road; in which resolution they request the concurrence of this house.

And then he withdrew.

The latter resolution was then taken up, twice read and concurred in.

Ordered, That Mr. Underwood inform the Senate thereof.

The house proceeded to reconsider their amendments proposed to a bill from the Senate entitled, "an act to regulate the mode of getting fuel for the General Assembly and public offices; which being again read:

Resolved, That this house insist on their said amendments.

Ordered, That Mr. Underwood inform the Senate thereof.

The house proceeded to consider the amendments proposed by the Senate to a bill from this house entitled, an act for the appropriation of money.

The first having been concurred in, and the second and third disagreed to the fourth amendment was then read as follows, viz:

To Edmund H. Taylor for his services as clerk of the bank of the Commonwealth under an order of the board of directors, from the 1st of January to the 5th of May last, two hundred and seventy-five dollars, to be paid by said President and Directors out of the funds of the bank.

It was then moved and seconded to amend said amendment by subjoining thereto the following words, "and to James C. Blair, six hundred dollars for his services as a clerk in the Louisville branch bank of the Commonwealth for the year 1826."

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

The yeas and nays being required thereon by Messrs. Griffin and Booker, were as follows:


It was then moved and seconded that this house disagree to the said amendment of the Senate, as amended:
And the question being taken thereon, it was decided in the negative; and so the said amendment, as amended, was concurred in.

The yeas and nays being required thereon by Messrs. Forrest and C. L. Harrison, were as follows:

YEAS—Mr. Speaker, Messrs. Alfin, Cobb, Conner of Bath, Conner of Greene, Cunningham, Daniel of Montgomery, Ford, Forrest, Griffin, Harris of Simpson, Haskin, Helm, Lackey, Marksberry, McMillan, Mullens, Patterson, Roundtree, Rucker, Sallee, Spading, Swope, Tarlton, Thomas, Trimble, Wad, Watkins, Wells of Morgan, Wells of Mecklenburg, White of Green, Wilson of Lincoln, Wingate, Yantis and Young—35.


The remaining amendments proposed by the Senate were then concurred in.

Ordered, That Mr. Cunningham inform the Senate thereof.

A message from the Senate by Mr. Daviss.

Mr. Speaker: The Senate have passed a bill which originated in this house, entitled, "an act concerning head right claims"—they recede from their second, and insist on their third amendment proposed to a bill from this house entitled, "an act for the appropriation of money"—and they disagree to the amendment proposed by this house upon concurring in the fourth amendment proposed by the Senate to said bill.

And then he withdrew.

The house then proceeded to reconsider the said amendments; Which being again read:

Resolved, That this house do recede from their disagreement to the third amendment proposed by the Senate.

It was then moved and seconded that this house recede from their amendment proposed upon concurring in the Senate's fourth amendment.

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

The yeas and nays being required thereon by Messrs. Rucker and C. L. Harrison, were as follows:

YEAS—Mr. Speaker, Messrs. Barbee, Butler, Cobb, Conner of Greene, Cunningham, Davis, Dunlap, Farmer, Ford, Forrest, Griffin, Hanson, Harris of Simpson, Hart, Helm, Hughes, James, Lackey, Love, Marksberry, Morris, Patterson, Roundtree, Rucker, Sallee, Skiles, Spalding, Stephens of Breckenridge, Swope,
Ordered, That Mr. Blackburn inform the Senate thereof.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators be instructed, and our Representatives in Congress requested, to procure the passage of an act to establish an Armory at Louisville in this state.

On the motion of Mr. Mullens:

Ordered, That leave be given to bring in a bill for the benefit of Mary Valandingham.

Whereupon Mr. Mullens, with the leave of the house, 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 same was ordered to be engrossed and read a third time.

Mr. James 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 Pamela Lester.

An act to declare certain streams in this Commonwealth navigable.

An act for the benefit of James Williamson and Sally Reynolds and others.

An act for the benefit of Henry Spence and John H. Hanna.

An act for the benefit of Frank Hogg and others.

An act to authorize the trustees of the Daveiss county Seminary to sell their lands.

An act to establish certain inspections of Tobacco, Hemp and Flour in Pendleton county.

An act for the benefit of the infant children of James Johnson, deceased.

An act to legalize the proceedings of the Warren county court and for other purposes.

An act for the benefit of Eli Huston.

An act to regulate the appropriation of fines and forfeitures in the county of Mason.
An act for the benefit of the judge of the tenth judicial district.
An act supplemental to an act entitled, “an act to incorporate the Maysville and Lexington Turnpike Road Company.
An act to secure actual settlers.
An act for the benefit of William Ward of Greenup county.
An act to amend the laws relative to the Turnpike and Wilderness Road.
An act to incorporate the Middletown Male and Female Seminary and Orphans Asylum.
An act to amend an act entitled, “an act to extend the powers of the trustees of Shippingport,” approved 4th December 1822, and to increase the powers of said trustees.
An act to establish an election precinct in the county of Henry.
An act to amend the laws in relation to absent defendants.
An act to allow a fish dam across Salt river at Clarks ripple.
An act to authorize the sale of the balance of the lots in the town of Mayfield.
An act for the benefit of John Todd.
An act for the benefit of Peyton Brown.
An act to change the time of holding certain courts in the seventh judicial district.
An act to extend the powers of the Trustees of Lexington and Germantown.
An act for the benefit of the Sheriff of Rockcastle and other counties.
An act for the benefit of Elijah Combs.
An act to amend an act, establishing the Town of Covington; approved December 14, 1824.
An act for the benefit of Samuel South.
An act making appropriations for defraying the expenses of running and marking the line between this State and the State of Tennessee.
An act for the benefit of Rebecca Atwood.
An act supplemental to an act, adding a part of Henry to Franklin county.
An act to authorize the County Court of Wayne, to appropriate Land to open a road in said county.
An act concerning executions from the Court of Appeals, and for other purposes.
An act to incorporate the Hartford Manufacturing Company.
An act to increase the powers of the Trustees of Louisville.
An act for the benefit of Jemima Duncan and her children.
An act to authorise the citizens of the county of Oldham, to select by vote a permanent seat of Justice.
An act requiring the Judge of the ninth Judicial District, to hold a chancery term for the counties of Jessamine and Mercer.
An act allowing additional Justice of the Peace and Constables to certain counties.
An act to add a part of Preston's enlargement to the town of Louisville.
An act for the benefit of the Jailer of Nelson county.
An act concerning head right claims.
An act for the appropriation of money.
A resolution concerning the establishment of a Mail Line between Louisville and New Orleans, on the Ohio and Mississippi Rivers.
A resolution concerning the office of receiver of public monies for the Land District west of the Tennessee River.
A resolution in relation to the Law Books belonging to the Commonwealth.
A resolution relative to the Execution Laws of the U. States.
A resolution requesting the President of the United States to call the attention of the British Government to the subject of slaves, who make their escape into the provinces of Canada—and
A resolution relative to the Maysville and Lexington Turnpike road.
Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. James inform the Senate thereof.

The messages communicated to this house, from the Governor, on the 9th, 14th, 15th and 31st December, and on the 10th and 25th instant, were taken up and read as follows, viz:

Gentlemen of the Senate,

In pursuance to the provisions of an act of the last General Assembly, authorizing me "to employ some capable Mathematician, to ascertain the proper latitude of 36° 30' north, from a point on Walker's line, near the Cumberland Gap, and run and mark a line in the said latitude of 36° 30' north, to the point where Alexander and Munsell began their line, on the Tennessee River," I did, on the 11th of March last, by letter, employ Thomas J. Matthews Esq. Professor of Mathematics in the Transylvania University, to perform that duty. On the same day a letter was addressed to the Governor of Tennessee, enclosing a copy of the act, notifying him of the employment of Mr. Matthews, and desiring the concurrence of Tennessee in the performance of the work. Copies of the letters to Mr. Matthews, and the Governor of Tennessee are transmitted, herewith.

No answer to the letter addressed to him has been received from the Governor of Tennessee.

Mr. Matthews having accepted the employment tendered to him, requested the advance of five hundred dollars, as authorized by the act, which I directed on the 30th of June.

On the 2d of this month, he submitted his report, accompanied
by the report of his surveyor, Mr. Charles Bracken, the celestial observations, field notes and a plat of the line. His account against the state for the services of himself, the surveyor and others employed, and the expenses attending the performance of the duty assigned him, was likewise submitted.

Copies of the report and account are transmitted herewith. The field notes, and plat of the line are deposited in the Secretary's office, subject to the inspection of any member of your honorable bodies.

December 9, 1826.

JOS. DESHA.

COMMONWEALTH OF KENTUCKY,

Executive Department, March 11, 1826.

Thomas J. Matthews, Esq.

Sir,—The General Assembly of this state, at its last session, by "An act, to amend an act, authorizing the sale of the vacant land, between Walker's line, and the latitude 36° 30' north, in the state of Tennessee, and for running and marking the latitudinal line," approved, December 21, 1825, authorizing me "to employ some capable Mathematician, to ascertain the proper latitude of 36° 30' north, from a point on Walker's line, near Cumberland Gap, and run and mark a line in the said latitude of thirty six degrees, thirty minutes north, to the point where Alexander and Munsell began their line, on the Tennessee river."

Pursuant to the authority thus conferred, and confiding in your abilities, and zeal, in the performance of the work, I hereby employ you on the part of the state, to ascertain the latitude, and run and mark the line mentioned in the aforesaid act.

The sum of five hundred dollars, appropriated by the act, to defray expenses shall be placed at your disposal, whenever you signify that it is requisite, to enable you to proceed in the discharge of your duty.

The Governor of Tennessee shall be immediately notified of your employment in this business, and the concurrence and assistance of that state, requested. Should Tennessee appoint persons to assist, you may concert jointly with them, such measures as will tend to make the line, which you will run, satisfactory to both states.

I have the honor, &c.

JOSEPH DESHA.

COMMONWEALTH OF KENTUCKY,

Executive Department, March 11, 1826.

Sir,—I transmit you, herewith, an act of the General Assembly of this state, approved, December 21, 1825.

In compliance with the provisions of its third section, I have this day employed, Thomas J. Matthews, Esq. Professor of
Mathematics, and Natural Philosophy, in the Transylvania University, to ascertain the latitude, and run the line therein mentioned. Mr. Matthews informs me, that he will commence the work in the vacation from his labors in the University, which will take place in July next, and continue for some months.

Mr. Matthews' abilities are such, I am assured, as to insure a correct discharge of the duty, which he has taken upon himself.

It is, certainly, not less the interest of Tennessee, than of Kentucky, that a true line of the latitude 36° 30' north, should be run: And it is hoped that Tennessee, aware of this, will feel no hesitation to comply with the request of the Legislature of this state, as expressed in the enclosed act.

I have the honor, &c.

JOSEPH DESHA.

His Excellency, the Governor of Tennessee.

LEXINGTON, December 1, 1826.

Sir,—In execution of the duties devolved upon me, as commissioner to determine the chartered line between this State and Tennessee, in latitude 36° 30' north, I proceeded to Cumberland Gap, on the 20th of last July, accompanied by Mr. William Agun, a young gentleman whom I had employed as an assistant, and followed in a few days by Mr. Charles Bracken, of Cynthia, (the surveyor,) and a suitable company of hands.

At the house of Mr. George, a short distance from the Gap, I took my first observations, for the purpose of ascertaining how far I was from the true latitude, measured on a meridian. From an observation of four fixed stars, I found the latitude of Mr. George's house to be 36° 37' 15" 11 north, or 7' 15" farther north than the chartered line.

I therefore proceeded down Powell's Valley on the 28th July, to the house of Mr. Reuben Moss, in Claiburne county, Tennessee, where I established my first station. At this place, by observations of 17 fixed stars, I determined the position of the line, which was three-tenths of a second north of the house.

My method of observation was as follows: I took the altitudes of a certain number of stars, when on the meridian to the north, and also of a certain number when on the meridian to the south; then comparing the result obtained from each northern star with one obtained from a southern star, of about the same altitude, I took the mean of both, and then the mean of all these comparisons, for the true latitude. This method, by correcting, better than could be done in any other way, the inaccuracies of the instrument, enabled me to arrive at a degree of exactness, which exceeded my most sanguine expectations.

From Mr. Moss's I proceeded on the 1st of August, to Mr. Peter Cassell's, on Buffalo creek, Campbell county, Tennessee,
leaving Mr. Bracken to follow on the line, while I determined its position in advance.

At Cassell’s, I observed the altitudes on the meridian of five stars, but on account of the hazey state of the atmosphere, I was not satisfied to rely on the calculations founded on them. These observations were on the 4th and 5th of August. While here, I received a message from Mr. Bracken, that on account of the difficulties arising from the attraction of the iron ore in the mountains, he could not proceed. I therefore directed him to come on with the party to Cassell’s, and carry the line eastward from thence, to the first station. Having changed my quarters to Mr. James Chetwood’s, in the same county, I observed on the 8th and 9th of August, the meridian altitudes of six stars; and comparing them with those observed at Cassell’s I determined the line. In the mean time Mr. Bracken having arrived with the party, I started them on the line back to the first station; and it will be seen by reference to Mr. Bracken’s field notes, accompanying this report, that they struck fourteen chains seventy-five links north of the post at the first station.

They then came on a second time to Cassell’s, and took up the line westward, while I proceeded to my third station, at Mr. Arthur Frogg’s, on Piles’ turnpike. At this place I determined the position of the line by observation of 32 stars, from the 18th to the 22d of August. The latitude of Mr. Frogg’s house was found to be 36° 33’ 10” 78 north. At the preceding station, Mr. Chetwood’s was in latitude 36° 26’ 44” 12, and Mr. Cassell’s in latitude 36° 26’ 44” 01, the line passing about half way between them. The surveyor completed the line to Piles’ turnpike on the 26th of August, and it will be seen by reference to his field notes, that his line struck 16 chains north of the true line.

I directed him, when leaving this station, to correct his line forward, by laying his course S. 85° W. until he struck the true line, and then to proceed due west.

On the 23d of August, I arrived at Mr. Edmund Price’s, on Jennings’ creek, Jackson county, Tennessee, where I made my fourth station. The latitude of Price’s house, by observations of fifteen stars, on the 26th and 29th, was found to be 36° 30’ 7” 95; and here Mr. Bracken’s line struck within 5 1-2 chains of the true line, being north of it. My 5th station was at the house of Mrs. Stalcup, Sumner county, which, by observations of 18 stars, on the 4th and 7th of September, was found to be in latitude 36° 30’ 21” 47. Mr. Bracken, at this place, struck 25 chains 50 links north of the true line. The line, in all instances, was corrected by running 5° from due west, until the line struck the true latitude.

My sixth and last station was at Clarksville, at the house of Mr. Eli Lockert, which was found to be in latitude 36° 31” 33’
Mr. Bracken here struck 24 chains 25 links north of the true line.

It may appear strange that the line should vary more in the level part of the country, than in the rugged and mountainous districts. The circumstance is, however, readily accounted for. It will be seen by reference to the field notes, and also to the plat of the line accompanying this report, that as we proceeded westward, the variation of the compass increased rapidly from $6° 20'1$ to $7° 35'$; and as the clouded state of the atmosphere prevented frequent observations for determining the variation, (the time being about the autumnal equinox,) it was impossible to run the line as accurately as might otherwise have been done.

Mr. Bracken, after bringing his line to coincide with the true line, near Clarksville, found himself within ten poles of Colonel Steele's line, which was the continuation of Alexander and Munsell's line from the Tennessee river; and having carried the line on to the river, he struck its bank at a point almost exactly opposite to the marked trees, at the end of their line on the other side of the river.

The whole length of the line by the field notes, is 238 miles and 73 poles. It may be proper to remark, that towards the east end, our line was everywhere considerably south of Colonel Steele's line, and gradually approached it, as we proceeded westward, until we finally struck his line, near Clarksville.

Together with the field notes, and plat of the line, I send an account of expenditures and charges, by which it will be seen that I claim a balance of $2,101 37 1/2, the whole amount of expenditures and charges, being $2,609.

In conclusion, I will remark that considering the nature of the ground over which the line had to pass, and the difficulties attending the enterprise, from local attraction in the mountains, and change of variation in the plains—I do not believe that it could have been determined with greater exactness without devoting treble the time and expense to it that have been bestowed.

The line was marked as the chartered line, together with the latitude at all places of notoriety. It was also marked so as to be easily followed by blazing the trees to the right and left.

With the utmost respect,

Your obedient humble servant,

THOMAS J. MATTHEWS.

His Excellency JOSEPH DESHA, Governor of Kentucky.

CYNTHIANA, KY. OCT. 13, 1826.

Thomas J. Matthews, Esq.

Sir— I herewith send you my field notes of the chartered line between the states of Tennessee and Kentucky, run by your
orders, under an act of the Legislature, together with a plat of
the same.

In platting it, you will perceive I have represented the true
line, and by reference to my field notes, you will see at what
distance I diverged from it at your several stations or places of
observation.

I am of the opinion my running will give satisfaction to the
Legislature, particularly from the first to the fourth station, when
they consider the nature of the ground over which I had to pass
being altogether mountainous, and at the eastern end of the line
containing large bodies of iron ore. From the fourth to the sixth
station, I met with a difficulty which was not in my power to ob-
viate, viz: an increase of the variation of 1° 15' in the space of
one hundred miles. It was during the equinox, and the weather
was generally unfavorable, and continued so until I reached the
sixth station.

In running to your several observations, I diverged to the
north, except at the fourth. I consider it fortunate, as it may
hereafter prevent any further difficulties between the two states.
All my corrections were made at 5°. I had the line marked
with a blaze fore and aft, on all line trees; and with blazes quar-
tering to the line on all side trees. At all places of notoriety I
marked it as the chartered line, with the latitude and the varia-
tion at which I ran.

As I was disappointed in not meeting an assistant surveyor,
from Tennessee, I shall consider five hundred dollars, currency
as a compensation for my services.

Respectfully, your obedient servant,
CHARLES BRACKEN.

Dr. Commonwealth of Kentucky, in account with Thomas J. Matthews.

1826 For expenses at Lexington for outfit of the
July 19. surveying party, viz. stationery, tent, camp
equipage, provisions, &c. &c. $88 76 1-2

29. For expenses between Lexington and the
Cumberland Gap, viz. provisions, enter-
tainment on the road, &c. 33 35

30. For expenses at Cumberland Gap, viz. pro-
visions, axe, surveyor's chain, pins, &c. 37 22 1-2

31. For expenses at R. Moss', 1st. station, enter-
tainment, provisions, wages to hun-
ter, &c. 42 50

Aug. 9. For expenses at P. Cassell's and J. Chet-
wood's, 2d station, washing, entertain-
ment, provisions, bear skins, wages to
hunter and guide, &c. &c. 36 14 1-2

2 V
26. For expenses at A. Frogg's, Piles turnpike, 3d station, pilotage, entertainment, provisions, &c. 70 36
31. For expenses at E. Prices, 4th station, entertainment, provisions, pilotage, &c. 31 31
Sept. 7. For expenses at Mrs. Stalcup's, 5th station entertainment, provisions, pilotage, repairs, &c. 43 25
20. For expenses at Clarksville, 6th station entertainment, pilotage, provisions, repairs, &c. 45 81 1-2
28. For expenses from Clarksville to the Tennessee river, provisions, pilotage, &c. 35 79
Oct. 8. For expenses home from Dover to Lexington, 64 50
Dec. 1. For Dr. Best's bill of medicine furnished for the use of the party, &c. 17 50

For the hire of three hands, (two chain bearers and a marker,) at $18 per month of 26 days, 3 months each is $48 for each, or 144 00
For services of a black man and pack horse, hired of Rev. N. Hall, 3 months, at $20 per month, 60 00
For hire of another pack horse from Mr. Bracken, the surveyor, 58 days at 25 cts. per day, 14 75
For wages of Mr. King, as commissary and general assistant to the party, 100 00
For wages of Mr. Agun, as assistant to myself, 100 00
For services of Mr. Bracken, the surveyor, 500 00
For a sextant purchased for the use of the party, 178 33
For my own services, 1,000 00

$2,609 00

1826
Cr.
July 19. By cash received in advance, 500 00
Sept. 28. " sale of tent, axe and some other articles, 7 62 1-2
$507 62 1-2

Balance due Thos. J. Matthews, $2,101 62 1-2
Errors excepted.

THOMAS J. MATTHEWS.
Gentlemen of the Senate, And of the House of Representatives: I herewith transmit certain resolutions of the legislatures of Louisiana and Vermont, concerning the amendment to the constitution of the United States, proposed by the state of Georgia on the 22d day of December, 1823. December 13, 1826. JOS. DESHA.

Resolution relative to an amendment proposed by the state of Georgia, to the constitution of the United States.
Resolved by the Senate and House of Representatives of the state of Louisiana, in General Assembly convened, That they do concur in the amendment proposed by the state of Georgia, to the constitution of the United States, passed the 22d day of December 1823, in the words following, to wit:

"That no part of the constitution of the United States ought to be construed, or shall be construed, to authorize the importation or ingress of any person of color, into any one of the United States, contrary to the laws of such state."

Resolved, That the Governor of this state be, and he is hereby requested to communicate this resolution to the Executive of the different states, and request that the same may be submitted to their respective legislatures.

A. B. ROMAN,
Speaker of the House of Representatives.
H. S. THIBODAUX.
President of the Senate.

Approved, 30th Jan., 1826.

H. JOHNSON,
Governor of the state of Louisiana.

STATE OF VERMONT,
In General Assembly Oct. 17, 1825.

Resolved, the Governor and Council concurring herein, That the alteration of the constitution of the United States, proposed by the state of Georgia, on the twenty second day of December, in the year of our Lord, one thousand eight hundred and twenty three, "That no part of the constitution of the United States ought to be construed, or shall be construed to authorize the importation or ingress of any person of color, into any one of the United States, contrary to the laws of such state," be and the same is hereby disapproved by the legislature of this state—and the Governor of this state is hereby requested to transmit a copy of the foregoing resolution to the Executive of each of the United States.

Concurred by the Governor and Council, Oct. 22, 1825.
Gentlemen of the Senate, and of the House of Representatives:

At the request of Rembrandt Peale, an artist of the city of New-York, I transmit herewith, for your consideration, a letter addressed to me by him, on the 24th of last January, and an address to the General Assembly, of the same date, relative to a portrait of Washington.

December 14th, 1826.

Sir... Not less enthusiastic in the love of my art, than for the character of Washington, my highest ambition has been to record his countenance. The success with which I have accomplished this task may be inferred from the testimony of those who were intimate with him. Their expressions of approbation are unqualified and satisfactory. The original itself must remain in my own hands, in order that I may execute a few faithful copies of it. And as I am about departing for Europe, I have thought it my duty, without delay, to offer to the state over which you preside, the opportunity of possessing a copy of this portrait; which I am willing to furnish for one thousand dollars. This will be considered a moderate compensation for a picture of such extent, style of execution, and the care which is requisite to insure a faithful transcript of so interesting and sublime a countenance. The time will soon come when this act, which goes at once to encourage native art, and to commemorate a nation's gratitude, will be remembered with pride and satisfaction.

I hope it may afford you pleasure to make this communication to the legislature.

With sentiments of great respect,

I remain, Sir,

Your humble servant,

REMBRANDT PEALE.

New-York, January 24, 1826.

To the Senate and House of Representatives of the State of Kentucky:

The undersigned, one of the last surviving artists who enjoyed the privilege of painting the portrait of Washington from life, having succeeded in producing a likeness of that illustrious man, which has united in one expression of distinguished preference, the voices of his most intimate friends and contemporaries, feels it his duty to offer his services to the state.

If it be true that this portrait is justly distinguished for its fidelity and expression of character, it must be ascribed to the personal knowledge which the artist had of the living model. Copies of this picture, made by the artist himself, will be entitled to greater confidence, and will be of greater value, than any
which may be executed after his death, or by other hands. He therefore offers to the State of Kentucky, an opportunity of possessing, for a moderate compensation, as indicated in a letter to the Governor, an accurate copy of this interesting work.

REMBRANDT PEALE.

New-York, January 24th, 1826.

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

I herewith transmit for your consideration certain resolutions of the legislatures of the states of Vermont, Louisiana and Mississippi, relative to the gradual emancipation of slaves in the United States, proposed by a resolution of the General Assembly of the state of Ohio, of the 17th of January 1824, communicated by me to the General Assembly on the 15th day of Dec. 1826.

Dec. 21, 1826.

JOS. DESHA.

STATE OF VERMONT.

In General Assembly, Nov. 15, 1825.

On the report of the committee to whom were referred certain communications from the states of Ohio, Illinois, Indiana, New Jersey, Delaware, Connecticut, Georgia, Missouri and Mississippi, containing resolutions on the subject of the abolition of slavery in the United States, Resolved by the General Assembly of the state of Vermont, That slavery is an evil to be deprecated by a free and enlightened people; and that this General Assembly will accord in any measures which may be adopted by the General Government for its abolition in the United States, that are consistent with the rights of the people, and the general harmony of the states.

Resolved, That his Excellency the Governor be requested to transmit a copy of the foregoing resolution to the Executive of the several states, to be laid before their several legislatures, and also to forward a copy to each of our Senators and Representatives in Congress.

Passed, November 15, 1825.

A true copy of the original resolutions.

NORMAN WILLIAMS, Secretary of State.

RESOLUTION.

Resolved by the Senate and House of Representatives of the state of Louisiana, in General Assembly convened, That this legislature does not concur in certain resolutions adopted by the General Assembly of the state of Ohio, at their session in the year one thousand eight hundred and twenty-four, proposing a plan for the gradual emancipation of slaves; and that the Governor be re-
requested to transmit a copy of this resolution to the Executive of each of the United States.

A. B. ROMAN,
Speaker of the House of Representatives.

H. S. THIBODAUX,
President of the Senate.

Approved, February 16, 1826.

H. JOHNSON,
Governor of the state of Louisiana.

The select committee to whom was referred the communication of his Excellency the Governor, and the accompanying resolutions of the legislatures of the states of New-Jersey, Connecticut, Delaware, Indiana and Illinois, on the subject of the abolition and general emancipation of people of color, held in servitude in the United States, having had the same under consideration, beg leave to report:

That under the constitution and laws of our country, the right of property in slaves, is as sacred and inviolate as that of any other species of personal property whatever. However great, may be the national evil of slavery, and however, much we may regret it, circumstances, over which we have no control, have rendered it inevitable, and places it without the pale of legislative authority. We, therefore, cannot concur in any arrangement for their emancipation by any legislative enactment, without violating the constitutional rights of our citizens. Any interference in our own internal concerns, upon subjects of this kind, is only calculated to engender feelings of prejudice, which, if fostered by the continued efforts of the non-slaveholding states, in persevering in their efforts, may eventually, produce consequences deplorable to society, and tend to weaken that bond of union and fellowship, which should exist between all the members of the same confederacy. Your committee conceive also, that any measures which might be taken by other states to ameliorate the condition of the slave, would tend rather to aggravate than relieve his misfortunes. By a gradual emancipation, the hopes and prospects of those who remain in slavery, would be so far excited as to create a spirit of discontent, and of insurrection; which might not only endanger the interests, but the personal safety and lives of our citizens. And it is therefore, with serious apprehensions for our peace and safety, that your committee witness the combined efforts of several of the non-slaveholding states in their behalf. By holding out the semblance of aid and prospect of freedom, they might be easily stimulated to rebellion, and our citizens might fall victims to a policy, against the exer-
cise of which they protest, and in which policy they are determined not to participate.

We, therefore, most sincerely deplore, and will continue firmly to resist all interference on the part of other states. The southern states, who suffer, and are compelled from circumstances, to endure the evil, ought to be the best judges of the remedy; and so soon as they can concur in any expedient for their relief, it will be time enough to adopt it. This state, in the language of Georgia, "claims the right with her southern sisters, whose situation is similar, of moving this question when an enlarged system of benevolence and philanthropic exertions, in consistency with her rights and interests, shall render it practicable."

Your committee, therefore, ask leave to recommend the following resolution to accompany this report:

Resolved by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That the resolutions of the states of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the state of Ohio, proposing the emancipation of slaves, passed on the seventh day of January one thousand eight hundred and twenty-four, together with a resolution from the state of New-Jersey, recommending a system of foreign colonization, to be adopted to effect the entire emancipation of slaves, be, and the same is hereby disapproved by the legislature of this state; and that his Excellency the Governor, be hereby requested to transmit a copy of this resolution and report to the Executive of each of the United States.

ISAAC R. NICHOLSON,
Speaker of the House of Representatives.

GERARD C. BRANDEN.
Lieut. Gov. and Speaker of the Senate.

Approved 23d January, 1826.

DAVID HOLMES,
Governor of the state of Mississippi.

Gentlemen of the Senate
And of the House of Representatives:

I transmit herewith for your consideration, certain Resolutions of the Legislatures of the States of Tennessee, Vermont, Maine and Indiana, relative to the amendments to the Constitution of the United States.

January 10, 1827.

Jos. Desha.

Proposed amendment to the Constitution of the United States.

Resolved by the General Assembly of the State of Tennessee, That the following amendment to the Constitution of the United States be proposed, and that copies be forwarded by the Governor of
this State, to the Governors of the respective States, to be held before their Legislature; and also to each of our Senators and Representatives in Congress, with a request that they be brought fully to the consideration of that body.

Each State, as the Legislature thereof may direct, shall be divided into as many districts, to be composed of the contiguous and conterminous territory, as may be equal to the whole number of Senators and Representatives, to which it may be entitled in the Congress of the United States, which shall be arranged immediately after the adoption of this amendment; and shall not be altered or changed, but at the session of the Legislature, which may be commenced and held immediately after the apportionment of members, once in ten years to be made by Congress.

The persons qualified in the respective states, to vote for the most numerous branch of the Legislature, within the same week throughout the United States, and in their respective states, shall meet and vote for a President and Vice President, one of whom shall not be an inhabitant of the same state with themselves, designating the person voted for as President, and the person voted for as Vice President; the person in said district who may have the highest number of votes as President shall be held to have received one vote; and the person having the greatest number of votes for Vice President, shall be held to have received one vote in said district; which fact, by the proper returning officers, shall be immediately returned to the Governor of the state; and so soon as the reports from each of said districts shall be received, statements by the Governor shall be made out, certified and forwarded under the seal of the state, to the President of the Senate, who with a committee of one from each state to be previously chosen from the Senate, and by the Senate, shall attend at the City of Washington, and who at the Senate chamber at such time as may be by law prescribed, and in presence of said committee, or a majority of them, shall open and count the certificates. Said Senators shall, when practicable, be the bearers of the certificates from their respective states; and duplicate certificates shall be also, forwarded by mail to the President of the Senate. The person having the highest number of votes for President, shall be President: Provided such number be a majority of the whole number of votes given for President; and if no person have such majority, then the President of the Senate and the committee of the Senate, shall certify the same to the Governors of the several states; and by their proclamation, forthwith to be issued, announce the two highest on the list, and the three highest on the list, when two next the highest shall have an equal number of votes; requiring at some time within one hundred days, the people entitled to vote, to meet in their respective states, and vote as before, which of said two or three highest (as
the case may be, shall be the President; which said vote shall be counted and certified as herein before declared to the President of the Senate, who, in the Senate chamber, shall open and count the votes in presence of the Senate and House of Representatives; and if the House of Representatives fail to attend, he shall proceed to the court in the presence of the Senate only; when the person having the highest number of votes shall be the President of the United States.

No member of Congress shall be eligible to any office within the gift or nomination of the President of the United States, during the period for which he shall have been elected, and for six months thereafter, except appointments in the regular Army or Navy of the United States.

WILLIAM BRADY,
Speaker of the House of Representatives.
R. C. FOSTER,
Speaker of the Senate.

November 25, 1825.

STATE OF VERMONT,

In General Assembly, Nov. 11, 1826.

Resolved by the General Assembly of the State of Vermont, that the amendments to the Constitution of the United States, proposed by the State of Tennessee, on the 25th day of November, in the year of our Lord one thousand eight hundred and twenty-five, and forwarded to the Governor of this State, are not approved.

Resolved, That his Excellency, the Governor, be requested to transmit a copy of the foregoing resolution, to the executive of each of the United States.

T. MERRILL, Clerk.

Read and passed.

Read and resolved to concur.—In Council November 14, 1826.
D. KELLOGG, Secretary.

STATE OF MAINE

Resolve against the amendment to the Constitution proposed by Tennessee.

Resolved, That the amendment to the Constitution of the United States, proposed by the General Assembly of the State of Tennessee, on the 25th of November last, and forwarded to the Governor of Maine, is not approved by the Legislature of this state; and the Governor is requested to transmit a copy of this resolution to the Executive of each of the United States.

In House of Representatives, Feb. 14, 1826.—Read and passed.
JNO. RUGGLES, Speaker.

In Senate, Feb. 16, 1826.—Read and passed.
JONA. WHEELER, President.

Approved, February 17, 1826.
ALBION K. PARRIS.
A joint resolution disapproving the amendment proposed by the State of Tennessee to the Constitution of the United States.

Resolved by the General Assembly of the State of Indiana, That it is inexpedient to make the amendment to the Constitution of the United States, on the subject of electing President and Vice President of the United States, as proposed in the Resolutions of the General Assembly of the State of Tennessee, passed Nov. 25th, 1825; and that this General Assembly do hereby disapprove of the same.

Resolved, That this General Assembly do also, disapprove of the amendment to the Constitution of the United States, as proposed by the resolutions of the General Assembly of Tennessee aforesaid, providing that no member of Congress shall be eligible to any office within the gift or nomination of the President of the United States, during the period for which he shall have been elected, and for six months thereafter, except appointments in the regular army or navy of the United States.

Resolved, That his excellency the Governor be, and he is hereby requested to transmit a copy of the foregoing resolutions, to the Governors of the different states, and to each of our Senators and Representatives in Congress.

ROBERT M. EVANS,
Speaker of the House of Representatives.

JNO. H. THOMPSON,
President of the Senate.

Approved, January 20, 1826. J. BROWN RAY.

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

I transmit herewith, a resolution from the State of Alabama, on the subject of the emancipation of people of color held in servitude in the United States.

January 28, 1827.

JOSEPH DESHA.

A joint resolution of the Senate and House of Representatives of the State of Alabama, disapproving certain resolutions of the legislatures of the States of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the State of Ohio, proposing the emancipation of slaves; and a resolution of the legislature of New-Jersey, recommending a system of foreign colonization.

The select committee to whom was referred a resolution of the State of Mississippi, transmitted in a special communication to this house by his Excellency the Governor, disapproving of resolutions passed by the Legislatures of the States of Ohio, New-
Jersey, Delaware, Connecticut, Indiana and Illinois, on the subject of the abolition and general emancipation of persons of color held in servitude in the United States; having had the same under consideration, respectfully submit the following report:

They conceive that the subject is one, in which the States where the evil complained of exists, are alone interested; that the frequent interference of the non-slave-holding States, in a matter so purely internal and domestic, is alike impolitic and incompatible with the rights and interest of the slave-holding States; and that the dictates of policy forbid the too frequent agitation of a question, which, by the constitution of the United States, and of the several slave-holding States, is beyond the exercise of legislative control. Your committee further suggest, that if, at any future day, the evil complained of becomes too oppressive to be borne, that it will be the peculiar privilege, as well as duty, of the slave-holding States themselves, to apply such expedients of relief as their information may suggest, and their own interests and safety may require; and in determining the proper time, when this great work of policy and benevolence shall commence, they conceive that the States most interested in the result, can alone be the proper judge.

Your committee therefore ask leave to recommend the following joint resolution to accompany this report.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the resolutions of the States of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the State of Ohio, proposing the emancipation of slaves, passed on the seventh day of January, 1824; together with a resolution from the State of New Jersey, recommending a system of foreign colonization to be adopted, to effect the entire emancipation of slaves, be, and the same are hereby disapproved by the Legislature of this State; and that His Excellency the Governor be hereby requested to transmit a copy of this resolution and report to the Executive of each of the United States.

S. WELD.
OLIVER, Speaker of the House of Representatives.
NIKOLAS DAVIS, President of the Senate.

Approved, January 1st, 1827.

SAMUEL D. OLIVER,
Speaker of the House of Representatives.
NICHOLAS DAVIS,
President of the Senate.

JOHN MURPHY.
Secretary of State's office—Tuscaloosa, January 8, 1827.
A true copy.

JAMES I. THORNTON.

A message from the Governor by Mr. Loughborough.
Mr. Speaker: The Governor yesterday approved and signed
enrolled bills which originated in the House of Representatives, entitled,

An act concerning the Lunatic Asylum.

An act to authorize certain county courts to permit gates to be erected across certain roads therein.

An act to authorize the Soldier Creek Baptist Society of the county of Calloway to enter part of a quarter-section of land.

An act regulating injunctions and other restraining orders in chancery suits, and for other purposes.

An act for the benefit of the heirs of Johnston Dysart, dec'd.

An act to authorize the insertion of advertisements in the Augusta Herald, and for other purposes.

An act for the benefit of Robert K. Duvall and Willoughby Scott.

An act for the divorce of Vachel Hobbs.

An act to establish the town of Vanceburg, in Lewis county, and for other purposes.

An act to amend the law requiring property taken under execution to sell for three-fourths of its value, and for other purposes.

An act to authorize the county courts to establish inspections of salt.

An act to amend the law regulating proceedings by petition and summons.

An act for the benefit of Jonathan Downs, and for other purposes.

An act for the benefit of Lewis Rogers, late deputy sheriff of Ohio county, and the sheriff of Estill county.

An act appointing trustees to the town of New-Liberty, in the county of Owen.

An act to authorize the collection of the revenue tax of Mason county, and for other purposes.

An act for the benefit of William F. and Sarah E. Ward.

An act to authorize the sale of part of the public ground in the town of Perryville, by commissioners.

An act for the benefit of James Rouse.

An act for the benefit of the devisees of Hugh Emerson, deceased.

An act providing for the improvement of the road leading from Louisa, in Lawrence county, by West Liberty, to the Beaver Iron Works.

And on this day approved and signed the following enrolled bills which originated in the House of Representatives, viz: 

An act to regulate the appropriation of fines and forfeitures in the county of Mason.

An act to secure actual settlers.

An act for the divorce of Pamela Lester.

An act to declare certain streams in this Commonwealth navigable.
An act for the benefit of James Williamson and Sally Reynolds and others.

An act for the benefit of the infant children of James Johnson, deceased.

An act for the benefit of Henry Spence and John H. Hanna.

An act for the benefit of Frank Hogg and others.

An act to authorize the trustees of the Daviess county seminary to sell their lands.

An act to establish certain inspections of tobacco, hemp and flour in Pendleton county.

An act for the benefit of the judge of the tenth judicial district.

An act supplemental to an act, entitled, "an act to incorporate the Maysville and Lexington Turnpike Road Company."

An act to legalize the proceedings of the Warren county court, and for other purposes.

An act for the benefit of Eli Huston.

An act for the benefit of Thomas Owens.

An act concerning the Receiver of the Public Money for vacant land west of the Tennessee river.

An act to change the time of holding certain courts in the 7th judicial district.

An act for the benefit of Peyton Brown.

An act to erect an election precinct in the county of Woodford.

An act for the benefit of William H. Wood.

An act to authorize the appointment of one additional constable in Todd county.

An act to allow a fish dam across Salt river, at Clark's ripple.

An act to authorize the sale of the balance of the lots in the town of Mayfield.

An act for the benefit of John Todd.

An act to extend the powers of the trustees of Lexington and Germantown.

An act to incorporate the Middletown Male and Female Seminary and Orphan's Asylum.

An act for the benefit of William Ward, of Greenup county.

An act to amend the laws relative to the Turnpike and Wilderness Road, and for other purposes.

An act to amend an act entitled, "an act to extend the powers of the trustees of Shippingport," approved the 4th of December, 1822, and to increase the powers of said trustees.

An act to establish an election precinct in the county of Henry, and for other purposes.

An act to amend the laws in relation to absent defendants.

An act concerning executions from the Court of Appeals, and for other purposes.

An act to incorporate the Hartford Manufacturing Company.
An act to add a part of Preston's enlargement to the town of Louisville.

An act requiring the judge of the ninth judicial district to hold a chancery term for the counties of Jessamine and Mercer.

An act allowing additional justices of the peace and constables to certain counties.

An act to increase the powers of the trustees of Louisville.

An act for the benefit of Jemima Duncan and children.

An act to authorize the citizens of the county of Oldham to select by vote a permanent seat of justice.

An act for the benefit of the jailor of Nelson county.

An act concerning head right lands.

An act for the appropriation of money.

A resolution concerning the establishment of a mail line between Louisville and New-Orleans, on the Ohio and Mississippi rivers.

A resolution requesting the President of the United States to call the attention of the British Government, to the subject of slaves who make their escape into the provinces of Canada.

A resolution concerning the office of the Receiver of Public Monies for the land district west of the Tennessee river.

Ordered, That Mr. Bainbridge inform the Senate thereof.

A message from the Senate by Mr. Daviess.

Mr. Speaker: The Senate have received official information that the Governor did on this day approve and sign enrolled bills and resolutions which originated in the Senate of the following titles:

An act making appropriation to defray the expenses of running and marking the chartered line between this state and the state of Tennessee.

An act for the benefit of Samuel South.

An act for the benefit of the Nicholas Seminary, and to establish a Seminary at the Lower Blue Licks.

An act for the benefit of Elijah Combs.

An act for the benefit of the sheriff of Rockcastle and other counties.

An act to amend "an act establishing the town of Covington," approved Dec. 14, 1825.

An act supplemental to an act adding a part of Henry to the county of Franklin.

An act for the benefit of Rebecca Atwood.

An act to authorize the county court of Wayne to appropriate lands to open a road in said county.

Resolutions relative to the Maysville and Lexington Turnpike Road.

Resolutions relative to the execution laws of the United States.
A resolution in relation to the Books belonging to the Commonwealth.

I am also directed by the Senate to inform this house, that the Senate having finished the legislative business before them, are now ready to close the present session of the General Assembly by an adjournment without day, but are nevertheless, disposed to remain in session until it shall suit the views and convenience of this house to adjourn also: and they have appointed a committee of three on their part, to act with such committee as may be appointed on the part of this house, to wait on the Governor, and inform him of the intended adjournment of the General Assembly, and to know if he has any further communications to make.

And then he withdrew.

Ordered, That a message be sent to the Senate informing that body that this house having finished the legislative business before them, is now ready to close the present session of the General Assembly, by an adjournment on their part, and that Messrs. Blackburn, Booker, Henry Daniel, Breck, Barbee and Maupin be a committee on the part of this house, to meet the committee 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 communications to make—and that Mr. Blackburn inform the Senate thereof.

The said committee then retired and after a short time returned, when Mr. Blackburn reported, that the joint committee had discharged the duty assigned them, and were informed by the Governor, that having, from time to time, during the session, communicated his views to the General Assembly, he had now no further communications to make.

The Speaker having retired, Mr. B. Harrison was called to the Chair, when the following resolution was proposed by Mr. Underwood, twice read and unanimously adopted.

Resolved, That the dignified, impartial and able discharge of official duty by George Robertson, Esq. as Speaker of the House of Representatives during the present session, deserves the thanks of its members, and they are hereby most cordially tendered to him.

The Speaker having returned, resumed the Chair; and after delivering a suitable congratulatory and valedictory address adjourned the House, sine die.